

# **Le Monde French Immersion Public Charter School**

## **Sexual Harassment Policy**

**Adopted July 11, 2017**

The Le Monde Immersion board is committed to the elimination of sexual harassment at Le Monde French Immersion Public Charter School (the School) and at its activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff or third parties 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 and others not directly subject to the School's control at interschool athletic competitions or other School events. "School" includes School facilities, School premises and non-School property if the student or employee is at any School-sponsored, School-approved or public School-related activity or function, such as field trips or athletic events where students are under the control of the School, or where the employee is engaged in School business. The prohibition also includes off duty conduct that is incompatible with School job responsibilities.

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

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student, or employment or assignment of staff;
3. The conduct or communication is so severe, persistent or pervasive that it 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; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to: whether the individual viewed the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the School involving the same or other students or staff.

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

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee or third party who has knowledge of conduct in violation of this policy or who feels he/she is a victim of sexual harassment must immediately report his/her concerns to the Executive Director, who has overall responsibility for all investigations, or, if the Executive Director is involved, to the Vice President of the Le Monde Immersion board. A student may also report concerns to a teacher, or the Director of Student Support, who will promptly notify the Executive Director. The student and the student's parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

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 staff complainant. There shall be no retaliation by the School against any person who, in good faith, reports, files a complaint, or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Le Monde Immersion board that appropriate corrective action will be taken by the School to stop the sexual harassment, prevent its recurrence and address negative consequences. 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. 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 Le Monde Immersion board.

Additionally, the School may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teachers Standards and Practices Commission (TSPC), and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to TSPC.

The Executive Director shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors and staff, and that annually, the name and position of School officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the attached complaint procedure will be made available to all students, parents of students and staff. The attached School's policy shall be posted in School. Such posting shall be by a sign of at least 8 ½" by 11", and on the website.

The Executive Director will establish a process of reporting incidents of sexual harassment.

END OF POLICY

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**Legal Reference(s):**

ORS 243.706

ORS 342.865

OAR 581-021-0038

ORS 338.115

ORS 659.850

OAR 584-020-0040

ORS 342.700

ORS 659A.006

OAR 584-020-0041

ORS 342.704

ORS 659A.029

ORS 342.708

ORS 659A.030

ORS 342.850

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

**Le Monde French Immersion Public Charter School**  
**Sexual Harassment Complaint Procedure**

The Executive Director (“School Official”) has responsibility for investigations concerning sexual harassment, or if the Executive Director is the subject of the complaint the Vice President of the Le Monde Immersion board shall be the School Official per this procedure. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

- Step 1            Any sexual harassment information (e.g., complaints, rumors, etc.) shall be presented to the School Official. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.
- Step 2            The School Official receiving the information or complaint shall promptly initiate an investigation. He/She will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The School Official conducting the investigation shall notify the complainant in writing when the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.
- Step 3            If a complainant is not satisfied with the decision at Step 2, he or she may submit a written appeal to the Le Monde Immersion board. Such appeal must be filed within 10 working days after the receipt of the Step 2 decision. The Le Monde Immersion board shall, within 30 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Le Monde Immersion board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries. Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2<sup>nd</sup> Ave., Room 3310, Seattle, WA 98174-1099. Additional information regarding filing of a complaint may be obtained through the Executive Director.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the School office.

The Executive Director shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under OAR Chapter 584, Division 17, when, after appropriate investigation, there is a reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, Community Human Services, as possible child abuse. In the event the Executive Director is the subject of the investigation, reports, when required, shall be made by the Le Monde Immersion board Vice President.

**Le Monde French Immersion Public Charter School**  
**SEXUAL HARASSMENT COMPLAINT FORM**

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

Position of complainant (Student grade or Staff position):  
\_\_\_\_\_

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

Name of alleged harasser: \_\_\_\_\_

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

Description of alleged misconduct:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Evidence of sexual harassment, i.e., letters, photos, etc. (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: \_\_\_\_\_

**Le Monde French Immersion Public Charter School**  
**WITNESS DISCLOSURE FORM**

Name of Witness: \_\_\_\_\_

Position of Witness: \_\_\_\_\_

Date of Testimony/Interview: \_\_\_\_\_

Description of Instance Witnessed:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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: \_\_\_\_\_