

Draft 4/21/21

5.10.060-P Workplace Harassment

- (1) All District work environments should be free from any form of harassment, including sexual harassment. All District employees, school board members, volunteers, and contractors, must avoid any conduct or action that could be characterized as harassment of another employee, whether that occurs in the workplace or off District premises.
- (2) Workplace harassment means conduct that constitutes discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status, age, disability, expunged juvenile record, and any other discrimination prohibited by law and includes sexual assault.
- (3) Sexual harassment ~~assault~~ means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation and includes any unwelcome sexual advances, requests for sexual favors, physical contact, or any other unwelcome conduct, verbal or nonverbal, of a sexual nature when:
 - (a) The employee's submission to, or rejection of, the conduct is made either an implicit or explicit term or condition of employment (including wages, evaluation, advancement, retention, assigned duties, or other employment-related matters);
 - (b) The conduct by supervisors or other District employees, school board members, contractors, and volunteers, that has the purpose or effect of substantially interfering with an individual's work performance; or
 - (c) The conduct by supervisors or other District employees, school board members, contractors, and volunteers, that has the effect of creating an intimidating, hostile, or offensive working environment.
 - (A) **Verbal conduct** includes sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, and threats.
 - (B) **Nonverbal conduct** includes sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting noises, obscene gestures, whistling, and leering.
 - ~~(C)~~ **Physical conduct** includes unwanted physical contact such as touching, pinching, brushing the body, coerced sexual intercourse, or assault.

(C) ~~(4)~~

(4) Sexual harassment also includes assault which occurs when sexual contact occurs without a staff member's consent because the staff member is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

~~(4)~~(5) No District employee, school board member, contractor, or volunteer may use the authority of their position to subject any employee to sexual harassment, as described above, or to coerce, encourage, or force another into a romantic relationship.

~~(5)~~(6) When it is brought to their attention, administrators and supervisors must take affirmative steps to stop workplace harassment, including sexual harassment of subordinates or non-employees, including warning, discipline, and recommending possible dismissal of the offending staff.

~~(6)~~(7) Any District employee who believes they have been subject to workplace harassment may file a report with

- (a) their supervisor
- (b) the Human Resources Department Complaint hotline
- (c) the Oregon Bureau of Labor and Industries' (BOLI) complaint resolution process [or](#)
- (d) ~~or~~ through other avenues available under civil or criminal law.

~~(e)~~ Any person who believes they have been subject to workplace harassment should also make a report of sexual harassment to the Title IX Director for the District.

~~(7)~~(8) All reports ~~incidents~~ of behavior that may violate this policy shall be promptly investigated. The District will make every reasonable effort to safeguard employee privacy and preserve confidentiality to the extent the investigative process allows.

~~(8)~~(9) The District will not tolerate retaliation by any District employee, school board member, contractor, or volunteer, against any person who in good faith reports conduct believed to constitute workplace harassment. The District may discipline employees who retaliate in violation of this policy, provide false information, or make a complaint in bad faith. The District may take any other action it deems necessary in response to similar conduct from a contractor or volunteer.

(10) The District may not require or coerce an employee who makes an allegation of workplace harassment to enter into a nondisclosure or nondisparagement agreement unless it complies with ORS 659A.

(11) District employees who makes a report of workplace harassment shall be provided all information required by law, including, timelines for

relief for available administrative or judicial remedies.

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(12) All complaints of harassment directed toward non-employees should be addressed under the District's Nondiscrimination/Anti-Harassment Policy, 1.80.020-P.

Legal References: ORS 659A.001 et seq. ORS 342.700 to 342.708; ORS 342.865
Title VI of the Civil Rights Act of 1964,
Title VII of the Civil Rights Act of 1964,
Title IX of the Education Amendments of 1972, 20 U.S.C.A., 1681-1683 (2018)
Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq. 29 CFR Part 1630

History: Adpt. 9/25/97; Amd. 2/99, 5/20

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