

## **POLICY – SEX DISCRIMINATION AND SEX-BASED HARASSMENT OF STUDENTS PROHIBITED**

**3205**

This District is committed to a positive and productive education free from discrimination. The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by federal and state laws. 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.

The District has jurisdiction over complaints of sex discrimination, including sex-based harassment, pursuant to the Federal law Title IX of the Education Amendments of 1972 (Title IX) and Washington State laws, including Chapter 28A.640 RCW and Chapter 392-190 WAC.

This policy is developed to meet the District's obligations under Title IX and aligned with Washington State laws and regulations that define sex discrimination. Sex discrimination that does not fall under this policy may be addressed under other District policies and procedures.

The District prohibits sex discrimination of students by other students, employees, or third parties involved in school District activities. The District also prohibits sex discrimination in the policies, procedures, and practices of the District's program and activities, including but not limited to counseling and guidance services, recreational and athletics activities, and access to course offerings.

For purposes of this policy, "sex discrimination" includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression. Sex-based harassment is a form of sex discrimination and is prohibited by this policy.

### **Definitions**

Sex-based harassment means sexual harassment or other harassment on the basis of sex stereotypes, sex characteristics, sexual orientation, gender identity, gender expression, pregnancy or related conditions, and marital status.

The term "sexual harassment" includes the following, which Title IX defines at 34 C.F.R. § 106.2:

- "Quid pro quo harassment,"
- "Hostile environment harassment," and
- Specific offenses of sexual assault, dating violence, domestic violence, or stalking.

Sexual harassment is also prohibited under state law as defined at WAC 392-190-056 and includes unwelcome 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:

- a. Submission to that conduct or communication is condition of obtaining an education or
- b. a factor in decisions affecting that individual's education; or
- c. the 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.

- d. Harassment based on sexual orientation, gender expression, or gender identity is also prohibited under Washington state law.

For the purpose of these definitions, sex-based harassment may include conduct or communication that involves adult to student, student to adult, student to student, and adult to adult, regardless of sex or gender identity.

The District will address all sex-based harassment in its program and activities, even when some conduct alleged to be contributing to a hostile environment occurs outside of its program or activities.

### **Investigation and Response**

The Superintendent will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sex discrimination and will include reasonable and prompt timelines and delineate roles and responsibilities for such.

If the District knows, or reasonably should know, that sex discrimination has occurred, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that sex-based harassment has created a hostile environment, the District will take prompt and effective steps reasonably calculated to end the sex-based 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 sex discrimination that comes to the attention of the District, either formally or informally. The District will take these steps every time a complaint, alleging sex discrimination comes to the attention of the District.

Allegations of criminal misconduct 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 sex-based 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 sex-based harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

### **Retaliation and False Allegations**

It is a violation of this policy to engage in retaliation, as defined under federal and state laws, including retaliation by a student against another student, and retaliation will result in appropriate discipline. The District will take appropriate actions to protect the persons involved from retaliation.

It is a violation of this policy to knowingly report false allegations of sex discrimination. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline. However, no party, witness, or others participating in the District's grievance process will be disciplined based solely on a determination of whether sex discrimination occurred under the Superintendent's procedure.

### **Staff Responsibilities and Training**

The superintendent will develop and implement procedures that identify the roles, responsibilities, and training requirements of the Title IX Coordinator and other District employees.

The Superintendent will also develop materials to provide age-appropriate information and education to District staff, students, parents, and volunteers regarding this policy and the recognition and prevention of sex-based harassment.

### **District Notice**

At a minimum, the District's website will include a statement that the District prohibits sex discrimination and sex-based harassment in any education program or activity that it operates, as required by Title IX and other laws, and employment. It will also state that questions about Title IX, how to locate the District's policy and grievance procedure, and how to report sex discrimination or make a complaint may be directed to the District's Title IX Coordinator. The Title IX Coordinator's contact information will also be provided, including their name or title, office address, email address, and telephone number.

This policy and the procedure, which includes the complaint process, will be conspicuously posted in each District building in a place accessible to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will be clearly stated and 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.

Additionally, sex-based harassment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientations.

### **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.

Legal References: RCW 49.60 Washington Law Against Discrimination  
2024 Title IX Regulations at 34 C.F.R. 106 et seq.  
20 U.S.C. 1681-1688  
WAC 392-190-058 Sexual harassment  
RCW 28A.640.020 Regulations, guidelines to eliminate  
discrimination  
WAC 162-32-040 Harassment

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