



# Highline Public Schools Board Action Report

Supports the Strategic Plan

DATE: October 30, 2019

FROM: Dr. Susan Enfield, Superintendent

LEAD STAFF: Dr. Steve Grubb, Chief Talent Officer

For Introduction: November 6, 2019 For Action: November 20, 2019

**I. TITLE** Sexual Harassment of District Staff Prohibited - Policy 5011

**II. WHY BOARD ACTION IS NECESSARY** Board action is necessary to approve proposed revisions for this policy.

### III. BACKGROUND INFORMATION

Revisions for "Sexual Harassment of District Staff Prohibited - Policy 5011" have been made to better align the policy to two essential policies for our district strategic plan: Equity Policy 0010 and the proposed Workplace Environment and Culture - Policy 5000. In addition, the compliance officer is named as the Chief Talent Officer for 5011. A steering committee made up of central office personnel and school-based personnel, in addition to HR department leadership, contributed to the proposed revisions in this policy.

### IV. RECOMMENDED MOTION

I move that the Highline School Board approve the proposed revisions for policy 5011.

### V. FISCAL IMPACT/REVENUE SOURCE

Fiscal impact to this action will be (amount and source including fund Example - \$522,000 from general fund Title 1 revenue).

There is no additional fiscal impact. This work is already underway.

The revenue source for this motion is BEA.

Expenditure:  One-time  Annual

### VI. APPLICABLE POLICY(S)

This action is in compliance with the following: Highline Public Schools Equity Policy (0010) and the proposed Workplace Environment and Culture (5000)

### VII. ALTERNATIVES

Alternatives include keeping the policy as is without more explicit alignment to our district beliefs stated in our Equity Policy (0010) and the proposed Workplace Environment and Culture (5000).

### VIII. COMMUNITY ENGAGEMENT

Community Engagement Required:  Yes  No

### IX. POLICY MONITORING PLAN

This  new or  revised policy will be monitored by the School Board:

Quarterly  Semi-Annually  Annually  Not Applicable

The metrics that will be used to monitor this policy include: Standard HR reporting metrics

**X. ATTACHMENTS**

HPS Policy 5011 - Sexual Harassment of District Staff Prohibited - Clean for Approval

HPS Policy 5011 - Sexual Harassment of District Staff Prohibited - Redline for Review



## Policy 5011 – SEXUAL HARASSMENT OF DISTRICT STAFF PROHIBITED

Highline Public Schools is committed to a positive and productive education and working environment free from discrimination, intimidation, and retribution 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. A commitment to a positive and productive education and working environment free of sexual harassment is a commitment to a strong workplace and educational environment and culture for our staff and students.

### 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 and/or experience 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 Chief Talent Officer of the complaint or report for investigation and resolution. All staff are also responsible for directing complainants to the formal complaint process.

### **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 procedure, which includes the complaint process, shall be posted in each district building in a place available to staff, parents, volunteers and visitors. This policy and procedure will be reproduced in each staff, volunteer and parent handbook if those handbooks exist or are created, and will identify the Chief Talent Officer as the point of contact for complaints.

### **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.

**District Cross Reference:**

Equity Policy – Policy 0010

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 - Policy 3421

Workplace Environment and Culture – Policy 5000

Nondiscrimination and Affirmative Action - Policy 5010

Disciplinary Action and Discharge - Policy 5281

**WSSDA Cross References:**

Sexual Harassment of District Staff Prohibited – WSSDA Policy 5011

**Legal Reference:**

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

Highline School District 401

Adopted by the Board: May 24, 1995

Revised by the Board: 8.00; 3.04; 8.12; 9.15; 10.15; 11.19

Classification: Essential



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~~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.~~

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