

State and Federal Sexual Harassment Changes to be Added to Existing Policies

I. Preview of Upcoming Changes/Proposals to Existing Board Policies

| Policy/AD | Policy/AD Name | Student or Staff | Scope of Changes (major, minor) | Approx. Timeline for Committee Review | Lead/others who should participate | Remaining Questions or Concerns |
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| 1.80.020-P | Non-discrimination/ Anti-Harassment | All | Minor | 3rd | Liane | Updated language |
| 4.30.060-P | Anti-harassment | Student | Rescission recommended | 3rd | Liane | |
| 4.30.070-P | Teen Dating Violence/Domestic Violence | Student | Major revisions; HB 3077 (state) integration required | 1st- need to develop draft/then work with Shanice on stakeholder engagement. | Liane | We have incorporated the process for addressing teen dating violence/DV but now need to align the policies to practice |
| 4.50.051-P | Reporting of Suspected Child Abuse | Student | Minor | 4th | Sharon/Amy | Should this be under students or staff? Appears to refer to good faith for staff but is nested under student policies |
| 4.50.032-P | Formal Public Complaints | Student/Community | Completed | 1st | Currently under review 11/20 | Add info @ TIX complaints under <i>types of complaints</i> (4c) "health & safety" |
| 5.10.030-P | Grievance Procedure - Sex Discrimination | Staff | Rescission recommend | 1st | Mary (rescind) | Delete outdated policy (1976) Policy should be rescinded. Workplace harassment AD will provide procedure. |
| 5.10.062-P | Sexual Harassment | Staff | Incorporate provisions into | 1st | Mary | There is considerable overlap in the goals and expectations expressed in these two |

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| | Staff to Student | | the Professional Conduct Policy and then rescind | | <p>policies and after review by legal and the Title IX Director, it is our recommendation that elements of the existing Sexual Harassment Policy be incorporated into the Professional Conduct Policy and thus, the Sexual Harassment-Staff to Student Policy be rescinded in its entirety.</p> <p>The Sexual Harassment- Staff to Student Policy was adopted in 1994 and has not been updated since that time. It does not contain the current definition of sexual (mis)conduct nor does it define sexual harassment except to assert that it is a form of discrimination. It includes an obligation to provide training to volunteers and employees and for the establishment of an effective complaint process which shall be referenced in the Student Handbook. It also includes a reporting requirement but only “any attempt by a student to establish an amorous or sexual relationship with a staff member or volunteer.”</p> <p>The policy defines sexual harassment as conduct, verbal or nonverbal, which denigrates or shows hostility to a student or students by reason of their gender and provides examples of gender bias.</p> <p>The Professional Conduct Policy provides clearer expectations of what constitutes prohibited conduct and offers specific examples of what constitutes sexual</p> |
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| | | | | | <p>conduct as it pertains to appropriate adult-student relationships. It alludes to sexual harassment in section (A)(1) of the boundary violations section but it is through reference to the District's non-discrimination policy 1.80.020-P.</p> <p>The current policy alludes to required training and reporting requirements; however, the language in the Professional Conduct is more comprehensive than that found in the Sexual Harassment policy. Training and reporting requirements are also covered the related administrative directive, Prohibition against Employee Child Abuse and Sexual Conduct Administrative Directive 5.10.063-AD.</p> <p>Specific changes to the Professional Conduct policy are proposed as follows:</p> <p>Add additional language to Boundary Violations section (A)(1) to include more specific examples of discrimination on the basis of sex. It could include "conduct, verbal or nonverbal, which denigrates or shows hostility to a student or students by reason of their gender" and the examples of gender bias found in the Sexual Harassment policy.</p> <p>Rewrite Boundary Violations section (A)(2) to more accurately define sexual harassment under state and federal law.</p> |
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| | | | | | | <p>This may be a difficult needle to thread as the state and federal definitions do not align.</p> <p>Under Title IX, Sexual Harassment is defined under new federal regulations as s:</p> <ol style="list-style-type: none">1) Quid pro quo harassment;2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; and3) Sexual assault, dating violence, domestic violence, or stalking, as defined in federal laws. <p>Oregon defines Sexual Harassment to include:</p> <ol style="list-style-type: none">1) A demand or request for sexual favors in exchange for benefits;2) Unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with a student's educational program or activity or that creates an intimidating, offensive or hostile educational environment; and |
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| | | | | | | <p>3) Assault when sexual contact occurs with a student's consent because the student is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.</p> <p>If the policy committee adopts this recommendation, we also suggest renumbering this section as the Professional Conduct policy 5.10.064-P currently follows the Prohibition against Employee Child Abuse and Sexual Conduct Administrative Directive 5.10.063-AD.</p> |
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