

PERSONNEL

Sexual Harassment of District Staff Prohibited

The district is committed to a positive and productive working environment free from discrimination, including sexual harassment. This commitment extends to all employees and other persons involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation, or at a class training held elsewhere.

For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur student to adult, adult to adult or can be carried out by a group of students or adults and will be investigated by the District even if the alleged harasser is not a part of the school staff or student body. The district prohibits sexual harassment of district employees by other students, employees or third parties involved in school district activities.

Under federal and state law, the term "sexual harassment" includes:

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communications that interferes with an individual's employment performance or creates an intimidation, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied obtaining work opportunity or other benefit;
- sexual demands where submission or rejection is a factor in a work or other school-related decision affecting an individual.

A "hostile environment" for an employee is created where the unwanted conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidation, hostile, or abusive.

Investigation and Response

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, the district will promptly investigate to determine what occurred and will take appropriate steps to resolve the situation. If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end sexual harassment, eliminate the hostile environment, prevent its occurrence and, as appropriate, remedy its effects. The district will take prompt, equitable and remedial action within its authority every time a report, complaint and grievance alleging sexual harassment comes to the attention of the district, either formally or informally.

Allegations of criminal misconduct may be reported to law enforcement and suspected child abuse shall be reported to law enforcement or Child Protective Services. Regardless of whether the misconduct is reported to law enforcement, school staff will promptly investigate to determine what occurred and take appropriate steps to resolve the situation to the extent that such investigation does not interfere with an on-going criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sexual harassment.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending staff or third parties involved in school district activities. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

#### Retaliation and False Allegations

Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline

#### Staff Responsibilities

The superintendent will develop and implement formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt time lines and delineate staff responsibilities under this policy.

Any school employee who witnesses sexual harassment or receives report, informal complaint, or written complaint about sexual harassment is responsible for informing the district's Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.

Reports of discrimination and discriminatory harassment will be referred to the district's Title IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

#### Notice and Training

The superintendent will develop procedures to provide information and education to district staff, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum, sexual harassment recognition and prevention and the elements of this policy will be included in staff and regular volunteer orientation. This policy and the procedure, which includes the complaint process, will be posted in each district building in a place available to staff, parents, volunteers and visitors. Information about the policy and procedure will be clearly stated and conspicuously posted throughout each school building, provided to each employee and reproduce in each staff, volunteer and parent handbook. Such

notices will identify the District's Title IX coordinator and provide contact information, including the coordinator's email address.

Policy Review

The superintendent will make an annual report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, will be included in the report. The superintendent is encouraged to involve staff, volunteers and parents in the review process.

Cross References:	Board Policy 5010	Employment Practices:
		Nondiscrimination and
		Affirmative Action
	5255	Disciplinary Action and Discharge
	5242	Communications Responsibility

Legal References:	RCW 28A.400.310	Law against discrimination
		applicable to district's
		employment practices
	28A.640.020	Regulations, guidelines to
		eliminate discrimination
	Ch. 49.60	Law Against Discrimination
	WAC 392-200	Employment Discrimination
	392-190-058	Sexual harassment--Definitions
	42 U.S.C. 2000c, <i>et seq.</i>	Title VII of the Civil Rights Act
		of 1964
	42 U.S.C. 2000h, <i>et seq.</i>	Title IX of the Educational
		Amendments of 1972
	42 U.S.C. § 12101-12213	Americans with Disabilities Act
	29 C.F.R. Part 1604.11	Sexual harassment

Adoption Date: June 13, 2017

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Harassment Free Environment-Sexual Harassment

1. Definitions

“Sexual harassment” means unwelcome sexual advances, request for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

- a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;
- b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s education or employment; or
- c. That conduct or communication has the purpose or effect of substantially interfering with an individual’s educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

Sexual harassment may include, but is not limited to, demands for sexual favors in exchange for preferential treatment or something of value; stating or implying that a person will lose something if he or she does not submit to a sexual request; penalizing a person for refusing to submit to a sexual advance or providing a benefit to someone who does; making unwelcome, offensive or inappropriate sexually suggestive remarks, comments, gestures, or jokes, or remarks of a sexual nature about a person’s appearance, gender, sexual orientation or conduct; using derogatory sexual terms for a person; standing too close, inappropriately touching, cornering or stalking a person; or displaying offensive or inappropriate sexual illustrations on school property.

For the purpose of this definition, sexual harassment may include conduct or communication that involves adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male, and female to female.

2. District Action

The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse will be reported to law enforcement or child protective services. Persons found to have been subjected to sexual harassment will have appropriate school district services made reasonably available to them, and adverse consequences of the harassment shall be reviewed and remedied as appropriate.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff and contractors. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted as appropriate. Disciplinary action must conform with any applicable collective bargaining agreements and state and federal law.

Reprisal or retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

All staff are responsible for receiving informal complaints and reports of sexual harassment and informing appropriate district personnel of the complaint or report for investigation and resolution. All staff are also responsible for directing formal complainants to the appropriate administrator or supervisor.

The district will provide age-appropriate informational and education to district staff, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum, sexual harassment recognition and prevention and the elements of this policy will be included in staff, student and regular volunteer orientation. This policy shall be posted in each district building in a place available to staff, students, parents, volunteers and visitors. The policy shall be reproduced in each students, staff, volunteer and parent handbook.

The superintendent will make a periodic report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, shall be included in the report. Staff, students, volunteers and parents may be included in the review process.

The elimination of sex discrimination is also addressed in related policies which govern employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and the selection of textbooks and instructional materials.

### 3. Complaint Process

#### **a. Informal Complaint Process**

Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member, although staff shall always inform complainants of their right to and the process for filing a formal complaint. Staff shall also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. Staff shall also inform an appropriate supervisor or professional staff member when they

receive complaints of sexual harassment, especially when the complainant is beyond their training to resolve or alleges serious misconduct. Informal remedies include an opportunity for the complainant to explain to the alleged harasser that his or her conduct is not appropriate and could lead to discipline if proven or repeated; or a general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant, parent or guardian, or because the district believes the complaint needs to be more thoroughly investigated.

**b. Formal Complaint Process**

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. Potential complainants who wish to have the district hold their identity confidential shall be informed that the district will almost assuredly face due process requirements that will make available all of the information that the district has to the accused. The district will, however, fully implement the anti-retaliation provisions of this policy to protect complainants and witnesses. Student complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The superintendent or designated compliance officer (hereinafter referred to as the compliance officer) may conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint. The following process shall be followed:

- A. The compliance officer shall receive and investigate all formal, written complaints of sexual harassment or information in the compliance officer's possession that the officer believes requires further investigation.
- B. All formal complaints shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The compliance officer may draft the complaint based on the report of the complainant for the complainant to review and sign.
- C. When the investigation is completed, the compliance officer shall compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the superintendent shall take further action on the report.
- D. The superintendent shall respond in writing to the complainant and the accused within thirty (30) days, or upon conclusion of the investigation if after thirty (30) days, stating:
  1. That the district does not have adequate evidence to conclude that harassment occurred;

2. Corrective actions that the district intends to take; and/or
  3. That the investigation is incomplete to date and will be continuing.
- E. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's written response unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Disciplinary action must conform with any applicable collective bargaining agreement and state and federal law.

If a student remains aggrieved by the superintendent's response, he or she may pursue the complaint as one of sexual discrimination pursuant to Board Policy 3210—Nondiscrimination. Similarly, staff may pursue complaints further through the appropriate collective bargaining agreement process or anti-discrimination policy.