



TO: BOARD OF DIRECTORS

FROM: Maurene Stanton, Executive Director of Human Resources

SUBJECT: Second Reading Policy 5011 Sexual Harassment

DATE: August 16, 2022

This is the second reading of the updated Personnel Policy 5011 Sexual Harassment. Updates reflect changes recommended by Washington State School Directors Association. It is identified as an essential policy by the Washington State School Directors Association. Changes are minimal as the policy was updated one year ago.

Recommendation:

We recommend the board approve Policy 5011 Sexual Harassment.

SEXUAL HARASSMENT

The district is committed to providing a positive and productive working environment free from discrimination, including sexual harassment. This commitment extends to all employees and other persons 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 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. The district prohibits sexual harassment of district employees 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 employment performance or ~~creates~~ **creates an intimidating**, hostile, or offensive environment;
- Unwelcome sexual advances;
- Unwelcome requests for sexual favors;
- Sexual demands when submission is stated or implied obtaining 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 intimidation, 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 sexual harassment, eliminate the hostile environment, prevent its occurrence and, as appropriate, remedy its effects. The district will take prompt, equitable and remedial action within its authority every time a report, complaint and grievance 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 on-going 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 staff or 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 report, informal complaint, or written complaint about sexual harassment is responsible for informing the district's Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.

This policy applies to sexual harassment (including sexual violence) targeted at district employees carried out by a student, employee, or third party involved in school district activities. A formal complaint **filed by an employee or** filed by or on behalf of a student complainant against an employee respondent will be investigated under the definitions, requirements, and procedures of Policy 3206 and Procedure 3206P.

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 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 regular volunteer orientation. The sexual harassment policy and procedure, which includes the complaint process, will be posted in each district building in a place available to staff, 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 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, volunteers and parents in the review process.

Cross References:	Procedure 5011P	Sexual Harassment
	Policy 3206	Sexual Harassment (Students)
	Procedure 3206P	Sexual Harassment (Students)
	Policy 5161	Civility in the Workplace
	Policy 3210	Nondiscrimination (Students)
	Policy 3421	Child Abuse, Neglect, and Exploitation Prevention
	Policy 5010	Nondiscrimination and Affirmative Action
	Policy 3207	Prohibition of Harassment, Intimidation and Bullying
	Policy 3211	Gender Inclusive Schools

Legal References: RCW 28A.640.020

WAC 392-190-058
20 U.S.C. § 1681-1688

Regulations, guidelines to eliminate
discrimination – Scope – Sexual harassment
policies
Sexual Harassment

Management Resources **2022 – June Policy Alert**
2015 – July Policy Alert
2014 – December Issue
2010 – October Issue

Revised: 12.17.13; 09.06.16; 12.18.18; 05.21.19; 8.17.21