

Sex Discrimination and Sex-Based Harassment of Students Prohibited

The district is committed to providing a positive educational environment free from discrimination. The district does not discriminate based on 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, under 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 was developed to meet the district's obligations under Title IX and align 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 programs and activities, including but not limited to counseling and guidance services, recreational and athletics activities, and access to course offerings.

Sex Discrimination Defined

- A. **Sex discrimination** includes discrimination based on sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression. Sex-based harassment and sexual harassment, as defined below, are forms of sex discrimination and are prohibited by this policy.
- B. Under 34 CFR 106.2, **sex-based harassment** means sexual harassment and other harassment based on sex stereotypes, sex characteristics, sexual orientation, gender identity, gender expression, pregnancy or related conditions, and marital status that is quid pro quo harassment as defined by 34 CFR 106.2, hostile environment harassment as defined by 34 CFR 106.2, or constitutes one of the specific offenses identified by 34 CFR 106.2 (e.g., sexual assault, dating violence, domestic violence, stalking).
- C. Under WAC 392-190-056, **sexual harassment** means 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 one of the following applies:
 - a. Submission to the conduct or communication is made a term or condition of obtaining an education, either explicitly or implicitly.
 - b. An individual's submission to or rejection of conduct or communication is used as a factor in decisions affecting that individual's education.
 - c. The conduct or communication has the purpose or effect of substantially interfering with an individual's educational performance or creating an intimidating, hostile, or offensive educational environment.

Sexual 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.

Investigation and Response

The superintendent or designee will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sex discrimination.

If the district knows, or reasonably should know, that sex discrimination has occurred, it will promptly investigate to determine what happened 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 district's attention.

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 discrimination 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 discrimination on school property or at school activities will have their access to school property and activities restricted, as appropriate.

Retaliation and False Allegations

Engaging in retaliation, as defined under federal and state laws, including retaliation by a student against another student, is a violation of this policy 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. However, no party, witness, or others participating in the district's grievance procedure will be disciplined based solely on a determination of whether sex discrimination occurred.

Staff Responsibilities and Training

The superintendent or designee will develop and implement a procedure that identifies the roles, responsibilities, and training requirements of the Title IX Coordinator and other employees.

The superintendent or designee 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

The district will provide a notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives of students, employees, applicants for employment, and all unions and professional organizations holding collective bargaining or professional agreements with the district.

The notice will include the following:

- A statement that the district does not discriminate based on sex and prohibits sex discrimination and sex-based harassment in any education program or activity that it operates, as required by state law and Title IX, including in employment.
- A statement that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator, the Office for Civil Rights, or both.
- The name or title, office address, email address, and telephone number of the district's Title IX Coordinator.
- How to locate the district's sex discrimination policy and grievance procedure.
- How to report information about conduct that may constitute sex discrimination.
- How to make a complaint of sex discrimination.

