

## Title: Sexual Harassment Policy

### Control Information

Control Item	Details
Owner/Curator	Melissa Harris
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Consult and Notify	ICP, ED, HT, AA, All Staff, CM

### Revision History

Revision	Date	Revision Description	Originator
A	7/17/14	Initial Release	Melissa Harris
B	9/11/14	Revised to align with State law	Melissa Harris

## Sexual Harassment Policy

### 1.1. Objective:

The objective of this policy is the following:

- 1.1.1. Define Sexual Harassment
- 1.1.2. Provide procedure for investigating allegations of sexual harassment
- 1.1.3. Outline school's response to allegations of sexual harassment

### 1.2. School's Position on Sexual Harassment:

Sexual harassment is prohibited and will not be tolerated at MCCS. This includes sexual harassment of students or staff by other students, staff, Board members, or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors, or others engaged in school business, such as employees of businesses or organizations participating in cooperative work programs with the school.

School includes MCCS facilities, premises, and non-school property if the student or employee is at any school-sponsored, school-approved, or school-related activity or function, such as field trips or athletic events where students are in the care of the MCCS or where an employee is engaged in school business.

### 1.3. Sexual Harassment Defined:

Sexual harassment of students and staff shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct or communication is made either explicitly or implicitly a term or condition of a student's education or participation in district programs or activities or as a condition of employment for staff;
2. Submission to or rejection of the conduct or communication is used as the basis for decisions affecting a student or employment or assignment of staff;

3. The conduct or communication has the purpose or effect of unreasonably interfering with a student's educational performance or with an employee's ability to perform his/her job;
4. The conduct or communication has the effect of creating an intimidating, offensive, or hostile educational or working environment;
5. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits.

Examples of sexual harassment may include, but is not limited to, physical touching or graffiti of a sexual nature; displaying, e-mailing, or distributing of sexually explicit drawings, pictures, and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity, or performance.

## **1.4. Response to Allegations of Sexual Harassment:**

All complaints about behavior that may violate this policy shall be promptly investigated.

- 1.4.1. Any employee who has knowledge of or feels he/she is a victim of sexual harassment must immediately report his/her concerns to the Executive Director or School Counselor and fill out the "Sexual Conduct Complaint Form" (see attached).
- 1.4.2. Any MCCS staff member who has knowledge of or witnesses sexual harassment of a student or other staff member, or in whom a student or staff member confides about being the recipient of sexual harassment will immediately notify the Executive Director or School Counselor and fill out the "Witness Disclosure Form" (see attached).
- 1.4.3. The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the educational assignments or study environment of a student complainant or any terms or conditions of employment or work environment of the staff complainant. There shall be no retaliation by the school against any person who, in good faith, reports sexual harassment.
- 1.4.4. The Executive Director or School Counselor will immediately notify the Board President when they receive a complaint concerning sexual harassment. The Board President will appoint a committee to investigate the allegations and notify any appropriate authorities. The committee will consist of the Executive Director, School Counselor and up to two Board Members. The task force will conduct interviews and gather all information necessary to complete a thorough and timely investigation to determine whether the report can be substantiated. A substantiated report is one that:

1. The committee has reasonable cause to believe is founded based on the available evidence after conducting an investigation; and
  2. Involves conduct that the committee determines is sufficiently serious to be documented in the employee's personnel file.
- 1.4.5. The Executive Director and, if necessary, the Board, will take appropriate corrective action to stop the sexual harassment, prevent its recurrence, and address negative consequences.
1. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action.
  2. Employees in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Executive Director or Board.
- 1.4.6. The Board and/or Executive Director may report individuals in violation of this policy to law enforcement officials. Licensed staff and those participating in practicum programs as specified by Oregon Administrative Rules, shall be reported to the Teacher Standards and Practices Commission.
- 1.4.7. The student and the student's parents or staff member who initiated the complaint shall be notified when the investigation is concluded.
- 1.4.8. All staff, students, board members, and third parties shall be subject to this policy.

## **1.5. Sexual Harassment Prevention:**

- 1.5.1. The school will provide annual training to all employees, parents and students regarding the prevention and identification of sexual conduct (refer to Policy HR00041a). The school will provide to employees at the time of hire a description of conduct that may constitute sexual conduct and description of records subject to disclosure if a sexual conduct report is substantiated.
- 1.5.2. The Executive Director shall follow hiring and reporting procedures as outlined in ORS 339.374 for all school employees.

## Sexual Conduct Complaint Form

Name of complainant: \_\_\_\_\_

Position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of person allegedly engaging in sexual conduct: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

\_\_\_\_\_

Description of sexual conduct: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

Evidence of sexual conduct, e.g. letters, photos, emails (attach evidence if possible): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Witness Disclosure Form

Name of witness: \_\_\_\_\_

Position of witness: \_\_\_\_\_

Date of testimony/interview: \_\_\_\_\_

Description of instance witnessed: \_\_\_\_\_

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Any other information: \_\_\_\_\_

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I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_