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## ADMINISTRATIVE POLICY

### Workplace Harassment

#### HUM-A018

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Policies are periodically revised. For the most recent version, please visit <http://www.salemkeizer.org/qam/qam-documents>

1. The Salem-Keizer School District is committed to maintaining a work and educational environment that is free from any form of workplace harassment including, but not limited to: discrimination, hazing, harassment, intimidation, bullying, cyberbullying and menacing. Workplace harassment in any form is prohibited and will not be tolerated. This policy applies to District employees, elected School Board Members, District volunteers and interns.
2. **Definitions:**
  - 2.1. Discrimination: No District employee shall be subjected to discrimination based upon, but not limited to: race, color, religion, sex, sexual orientation, national origin, marital status, age, an expunged juvenile record, or as defined in ORS 659A.030.
  - 2.2. Harassment, Intimidation or Bullying: Any act that substantially interferes with an employee's opportunities or performance, which takes place on District property, or at any District-sponsored activity. Harassment, intimidation and bullying have the effect of:
    - Physically harming an employee or damaging an employee's property; or
    - Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the staff member's property; or
    - Creating a hostile work environment.
  - 2.3. Cyberbullying: Use of any electronic communication device to harass, intimidate, or bully.
  - 2.4. Menacing: Any act which is intended to place an employee in reasonable fear of imminent serious physical injury.
  - 2.5. Hostile work environment: Conduct that is sufficiently serious that it denies or limits an employee's ability to participate in or benefit from District employment, which may be determined on a single egregious incident, or a pattern of conduct.
  - 2.6. Nondisclosure Agreement: A contract whereby both parties agree to not disclose confidential information.
  - 2.7. Non-Disparagement Agreement: A contract whereby both parties agree to not make negative statements about the other.
  - 2.8. Workplace Harassment: Harassment that occurs:
    - Between employees in the workplace; or
    - Between a supervisor and an employee in the workplace; or
    - Between employees at a work-related event that is off District property but is coordinated by or through the District; or
    - Between a supervisor and an employee at a work-related event that is off District property but is coordinated by or through the District; or
    - Between a supervisor and an employee off District property.
3. **Reporting and Response:**
  - 3.1. Individuals are encouraged to document and report violations of this policy by contacting a school administrator, department supervisor, or Employee Relations (Human Resources) staff.



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- If the school administrator or department supervisor is the person of concern, the employee is encouraged to report directly to Employee Relations (Human Resources) staff.
  - Employees wishing to file a complaint about sexual harassment should follow the steps outlined in District Policy HUM-A029 and District Procedure HUM-P012.
- 3.2. All complaints about behavior that may violate this policy will be investigated using procedures developed by the Superintendent.
- 3.2.1 If the report involves a bias incident or a symbol of hate, the school administrator or department supervisor will follow the steps outlined in District Policy ADM-A012.
- 3.3 If an individual is found to have violated the policy, the District will take appropriate corrective action with a focus on stopping the harassment, preventing its reoccurrence, and addressing negative consequences.
- 3.4 Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment. Discipline will be commensurate with the scope and severity of the occurrence.
- 3.5 An employee who initiates a complaint making a false accusation will be in violation of this policy and will be subject to appropriate discipline.
- 4. Protections and Rights:**
- 4.1. The initiation of a complaint in good faith by an employee about behavior that may violate this policy shall not adversely affect any terms or conditions of employment or the work environment of the employee who filed the complainant.
- 4.2. Reprisal or retaliation against any staff member acting in good faith in a complaint process, whether formal or informal, is a violation of District policy.
- 4.3. Victims of workplace harassment have the right to seek redress through the following processes:
- The District's internal procedure (HUM-P021), no later than four years after the date of the occurrence;
  - The Bureau of Labor and Industries (BOLI), no later than five years after the occurrence;
  - The Equal Opportunity Commission (EEOC); and/or
  - Civil Action: For civil action against the District, advance formal notice must be made in writing within 180 days of the date of the occurrence pursuant to ORS 30.275. This notice must include:
    - A statement that a claim for damages is or will be asserted against the District;
    - A description of the time, place and circumstances giving rise to the claim; and
    - The name of the claimant and the mailing address to which correspondence concerning the claim may be sent.
- 4.4. Victims of workplace harassment may voluntarily disclose information regarding an incident of workplace harassment that involves themselves.
- 4.5. No employee may be required to, or coerced into, entering into a nondisclosure or non-disparagement agreement, or any agreement that contains a provision that prevents the employee from disclosing or discussing workplace harassment.




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- Employees may voluntarily request to enter into an agreement as described above, and will have seven days to revoke the agreement after execution.
- 4.6. Employees may contact Human Resources (Employee Relations or Prevention and Protection staff) at 503-399-3061 for information about external/community resources such as: counseling, advocacy, legal services, and the District’s Employee Assistance Program.
  5. The District shall provide this policy to new employees and include it in the annual staff training. Employees will be provided a copy of this policy when an employee discloses any concerns about workplace harassment to a school administrator, department supervisor, or Employee Relations (Human Resources) staff.
  6. The District has implemented separate policies for sexual harassment (HUM-A029) and bias incidents (ADM-A012); those policies will apply concurrently with this policy to ensure compliance with all legal requirements.
  7. Human resources will maintain records of workplace harassment complaint investigations for no less than five years after the occurrence.

**Implementing Procedures and Accompanying Policies:**

- HUM-P021 “Hazing, Harassment, Intimidation, Bullying, Menacing and Cyberbullying: Employee Complaint”
- ADM-A029 “Sexual Harassment”
- ADM-A012 “Bias Incidents and Symbols of Hate (All Students Belong)”
- HUM-M008 “New Employee Orientation Policies Manual”

**Revision History:**

Date	Revision	Description
		See archives for document history
11/5/13	A	Ref to HUM-A029 added, sec. 2.3 added
11/23/20	B	Changes to entire document to comply with Oregon Administrative Rules

**Approved By: Executive Director of Human Resources** \_\_\_\_\_