

## **Sexual Harassment of Students Prohibited**

This district is committed to a positive and productive education free from discrimination, including sexual harassment. This commitment extends to all students 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 or school training held elsewhere.

### **Definitions**

For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur adult to student, student to student 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 students 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 communication that interferes with an individual's educational performance or creates an intimidating, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied condition of obtaining an educational benefit;
- sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

A "hostile environment" has been created for a student when sexual harassment is sufficiently serious to interfere with or limit the student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to demonstrate a repetitive series of incidents. In fact, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe, violent, or egregious.

### **Investigation and Response**

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, it will promptly investigate to determine what occurred and 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 the sexual harassment, eliminate the hostile environment, prevent its recurrence and as appropriate, remedy its effects. 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. The district will take these steps every time a complaint, alleging sexual harassment comes 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. 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 ongoing 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 students, staff or other 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 a report, informal complaint, or written complaint about sexual harassment is responsible for informing the district 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 age-appropriate information 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 and the procedure, which includes the complaint process, will be posted in each district building in a place available to staff, students, 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 reproduced in each student, 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, students, volunteers and parents in the review process.

Cross References: 3207 - Prohibition of Harassment, Intimidation and Bullying  
3210 - Nondiscrimination  
3211 - Transgender Students  
3240 - Student Conduct  
3421 - Child Abuse, Neglect and Exploitation Prevention

5010 - Nondiscrimination and Affirmative Action  
5011 - Sexual Harassment of District Employees Prohibited

Legal References: RCW 28A.640.020 Regulations, guidelines to eliminate discrimination —  
Scope — Sexual harassment policies  
WAC 392-190-058 Sexual harassment  
20 U.S.C. §§ 1681-1688

Management 2015 - July Policy Alert  
Resources: 2014 - December Issue  
2010 - October Issue

Adoption Date: October 21, 2015  
Classification: **Essential**  
Revised Dates: **10.11; 12.14; 07.15**

## STUDENTS

### Sexual Harassment of Students Prohibited Procedure

Any student who believes that he or she has been subjected to sexual harassment by another student, District staff member, parent or volunteer, or any employee, parent, or volunteer who has been subjected to sexual harassment by a student, or any individual who believes he/she has witnessed, or who becomes aware of, a sexual harassment situation, has an obligation to report the alleged harassment promptly. Students, employees, parents, and volunteers are encouraged to report the harassment to one of the following, without fear of reprisal: teacher, counselor, or building administrator. Confidentiality, both for the complainant and the accused, will be maintained to the extent appropriate and permissible under the circumstances.

#### Informal Complaints

The student, employee, parent, or volunteer may consult with any of the above-identified staff members without filing a formal complaint. As a result of this informal conference, the building administrator will begin action to resolve the alleged harassment on an informal basis. That action will include investigating the allegation in order to determine whether the alleged conduct occurred and, if it occurred, whether it constitutes a violation of the District's policy against sexual harassment. In making such a determination, the administrator conducting the investigation shall consider the totality of the circumstances, the nature of the allegation(s), and the context in which the alleged incident(s) occurred.

At the option of the victim, informal remedies may include an opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive, or inappropriate, either in writing or face-to-face; a statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or a general statement from an administrator in a building reviewing the District sexual harassment policy without identifying the complainant. Discipline may be imposed by the building administrator as a result of the informal resolution process. Informal complaints may become formal complaints at the request of the complaining party or if the District believes the complaint needs to be more thoroughly investigated and/or is necessary for purposes of imposing appropriate disciplinary action.

#### Formal Complaints

Formal complaints of sexual harassment must be in writing, though no special form need be used. The complaint must set forth the specific acts, conditions, or circumstances alleged to constitute a violation of the District's policy against sexual harassment and be signed by the complaining party. Formal complaints should be directed to the District's executive director of Human Resources, unless

the complaint is against the executive director, in which case it should be directed to the superintendent. Upon receiving such a formal complaint, it shall be investigated by the executive director of Human Resources (or superintendent when the executive director is the subject of complaint) or his/her designee. All such complaints will be promptly investigated and, where appropriate, immediate corrective action will be taken. To the highest degree possible, allowing for a fair investigation, all such complaints will be treated in a confidential manner. During the course of the investigation, the rights of all involved in the investigative process, including the complainant, the accused, and the witnesses, will be protected, and all parties shall be afforded due process. Persons who knowingly report false allegations of sexual harassment or corroborate false allegations of sexual harassment will be subject to appropriate discipline or other sanctions.

A written report of the findings shall be sent to the superintendent within thirty (30) calendar days following receipt of the formal complaint by the executive director of Human Resources. The superintendent shall then provide a written decision to the complaining party and the party(ies) accused within fourteen (14) days of receipt of the written report from the executive director of Human Resources. Any complainant not satisfied with the decision of the superintendent may submit a written appeal to the District's Board of Directors within ten (10) days of the issuance of the superintendent's decision. The Board of Directors shall schedule and hold a hearing on or before the twentieth (20) day following receipt of any such appeal and shall render a written decision concerning the appeal on or before the tenth (10) day following any such hearing.

To the extent appropriate under the circumstances, the District will protect the rights of all persons involved in this complaint process, including persons alleging sexual harassment, persons against whom sexual harassment allegations have been raised and witnesses. Students, volunteers, parents, or personnel involved in this process shall not suffer restraint, interference, discrimination, coercion, or reprisal on account of participation in the District's sexual harassment complaint procedures.