HUM-A029-SEXUAL HARASSMENT

ADMINISTRATIVE POLICY

HUMAN RESOURCES

SUMMARY

Salem-Keizer School District is committed to maintaining a work and educational environment that is free from any form of harassment related to a person's gender or sexual orientation. Sexual harassment is prohibited and will not be tolerated.

This policy applies to all Salem-Keizer School District employees, students, and any third parties on or immediately adjacent to school district property and at educational programs or activities. This policy also applies to student or employee conduct off school district property, if it involves acts toward a person in a manner that creates a hostile environment for any person while at school, or at a school or district sponsored event.

Third parties: Any person who is not a student, or a district employee and who is on or immediately adjacent to school grounds, at any school sponsored activity, on school provided transportation, at any official bus stop or who are at any school-sponsored activity or program. Third parties include but are not limited to, district volunteers, guardians, school visitors (including student visitors), employees of businesses or organizations participating in cooperative work programs with the district, service contractors, and vendors.

DEFINITIONS

Sexual Harassment

A demand or request for sexual favors in exchange for benefits.

Unwelcome physical, verbal, or nonverbal sexual conduct that:

- Interferes with a student's educational program or activity;
- Interferes with an employee's ability to perform their job, or
- Creates an intimidating offensive or hostile work or educational environment for the student, employee or third party.

Assault when sexual contact occurs without consent.

Sexual harassment does not include:

- Conduct that is necessary because of a job duty of a district employee or because of a service required to be provided by a contractor, agent, or volunteer, if the conduct is not the product of sexual intent.
- A person finding another person, or another person's actions, offensive because of that other person's sexual orientation or gender identity.

Examples of sexual harassment may include but are not limited to:

- Unwanted physical contact of a sexual nature such as touching, grabbing, patting, rubbing, pinching, grabbing clothes, brushing against or using body proximity to intimidate.
- Sexual comments, such as making fun of gender, body shape, sexuality or stereotypes.
- Sexual comments related to race, gender, ethnicity.
- Bragging about one's sexuality in front of others, or talking about another's personal sexual history, purported reputation or spreading rumors of sexual history.
- Displaying or distributing sexually explicit drawings, pictures and written materials.
- Posting and/or sharing sexual images, posting about sex; sharing inappropriate sexual videos or pictures.
- Touching oneself sexually.
- Bullying based on sexual identity or characteristics, including name calling and insults.
- Public shaming that is sexual in nature.

- A demand or request for sexual favors in exchange for benefits

Without Consent

Without the knowing, voluntary and clear agreement by all parties to participate in the specific act; or

When a person who is a party to the act is incapacitated by drugs or alcohol; unconscious; or pressured through physical force, coercion or explicit or implied threats to participate in the act.

Reporting Person

A District employee, student, parent/legal guardian or third party who reports conduct that could constitute sexual harassment under this policy.

Impacted Person

A person who is alleged to be the victim of conduct that could constitute sexual harassment under this policy.

Reported Person

A person who has been reported to be the perpetrator of conduct that could constitute sexual harassment under this policy

Hostile Environment

Conduct that is sufficiently serious that it denies or limits an employee's or student's ability to participate in or benefit from a school program or District employment, which may be determined on a single egregious incident, or a pattern of offensive conduct

INSTRUCTION

Reporting and Response

1. Individuals are encouraged to report violations of this policy to the school administrator, district supervisor, or Employee Relations (Human Resources) staff.
    a. Brenda Fox, Director of Employee Relations: fox_brenda@salkeiz.k12.or.us; 503-399- 3061; Nondiscrimination-Policy
    b. Debbie Joa, Assistant Director of Employee Relations: joa_debbie@salkeiz.k12.or.us; 503-399- 3061; Nondiscrimination-Policy
    c. School Directory
    d. Employee Relations: 503-399-3061
2. If a student, guardian, employee or third party makes a report to a district employee or if a district employee becomes aware of conduct that may be in violation of this policy, the employee shall immediately report the information to a school administrator or district supervisor so the school administrator/department supervisor may coordinate efforts to take any action necessary to ensure the student is protected and to promote a nonhostile work and learning environment, including:
    a. Providing resources and support measures to the impacted person; and
    b. Taking any actions that are necessary to remove the potential future impact on the impacted person or the staff member who reported the behavior.
3. All complaints about behavior that may violate this policy will be investigated using procedures developed by the Superintendent.
4. When a student, staff member, or third-party files a complaint under this policy, the district shall provide written notice as required by Oregon Revised Statute 342.704(4) to the following individuals:
    a. Each reporting person;
    b. If appropriate, any impacted person who is not a reporting person;

c. Each reported person; and
d. Where applicable, a parent or legal guardian of a reporting person, impacted person, or reported person.

5. If an individual is found to have violated this policy, the District will take appropriate corrective action with a focus on stopping the harassment, preventing its recurrence, and addressing negative consequences.
    a. 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.
6. The people identified in #4.4 of this policy shall be notified:
    a. When the investigation is initiated and concluded; and
    b. As to whether a violation of the policy was found to have occurred, to the extent allowable under state and federal student confidentiality laws.
7. A person may request the District to review the actions taken by staff in responding and/or investigating by filing a written request with the Deputy Superintendent.

Confidentiality and Protections

1. Due to the nature of sexual harassment, a complaint will be held in confidence insofar as possible. The District will only release sexual harassment complaint information to appropriate individuals in order to investigate the complaint and take corrective action.
2. Efforts will be made to provide appropriate relief for the impacted person, including preventing and/or taking corrective action against retaliation. Retaliation against persons who initiate a complaint or otherwise report harassment covered by this policy or who participate in an investigation or other related activities is prohibited. Any individual who experiences retaliation is encouraged to make a report to the school administrator.
3. The initiation of a complaint, and the participation in an investigation, in good faith about behavior that may violate this policy shall not adversely affect:
    a. The educational assignments or educational environment of a student or other person initiating the complaint, reporting the behavior, or participating in the investigation;
    b. Any terms or conditions of employment or of work or educational environment of a district employee or other person initiating the complaint, reporting the behavior, or participating in the investigation; and
    c. Students or employees who initiate a complaint or otherwise report harassment covered by the policy or who participate in an investigation may not be disciplined for violations of the district's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered because of the report of investigation unless student or employee gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

Notices

1. This policy shall be:
    a. Published in school or district student handbooks;
    b. Published on the school district website;
    c. Made available in all School District 24J school offices and at the district office;
    d. Made available upon request to students, parents of students, district employees, and third parties; and
    e. A copy of this policy at least 8.5" x 11" in size shall be posted in all Middle and High Schools.

APPLICABILITY

Salem-Keizer School District employees, students, and any third parties

ASSOCIATED DOCUMENTS

HUM-P012-Sexual Harassment Complaint Procedure
INS-P032-Investigating Reports of Sexual Harassment
INS-A003-Student Hazing, Harassment, Intimidation, Bullying, Cyberbullying, Menacing, and Teen Dating Violence
HUM-F047-Employee and Third-Party Sexual Harassment Notice: Impacted Person
HUM-F049-Employee and Third-Party Sexual Harassment Notice: Reported Person
INS-F082-Student and Guardian Sexual Harassment Notice: Impacted Person
INS-F083-Student and Guardian Sexual Harassment Notice: Reported Person

APPROVAL AUTHORITY

- Chief Human Resources Officer

REVISION HISTORY

- 09/03/2013 – Approved by Cabinet
- 08/21/2014 – Section on Protection from retaliation and Preventive or taking corrective action added.
- 06/03/2019 – Incorporated conduct involving students and third parties in the policy.
- 09/22/2020 – Major revision to entire document to comply with new legislation.
- 05/20/2022 – Updated Reporting and Response section
- 07/17/2023 – Updated the definition of sexual harassment and the term “without consent”; revised formatting to meet accessibility standards WCAG 2.1 AA
- 10/14/2024 - Revised the job title listed in #7
- 07/14/2026 – Revised contact information