

Amity School District 4J

Code: **JBA**
Adopted: 2/8/89 - 10/6/93
Revised/Readopted: 9/14/94 - 2/8/95,
2/8/95 - 12/13/95,
1/8/97 - 1/8/97,
12/15/99 -
12/15/99

Harassment of Students

Harassment of students by a member of the staff to a student or, by a student to another student or by a student to a district staff member will not be tolerated in the district. Harassment by Board members, parents, vendors and others in the district is prohibited. This policy is in effect while students are on district grounds, district property or on property within the jurisdiction of the district; while on district-owned and/or district-operated buses, vehicles or chartered buses; while attending or engaged in district activities; and while away from district grounds if the misconduct directly affects the good order, efficient management and welfare of the district.

Harassment includes, but is not limited to, harassment on the basis of color, race, religion, sex, national origin, disability, parental or marital status or age.

Sexual Harassment

Sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- § Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in district programs or activities;
- § Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student;
- § Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Sexual harassment as set out above may include, but is not limited to, the following:

- § Verbal or written harassment or abuse;
- § Pressure for sexual activity;
- § Repeated remarks to a person with sexual or demeaning implications;
- § Unwelcome touching;
- § Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, achievements, etc.

Harassment

Harassment on the basis of race, religion, sex, national origin, disability, parental or marital status or age means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students when:

- § Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in district programs or activities;
- § Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student;
- § Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as set forth above may include, but is not limited to, the following:

- § Verbal, physical or written harassment or abuse;
- § Remarks of a demeaning nature;
- § Implied or explicit threats concerning one's grades, achievements, etc.;
- § Demeaning jokes, stories or activities directed at the student.

Harassment is a violation of district policy and regulations and may also be a violation of criminal or other laws. Students or staff members whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including staff dismissal or student suspension and expulsion. The district has the authority to report students and staff in violation of this policy to law enforcement officials. The district may also file a request to suspend driving privileges for students.

Retaliation against a student because the student has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding is also prohibited. A student who is found to have retaliated against another in violation of this policy will be subject to discipline up to and including suspension and expulsion.

It shall also be the responsibility of the superintendent, in conjunction with the investigator and principals, to develop administrative regulations regarding this policy.

The district will promptly and reasonably investigate allegations of harassment. Any student who has knowledge of or feels he/she is a victim of harassment should immediately report his/her concerns to the building principal or superintendent if the principal is the subject of the complaint. This policy as well as a complaint procedure will be distributed to all students in the student handbook.

END OF POLICY

Legal Reference(s):

[ORS 243.706](#)
[ORS 342.700](#)
[ORS 342.704](#)
[ORS 342.708](#)
[ORS 342.850](#)
[ORS 342.865](#)

[ORS 659.850](#)
[ORS 659A.006](#)
[ORS 659A.029](#)
[ORS 659A.030](#)

[OAR 581-021-0038](#)
[OAR 584-020-0040](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e).

Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999).

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998).