



SEXUAL HARASSMENT OF DISTRICT STAFF PROHIBITED

Policy No. 5011
Personnel
Page 1 of 3

Highline Public Schools is committed to a positive and productive education and working environment free from discrimination, including sexual harassment. The district prohibits sexual harassment of employees and others involved in school district activities by other students, employees, or third parties, whether that activity is in a school facility, on school transportation, or at an event or training held elsewhere.

Definitions

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.

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 employment 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 a 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 intimidating, 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 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 or 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. 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. Persons found to have been subjected to sexual harassment will have appropriate school district services made available to them and adverse consequences of the harassment will be reviewed and remedied, as appropriate.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending staff or third parties involved in district activities. Anyone else who engages in sexual harassment on school property or at school activities will have 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. The district will notify involved individuals of the prohibition on 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. All staff are responsible for receiving informal complaints and reports of sexual harassment and informing the Civil Rights Compliance Officer of the complaint or report for investigation and resolution. 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 Civil Rights Compliance Officer. 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 volunteer orientation. This policy and the procedure, which includes the complaint process, shall be posted in each district building in a place available to staff, parents, volunteers and visitors. The policy and procedure will be reproduced in each staff, volunteer and parent handbook if those handbooks exist or are created, and will identify the compliance officer.

Policy Review

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

Cross References:

Sexual Harassment of Students Prohibited.....	Policy 3205
Prohibition of Harassment, Intimidation and Bullying Board.....	Policy 3207
Nondiscrimination - Programs & Activities Board.....	Policy 3210
Transgender Students.....	Policy 3211
Student Conduct.....	Policy 3240
Child Abuse and/or Neglect Board.....	Policy 3421
Nondiscrimination and Affirmative Action Board.....	Policy 5010
Disciplinary Action and Discharge Board.....	Policy 5281

Legal References:

Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies.....	RCW 28A.640.020
Sexual Harassment.....	WAC 392-190-056 to 058
20 U.S.C. §§1681-1688	

Management Resources:

Policy News Alert, July 2015
Policy News, October 2010
Policy News, December 2014

Adopted by the Board: May 24, 1995

Revised by the Board: 8.00; 3.04; 8.12; 9.15; 10.15

Classification: Essential