



## **SEXUAL ABUSE & MISCONDUCT POLICY**

### **INTRODUCTION**

Oregon Interscholastic Snowboard Association (OISA) is committed to preventing sexual harassment, abuse, and similar inappropriate conduct toward its students and its employees, and appropriately responding to any concerns or complaints of harassment, abuse, or inappropriate conduct. There are two parts to this commitment: prevention and response. Prevention includes carefully hiring qualified staff after appropriate background and criminal checks, instituting a policy against harassment, abuse, and inappropriate conduct, and annual education and training of all employees about the policy. Response includes instituting a complaint procedure for students, parents, and employees to utilize if they have witnessed or are aware of conduct that may violate this policy and instituting investigation and response guidelines.

### **POLICY**

OISA is committed to maintaining a professional educational environment in which all employees and students are treated with respect and dignity. Each individual has the right to work and attend programs in a professional atmosphere which promotes equal opportunities and prohibits all forms of harassment, unlawful discrimination, exploitation, or intimidation. This policy applies to staff, employees, volunteers, contractors, visitors, students, and parents. Conduct such as violence, harassment, sexual abuse, inappropriate relations, and inappropriate discrimination based on personal characteristics are inherently destructive and will not be tolerated.

OISA recognizes that its educational mission requires an environment of professionalism and trust. Actions that detract from such an environment are to be guarded against. Relationships between program leaders and students, supervisor and employee should be built on professionalism and trust, should be consistent with the organization's mission and should avoid even the appearance of a conflict of interest, exploitation, personal favoritism or bias. Accordingly, no member of the faculty, staff or administration shall: (1) engage in a sexual/romantic or otherwise inappropriate relationship (whether or not consensual) with any student; or (2) engage in a sexual/romantic/amorous/social/personal relationship with any person over whom they have authority or influence when or to the degree such relationship may be a



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conflict of interest, impair objectivity, or create the appearance of impropriety, bias, or favoritism.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as gender, color, race, ancestry, religion, national origin, age, disability, veteran, or other protected group status. Harassment includes conduct that demeans or shows hostility or aversion toward an individual because of his or her protected status or that of his or her relatives, friends, or associates. Harassment or abuse, whether verbal or physical, will not be tolerated.

Sexual harassment may be described as unwanted sexual advances, request for sexual favors and other physical conduct and expressive behavior of a sexual nature where: (1) submission to such conduct is an explicit or implicit term or condition of an individual's education or employment; or (2) submission to or rejection of such conduct is used as the basis for an academic or employment decision; or (3) such conduct has the purpose or effect of unreasonably interfering with the educational or work environment. No member of the OISA staff shall engage in any conduct of a sexual nature with any student. Submission to unwanted advances or sexual conduct will never constitute an actual condition of employment or academic or extracurricular opportunity. Any representation to the contrary is not to be relied upon. Immediate reporting of any such conduct is mandatory.

Other patterns of unacceptable behavior by faculty, staff, or students in this category include habitual, demeaning, or derogatory comments that are belittling, insensitive, and/or crude; destructive criticism; student humiliation or dehumanization; rejection and alienation. While OISA recognizes the need for effective and constructive criticism as a part of the learning process, feedback does not have to be demeaning or dehumanizing. The following behaviors are those which demonstrate disrespect of others and a lack of professionalism and interpersonal conduct. Although it is impossible to list all possible examples of harassment, poor judgment, or unprofessional conduct which may violate this policy, the following examples shall serve to illustrate the kind of conduct, speech, and behavior that is prohibited:

- Verbal abuse of a sexual, racial, ethnic, religious nature;
- Commenting upon an individual's body or clothing in a sexually offensive manner;
- Unwelcome or inappropriate touching of another person;
- Degrading words to describe an individual's race, age, sex, religion, ancestry, or disability;
- Similarly degrading objects, pictures, clothing, cartoons, magazines, e-mails or computer images;



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- Graphic verbal commentary relating to an individual's body, sexual prowess, or sexual deficiencies;
- Coerced sexual activities;
- Unwanted sexual advances;
- Demands for sexual favors;
- Inappropriate sexually-oriented verbal “kidding”, “teasing”, or jokes;
- Sexually suggestive, foul, or obscene language or gestures;
- Displays of sexually suggestive, foul, or obscene printed or visual material or objects;
- Inappropriate physical contact such as patting, pinching, or brushing against another's body;
- Unwanted physical contact (e.g., hitting, slapping, kicking, pushing, or the threat of the same);
- Loss of personal civility, including shouting, personal attacks or insults, displace of temper (such as throwing objects);
- Requests for others to perform inappropriate personal errands;
- Grading or evaluation on factors unrelated to performance, effort, or achievement;
- Discrimination based on race, religion, national origin, sex, age, or physical or mental disabilities;
- Repeated or gross singular episodes of psychological punishment of a student by a superior (e.g., public humiliation, dehumanization, belittlement or derogatory comments, threats, intimidation, rejection, alienation);
- Repeated or gross singular episodes of annoying or humiliating conduct which offends a reasonable person to whom the conduct was obviously directed, including, but not limited to, the following: condescending expressions, gestures or behavior, speech, physical contact, or repeated inappropriate telephone or e-mail messages;
- Demonstration of favoritism through degrading or attention because of an individual's sex or in exchange for sexual favors;
- Demonstration of the use of punishment by the assigning of tasks not for educational purposes; and
- Intentional neglect or intentional lack of communication.

While such conduct often can be unlawful sexual harassment only if it is both unwelcome and either severe or pervasive, OISA nonetheless discourages any such conduct, regardless of the circumstances and regardless of whether it is unlawful. Good judgment should prevail.

All persons who work for or with OISA must avoid any behavior or conduct that could reasonably be interpreted as unlawful harassment or inappropriate behavior.



## **COMPLAINT PROCEDURE**

OISA encourages individuals who believe they are being harassed to clearly and promptly notify the offender that the behavior is unwelcome. This informal procedure is not required. If the individual does not wish to approach the offender directly, or if the notice does not end the harassment, then the individuals should immediately notify the OISA President.

### **Student Reporting Requirements**

Any student who feels that he or she has been mistreated or experienced or witnessed conduct that violates this policy should immediately report such behavior to the OISA President. Students may also consult with a Coach or program leader. Any staff who receives a report or complaint from a student or parent about a potential violation of this policy must immediately report it to the OISA President.

### **Parent Reporting Requirements**

Parents who have a complaint or concern about possible sexual harassment of or misconduct with any student in connection with incidents they have experienced or of which they are aware are to report such complaint or concern immediately to the OISA President.

### **Employee Reporting Requirements**

Any employee of OISA who has a complaint or concern about possible sexual harassment or misconduct in violation of this policy must report it immediately to the OISA President. Any employee who receives an expressed complaint or concern from any student or who is aware of any conduct that may violate this policy must immediately report it to the OISA President, regardless of whether the student has requested confidentiality.

### **Investigation**

Upon receiving notification of a complaint under this policy, the OISA President shall promptly begin an investigation into the facts and circumstances of the Complaint.

Any complaint of sexual harassment shall be reduced to writing by either the reporting individual or the individual receiving the complaint, in order to ensure an accurate record of the behavior. This written report shall remain confidential to the extent permitted by law. Prompt reporting of



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complaints is encouraged and necessary as it permits for a timely response and resolution of the complaint.

Steps will be taken to ensure that the concern is promptly investigated and that other appropriate action is promptly taken. There will be no retaliation against anyone for reporting discrimination or harassment, or for cooperating with the investigation of a complaint of discrimination or harassment. The OISA will honor a complainant's request for confidentiality regarding any complaint and the result of its investigation to the fullest extent practicable.

Upon receipt of a complaint or other specific information regarding possible harassment, the person responsible for investigation shall:

1. Promptly and confidentially investigate the incident(s) and surrounding circumstances by talking to, and obtaining signed statements from, witnesses or other persons having information. This should be done before contacting the alleged offender. If there is substance to the allegation, the investigation may be more productive if witness information is gathered before the alleged offender knows the investigation is underway.
2. After conducting the first interviews with witnesses, the investigator should advise the alleged offender of the complaint even if the allegations have already been disproved. If the problem is a misunderstanding, future incidents may be prevented. On the other hand, if the allegations are true, they may be admitted by the offender, with or without statements of justification or mitigation.
3. If the allegation is not proven or admitted during Steps 1 and 2 above, the investigator shall conduct further investigation until he/she has made a determination or it becomes apparent that further investigation is unlikely to lead to a reliable conclusion.
4. Throughout the investigation, a conscious effort must be made to judge the credibility of the information received. In particular, any circumstances which could lead to the complainant or witnesses to give false or substantially biased information must be identified, investigated, or considered.
5. If the investigation confirms that a violation of this policy has occurred, the investigator shall report the findings to the OISA President in writing, with a recommendation for disciplinary action or other remedial measures. If the investigation either exonerates the alleged offender or is inconclusive, the investigator shall report those findings in writing to the OISA President.
6. After the investigation of a complaint is concluded, OISA will advise the complaining person of the outcome of an investigation, although not necessarily all details of the actions OISA has taken to maintain an environment free of harassment. A concerted effort must be made to provide employees and students with an environment free of all forms of mistreatment and harassment. Accusations or violations of this policy are grievous and can have serious and



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far-reaching effects on the careers and lives of accused individuals. Allegations must be made in good faith and not out of malice. Any accusations found to be malicious in intent will be subject to disciplinary action. Any retaliatory action is considered a violation of this policy.

## **DISCIPLINE**

When the investigation determines someone has violated this policy, appropriate corrective action will be taken. Any employee or student found to have engaged in a violation of this policy shall be subject to discipline. Appropriate sanctions may include, but are not limited to, oral or written reprimand, referral to counseling, reassignment, suspension without pay, or termination of employment. In investigating complaints of harassment or inappropriate conduct under this policy, OISA may impose discipline for inappropriate conduct regardless of whether the conduct constitutes a violation of the law and even if that conduct may not rise to the level of a violation of this policy. However, if the investigation reveals that the individual making the complaint has falsely (and in bad faith or out of malice) accused another employee or student of sexual harassment, the complaining individual shall be subject to discipline, including but not limited to oral or written reprimand, suspension, termination of employment, and/or discipline.

Adopted 3-2021