Sex Discrimination and Sex-Based Harassment of Students Prohibited

The 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 and 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.

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, adult to adult, male to female, female to male, male to male, and female to female.

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.

The district has also developed other specific, related policies for students to comply with its obligations under State and Federal laws, including nondiscrimination (Policy 3210), pregnant and parenting students (Policy 3206), gender-inclusive schools (Policy 3211), district employees (Policy 5011), and pregnant and parenting staff (5012) to comply with its obligations under State and Federal laws, including Title IX, and to create inclusive and welcoming school-communities.

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. The procedure can be found at 3205P.1.

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 come to the attention of the district. 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 as required by law. 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 sex-based 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 and the Superintendent's procedure, including retaliation by a student against another student, 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 sex discrimination. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline as discussed in the Superintendent's procedure. 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 a procedure that identifies 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. The procedures can be found at 3205P.2.

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.

Cross References:	3207 - Prohibition of Harassment, Intimidation, and Bullying of Students
	3210 - Nondiscrimination
	3211 - Gender-Inclusive Schools
	3241 - Student Discipline
	5010 - Nondiscrimination and Affirmative Action
	5011 - Sex Discrimination and Sex-Based Harassment of District Staff Prohibited
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 Scope Sexual harassment policies
	WAC 162-32-040 Harassment
Management Resources:	2020 - August Issue
	2015 - July Policy Alert
	2014 - December Issue
	2010 - October Issue

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