

## 5.10.060-P Sexual Workplace Harassment

~~(1) It is the policy of the Portland school All D~~ district work environments to maintain a work environment that is ~~should be~~ free from any form of harassment, including sexual harassment. ~~Workplace harassment is prohibited and shall not be tolerated.~~ All employees, including elected school board members, volunteers, and contractors, must avoid any conduct or action that could be characterized as ~~sexual~~ harassment. This includes harassment that occurs in the workplace or on-off district premises.

~~(1)~~(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.

~~(2)~~(3) Sexual 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, unwelcome requests for sexual favors, unwelcome physical contact, or any other unwelcome conduct, verbal or nonverbal, of a sexual nature when:

(a) The employee's submission to the conduct is made either an implicit or explicit term or condition of employment (including but not limited to wages, evaluation, advancement, retention, assigned duties, or other employment-related matters);

(b) The conduct by supervisors, other employees or non-employees has

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the purpose or effect of substantially interfering with an individual's work performance; or

(c) The conduct by supervisors, other employees, or non-employees has the effect of creating an intimidating, hostile, or offensive working environment.

(A) **Verbal conduct** includes sexual innuendos~~innuendoes~~, 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.

- (3)(4) No employee may use the authority of ~~his or her~~ their position to subject any other employee to sexual harassment, as described above, or to coerce, encourage, or force another into a romantic relationship.
- (5) When it is brought to their attention, administrators and supervisors must take affirmative steps to stop workplace harassment, including sexual harassment by subordinates or non-employees, including warning, discipline, and recommending possible dismissal of the offending employee.
- (6) Any district employee who believes they have been subject to workplace harassment may file a report with
- (a) their supervisor or
  - (b) the Human Resources Department Complaint hotline ~~Employees may also make a report of sexual harassment to the Title IX Director for the District. Employees may also file a report through the~~
  - (c) the Oregon Bureau of Labor and Industries' (BOLI) complaint resolution process
  - (d) or through other avenues available under civil or criminal law
  - (e) Employees may also make a report of sexual harassment to the Title IX Director for the District.
- (4)(7) All 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. ~~Employees who experience, or who are aware of sexual harassment should inform the Executive Director of Human Resources or designee. The district will make every reasonable effort to safeguard employee privacy and preserve confidentiality to the extent the investigative process allows.~~
- (8) ~~There will be~~ The District will not tolerate retaliation by any ~~d~~ District official or employee against any person who in good faith reports conduct believed to constitute ~~sexual~~ workplace harassment. The ~~D~~ district ~~reserves the right to~~ may discipline employees who provide false information or make a complaint in bad faith.
- (5) ~~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.~~
- (10) An employee who makes a complaint of workplace harassment will be provided with notice that they have a right to seek redress through internal and other processes. The District will provide this notice, including all information required by law, including, timelines for relief for available administrative or judicial remedies, to the employee upon

Legal References: ~~ORS 243.706~~; ORS 659 [A.001 et seq. .010 \(14\)](#); ~~OAR 584-020-0040~~; ORS 342.700 [to 342.708](#); ~~ORS 659.020~~; ~~OAR 584-020-0041~~; ~~ORS 342.704~~; ORS 659.029; ORS 342.708; ORS 659.030; ~~ORS 342.850~~; ~~ORS 659.040~~; ORS 342.865; [Title VI of the Civil Rights Act of 1964](#), ~~ORS 659.150~~; Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A., [Section 2000\(e\) et seq.](#) (West 1985); [Age Discrimination in Employment Act of 1967](#), as amended, 29 U.S.C.A., [Section 621](#) (West 1985); [Age Discrimination Act of 1975](#), as amended, 42 U.S.C.A., [Section 6101](#) (West 1985); [Equal Pay Act of 1963](#), as amended, 29 U.S.C.A., [Section 206\(d\)](#) (West 1985); Title IX of the Education Amendments of 1972, 20 U.S.C.A., [Sections 1681, 1682 and 1683 \(West 1985\)](#) [1681-1683 \(2018\)](#); [Rehabilitation Act of 1973](#), 29 U.S.C.A. [Sections 504, 791, 793 and 794 \(West 1985\)](#); 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, [/20](#)

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