

## **Sexual Harassment of Students Prohibited**

The district is committed to an educational and working environment 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 training held elsewhere.

### **Sexual Harassment Defined**

For purposes of this policy, sexual harassment means unwelcome conduct, communication, sexual advances, requests 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:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education;
2. 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
3. That conduct or communication has the purpose or effect of substantially interfering with an individual's educational performance, or of creating an intimidating, hostile, or offensive educational environment.

Sexual harassment can occur adult to student, student to student or can be carried out by a group of students or adults and may 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.

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.

### **Reporting Sexual Harassment**

The superintendent/designee 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 timelines and delineate staff responsibilities under this policy. All district employees 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 shall direct potential complainants to a school administrator or the designated Title IX or Civil Rights Compliance Officer who can explain the informal and formal complaint processes.

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 as appropriate and within its authority on substantiated reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. The district will take such steps as appropriate 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 necessarily relieve the district of its independent obligation to investigate and resolve sexual harassment.

### **Discipline**

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

### **Retaliation Prohibited**

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.

### **False Allegations**

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 or other appropriate sanctions.

### **Staff Responsibilities**

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 Officer. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator. All staff are also responsible for directing complainants to the formal complaint process.

District/school staff including employees, contractors, and agents shall not provide a recommendation of employment for an employee, contractor, or agent that the district/school or the individual acting on behalf of the district/school knows or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law.

## Notice and Training

The superintendent/designee 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 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/designee 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/designee is encouraged to involve staff, students, volunteers, and parents in the review process.

### Cross References:

<a href="#">Policy 3207</a>	Prohibition of Harassment, Intimidation and Bullying
<a href="#">Policy 3210</a>	Nondiscrimination
<a href="#">Policy 3211</a>	Transgender Students
<a href="#">Policy 3240</a>	Student Behavior, Rules of Conduct, Restorative Practices and Corrective Action
<a href="#">Policy 3421</a>	Child Abuse, Neglect and Exploitation Prevention
<a href="#">Policy 5010</a>	Nondiscrimination and Affirmative Action
<a href="#">Policy 5011</a>	Sexual Harassment

### Legal References:

<a href="#">34 C.F.R. § 106</a>	Title IX of the Education Amendments of 1972
<a href="#">20 U.S.C. §§ 1681-1688</a>	Regulations, guidelines to eliminate discrimination - Scope - Sexual harassment policies
<a href="#">RCW 28A.640.020</a>	Sexual harassment
<a href="#">WAC 392-190-056 058</a>	Investigation and Complaint Procedures
<a href="#">WAC 392-190-065 075</a>	

Adopted:	08/24/2005
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Superintendent:	Dr. Adam Swinyard