

# HARASSMENT AND ASSAULT POLICY

## THE SCHOOL'S COMMITMENT AND EXPECTATIONS

Northwest Academy is committed to providing a school where students can thrive in a creative and supportive educational environment that promotes respect, dignity and equality. To that end, Northwest Academy strives to be free from all forms of harassment, assault, exploitation, intimidation, illegal discrimination and retaliation. These types of behavior are not welcome here and will not be tolerated. Northwest Academy takes assault and harassment seriously.

Northwest Academy expects all students, employees and members of the school community to conduct themselves in an appropriate manner, with respect for the personal dignity of fellow students, employees and visitors. Students, employees and visitors come to Northwest Academy from many different backgrounds and cultures, including different races, religions, sexual orientations and ethnicities. The school encourages its community members to seek to understand the differences and similarities among us and to appreciate the richness that such diversity provides to an educational community.

Northwest Academy will not tolerate unlawful discrimination, harassment, assault or retaliation of any member of the school community by any other member of the school community, whether intended or not. This policy applies to conduct on our campus at all times as well as off our campus when the conduct interferes with the school environment or has a direct or immediate effect on the safety or welfare of students or other members of the school community. This policy also applies to electronic communications and social media.

Anyone with a concern about harassment, discrimination or retaliation should follow the procedures in the section of this policy entitled, "**What To Do If You Witness or Experience Harassment.**"

## DEFINITIONS

*Legally protected status* refers to certain categories that have been established under federal and state laws to legally entitle persons in these categories to protection from harassment and discrimination. These categories include race, color, religion, national origin, gender, gender identity or expression, sexual orientation, marital status and physical and mental disability.

*Unlawful discrimination* refers to the denial of educational opportunities based upon an individual's legally protected status (see above for categories). Northwest Academy prohibits any unlawful discrimination of its students.

*Harassment* refers to unwelcome conduct or behavior that is personally offensive or threatening and that either: (1) has the effect of impairing a student's emotional well-being or morale, or interfering with a student's academic performance or participation in a school activity, or (2) has the purpose or effect of creating an intimidating, hostile or offensive learning or social environment. For harassment to be unlawful, it must be based upon an individual's legally

protected status (see above for categories). Northwest Academy prohibits any type of harassment of its students, including unlawful harassment.

**Assault** refers to harmful or offensive physical contact. It can include physical bodily harm (like beating someone up). Sexual assault includes having or attempting to have sexual intercourse or sexual contact with another individual without their consent.

**Retaliation** refers to any form of intimidation, reprisal or harassment directed against a student who in good faith has reported discrimination or harassment or has provided information during an investigation of such behaviors.

## HARASSMENT AND ASSAULT

### SEXUAL HARASSMENT

**Sexual Harassment** is a form of unlawful harassment that includes unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature that affects a student's emotional well-being, interferes with a student's academic performance or participation in school activities, or has the purpose or effect of creating an intimidating, hostile or offensive learning or social environment. Sexual harassment can include unwelcome conduct that is directed at or related to a person's gender or gender identity and is not based on sexual attraction.

Persons of all genders and gender identities are protected under this policy. Harassment **by** anyone of any gender or gender identity **towards** anyone of any gender or gender identity is prohibited.

**Examples** include, but are not limited to:

- Intimidating or suggestive remarks about an individual's sexual orientation, gender identity or gender expression;
- Name calling, and imitating physical characteristics or mannerisms associated with a person's sexual orientation;
- Transphobia (meaning an intense dislike of or prejudice against transsexual or transgender people);
- Gender stereotyping, when it could reasonably cause offense;
- Purposely and knowingly calling someone by the incorrect gender (for example, knowingly using the incorrect pronoun) or asking overly-intrusive questions about someone's sex life, sexual orientation, gender identity or gender expression;
- Sexual gossip or unwelcome personal comments of a sexual nature;
- Sexually-demeaning language or unwanted sexually-suggestive language;

- Sexual or lewd jokes (unless *everyone* within earshot is absolutely okay with the humor);
- Whistling, leering, catcalling, or making other suggestive or insulting gestures or comments;
- Spreading rumors or lies of a sexual nature about someone;
- Making obscene, demeaning or abusive comments about an individual's body or other personal characteristics;
- Obscene or sexually suggestive graffiti;
- Displaying or sending sexually offensive or pornographic messages, pictures or objects, whether in emails, texts, on social media or via written materials;
- Audiotaping, videotaping, or otherwise recording students or non-student minors in sexual or other potentially embarrassing situations and/or forwarding or threatening to forward the recorded material to others;
- Offensive or unwelcome sexual flirtation or advances;
- Offensive or unwelcome touching, pinching, grabbing, or hugging;
- Stalking; and
- Sexual assault (see below).

**Sexual harassment of a student by any employee of Northwest Academy is strictly prohibited.** Sexual harassment of a student by an employee includes sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature. It is a violation of this policy for any member of the faculty, administration or staff to make sexual advances toward or engage in sexual conduct with any student. An employee who is found to have violated this policy (or any equivalent policy in the Employee Handbook prohibiting employee/student sexual conduct) will be disciplined up to and including termination of employment and reported to local authorities, if appropriate. *Any sexual advances or sexual conduct between employees and students is strictly prohibited.*

### **SEXUAL ASSAULT**

**Sexual assault** is a crime of bodily physical harm against a person of any gender, gender identity and sexual orientation. It can involve unwanted sexual touching, non-consensual sexual contact, and/or penetration by physical force or threat of bodily harm.

Examples include but are not limited to:

- Unwanted sexual touching (above or under clothing) or sexual contact;
- Demanding sexual favors or forcing sexual activity;

- Having or attempting to have sexual intercourse or sexual contact with another individual without their consent;
- Rape (meaning intercourse or other forms of sexual penetration) or attempted rape of any kind, of a person of any gender or gender identity; and
- Coerced sexual activities of any type (not necessarily involving penetration or intercourse).

**Consent** is a mutual agreement that is voluntary, sober, informed, honest and usually verbal. A person is incapable of giving consent by virtue of intoxication (this can be from drugs or alcohol), mental illness or mental disabilities, or due to being under the age of consent (which in Oregon is 18 years of age).

- Consent is never implied and cannot be assumed, even in a relationship.
- Consent to a sexual act or prior consensual sexual activity with a person does not necessarily mean you have consent from that person for *another* sexual act, or a *different* sexual act.
- Silence, or lack of resistance, in and of itself, does not necessarily demonstrate consent.
- Consent can be withdrawn or no longer given at any time – at which point, the sexual activity needs to stop.
- Consent cannot be given when a person is incapacitated.

***Students should call 911 if they need or witness a need for immediate police and/or medical attention.***

**Any student who has been sexually assaulted or threatened with sexual assault should seek help immediately and report the incident to a trusted adult in the school community.** For example, the student could report it to the school counselor, a favorite teacher, the middle or high school director (as appropriate) or the head of school. Reports of sexual assault are taken extremely seriously, with the safety and well-being of all students as the first priority.

Sexual assault is an act of violence and is a crime in the state of Oregon. School employees have an obligation to report suspected sexual, physical and/or psychological abuse pursuant to mandatory child abuse reporting laws (these obligations are covered in more detail in the Employee Handbook; employees are also trained annually on their reporting obligations). A member of the faculty or staff is not permitted to maintain total confidentiality to a student or parent who informs the employee of an allegation of sexual assault or sexual misconduct if the allegation leads the employee to believe they have a duty to report the information.

Regardless of the actions taken by the authorities, the immediate focus of Northwest Academy following such a report is to support its students in every way possible, including medical and psychological support as necessary. The safety and emotional well-being of the student who has been sexually assaulted is of primary importance to Northwest Academy. The school will make reasonable accommodations for the student that may include removing the student who is accused of assault from the school premises and/or from other school activities, and offering the

student who has been sexually assaulted academic accommodations or other reasonable alternatives to support the student's learning environment.

### **OTHER TYPES OF HARASSMENT**

All types of harassment, not just sexual harassment, are prohibited by our policy. Any harassing conduct that affects a student's emotional well-being, interferes with a student's academic performance or participation in school activities, or has the purpose or effect of creating an intimidating, hostile or offensive learning or social environment will not be tolerated by the school.

**Examples** of non-sexual harassment include, but are not limited to:

- Derogatory stereotypes or disrespectful generalizations about certain groups of people unless used in the context of a broader in-class academic discussion;
- Conduct or comments that threaten physical violence;
- Offensive, unsolicited remarks such as slurs, jokes, and bigoted statements;
- Repeated or overly-intrusive questions about a student's race, national origin, disability, ethnicity or marital status when it could reasonably offend the student;
- Unwelcome offensive or derogatory gestures or physical contact;
- Displaying or sending pictures, emails, texts, written materials, or items degrading to anyone due to their race, ethnicity, religion, age, disability, sexual orientation, gender identity or expression, or other legally protected status;
- Internet harassment (see below);
- Relational aggression (that is, damaging someone's relationships or social status), systematic exclusion, ostracism, humiliation or demonizing of another student;
- Verbal abuse or insults about or directed to any student or group thereof because of their relationship to any legally protected group;
- Stalking; and
- Physical assault (see below).

**The following are common types of non-sexual harassment:**

*Racial, Color and National Origin Harassment* refers to harassment on the basis of a person's race, color or national origin and includes, but is not limited to, the use of nicknames emphasizing racial stereotypes; racial slurs; and derogatory comments or conduct directed at an individual's manner of speaking, national customs, surname, ethnic characteristics or language.

*Religious Harassment* refers to harassment on the basis of a person's religion or creed and includes, but is not limited to, the use of nicknames emphasizing religious stereotypes; negative

stereotypes; religious slurs; and derogatory comments or conduct directed at an individual's religion, religious traditions, religious practices, religious symbols or religious clothing.

*Disability Harassment* refers to harassment on the basis of a person's physical and/or mental disability and includes, but is not limited to, name calling, making derogatory references to the disabling condition, imitating manners of speech and/or movement associated with the disability, or interfering with access to or use of necessary adaptive equipment or aides.

### PHYSICAL ASSAULT

**Physical assault** can be a type of harassment and is a crime. It involves an intentional act, with or without the use of a weapon, to cause bodily harm to another person.

### INTERNET HARASSMENT

**Internet harassment** can be a type of harassment and can even be a crime. The following conduct is prohibited by our policy and by the law:

- **Cyberstalking:** the use of internet, email or other electronic communications to stalk someone. This generally refers to a pattern of threatening or malicious behaviors that poses a credible threat of harm.
- **Cyberharassment:** the use of internet, email or other electronic communications to engage in harassment. This usually involves threatening or harassing email messages, instant messages, texts, blog entries, Facebook posts or websites that are intended to hurt or shame an individual. This can include distribution of sexually explicit or nude images of someone younger than 18, without their permission or with the intention to embarrass them.
- **Cyberbullying:** electronic harassment or bullying among students. (See our cyberbullying policy [here](#) for more detail.)

## **ACADEMIC AND ARTISTIC EXPRESSION AT NORTHWEST ACADEMY**

Northwest Academy is a school where our students are encouraged to discover their intellectual and artistic voices in a creative and supportive atmosphere. In an academic setting, where freedom of expression is a paramount value, there can be a fine line between speech and/or conduct that is *permissible* and that is *harassment*. The determination often depends on the facts of the particular case. Our policy is not intended to inhibit our students' education or prevent an enriching academic environment where candid and thought-provoking respectful discussions are encouraged. Educational coursework ranging from literature to current events to the arts may involve topics that bring up a lot of emotions and polemics. In the context of a guided academic or artistic setting, it is presumed that such verbal and physical conduct does not violate this policy.

**Examples** include, but are not limited to, the following speech or conduct when it is developmentally appropriate for the students involved:

- Discussing an assignment in class or in study groups that has themes that are potentially upsetting and/or offensive (e.g., rape, racism, homophobia);
- Theater workshops where students read aloud or act out sexually-charged scenes;
- Instructors and students engaging in physical contact for purposes of choreographing a performance;
- Hands-on instruction by an athletic coach or fine arts instructor trying to demonstrate proper form or technique; and
- Discussions in health class about reproduction and sexuality.

## WHAT TO DO IF YOU WITNESS OR EXPERIENCE HARASSMENT

Northwest Academy seeks to achieve a welcoming and respectful school environment free of hostility, intimidation, harassment, discrimination, and retaliation. You should follow the steps below if you believe our policy has been violated.

*Seek Advice.* There may be times when you are not sure what steps to take to address your problem. You are always encouraged to consult a trusted adult at the school, be it your favorite teacher, the school counselor, the middle or high school director or the head of school, to make them aware of the issue and to seek their advice.

*Try Communicating Directly.* Sometimes it helps to speak directly to the person who is engaging in the conduct you find offensive. If you feel that you (or someone you know) has been the target of harassment or discrimination, or that someone is acting or speaking inappropriately and making you (or someone you know) feel uncomfortable and/or angry, *and* you feel safe doing so, you should try talking directly to the individual. Express your concerns as honestly, directly, and respectfully as you can, and request an end to the conduct. If you are uncomfortable speaking directly to the person who has offended you, you can skip this step.

*Make a Formal Complaint to the School.* If direct communication does not resolve the problem or you simply choose not to approach the individual directly, you may always make a formal complaint to the school about your concerns. Students should report a complaint, preferably in writing, to the middle or high school director (as appropriate) or the head of school. Northwest Academy wants to keep our school free of harassment and will take steps to do so when it is made aware of an issue. You are helping the entire community when you bring issues to our attention.

## WHAT HAPPENS NEXT: THE SCHOOL'S INVESTIGATION OF A COMPLAINT

If Northwest Academy receives a complaint of harassment or discrimination, or otherwise has reason to believe that harassment or discrimination may have occurred, it will take steps to ensure that the matter is promptly investigated and addressed. Even if the harassed student does not wish to file a complaint, Northwest Academy may still take action if it learns of

potential harassment or discrimination since it is important to keep the school environment safe and supportive for everyone.

Complaints will be maintained in confidence to the extent possible considering the school's legal obligation to take appropriate responsive action; however, we cannot guarantee total confidentiality to anyone involved in an investigation. We ask that our students be discreet, respect the integrity of the investigatory process, and not engage in gossip or speculation about the incident. Please give the students involved in the investigation space and privacy.

While respect for privacy and confidentiality of all students may limit what the school will disclose to a reporting student about any investigation and outcome, school administrators will endeavor to answer a reporting student's questions about the school's policies and practices with regard to investigating complaints.

Students are expected to cooperate fully in an investigation conducted by the school or its designated representative. If a student refuses to participate or cooperate at any stage of an investigation for whatever reason, including but not limited to pending criminal charges against the student, the school reserves the right to take action, including proceeding without a statement from the student, asking the student to leave school while the investigation is underway, or requiring the student to withdraw. Northwest Academy's obligation to report a crime (such as a sex crime or other abuse subject to the mandatory child abuse reporting laws) does not end if the student making a report withdraws the complaint or if the student accused of harassing behavior withdraws from enrollment.

Upon learning of a possible sexual assault, Northwest Academy may conduct its own investigation in order to ensure the safety and security of the entire campus community. This investigation is separate from any criminal investigation by the police or any agency investigation by CPS. Alternatively, the school may opt to forego an investigation of its own while an investigation by legal authorities is pending.

The school reserves the right to confiscate a student's cell phone or other electronic device if it contains inappropriate images that could be in violation of Oregon's criminal statutes.

## PROTECTION FROM RETALIATION

Retaliation is a very serious violation of this policy. Retaliation includes direct or indirect intimidation, threats, coercion, harassment, social ostracism, or other forms of targeting any individual who has brought forward a concern or participated in the school's investigation process.

Northwest Academy prohibits retaliation against **anyone** involved, including

- The student who is harassed or assaulted;
- The student who makes a good faith report of harassment or assault,
- The student who witnesses harassment or assault and comes forward to report it,

- The student who participates in an investigation, and
- The student accused of harassment or assault.

It is not our students' role or responsibility to mete out punishment to anyone involved in a complaint of harassment or assault, or to try to control the outcome of an investigation through public shaming. Such conduct violates this policy. It also would be considered retaliation for any student to publicly label or call a student accused of violating this policy as a "rapist," "harasser," "perpetrator," or other similarly disparaging names.

Any student with a concern of retaliation should immediately bring it to the attention of the same persons at Northwest Academy who have been handling the original complaint. Students who engage in retaliation will be subject to disciplinary action up to and including removal from the school.

## **DISCIPLINE**

Violation of our policy will result in appropriate disciplinary action up to and including removal from the school. Conduct need not meet the legal definition of harassment, discrimination or retaliation to violate the school's expectations for appropriate behavior. Northwest Academy retains the authority to discipline a student for inappropriate conduct even if it does not meet the legal definition of unlawful discrimination or harassment.

If a Northwest Academy student is determined by the school and/or a court of law to have sexually assaulted another student, that student will be removed from the school.

If the school reasonably believes that any incident of harassment or assault has violated criminal law and/or triggered the school's mandatory child abuse reporting obligations, the incident will be reported to the appropriate legal authorities.