

## **SEXUAL HARASSMENT OF DISTRICT STAFF PROHIBITED: 5011**

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The District is committed to 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 that constitutes sexual harassment under Title IX or Chapter 28A.640 RCW. The term “sexual harassment” under this policy relates to legal definitions, which are described below. The District will refer to legal definitions when responding to potential sexual harassment.

The District prohibits sexual harassment of staff by students, other employees, or third parties involved in district activities. Sexual harassment can occur student-to-adult, adult-to-adult or can be carried out by a group of students or adults. The District will respond to sexual harassment even if the alleged harasser is not a part of the school staff or student body.

Under Chapter 28A.640 RCW, the term “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 if:

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;
- submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s education or employment; or
- that conduct or communication has the purpose or effect of substantially interfering with an individual’s educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

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 intimidating, hostile, or abusive.

Under Title IX, the term “sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- an employee of the District conditioning the provision of an aid, benefit or service on an individual’s participation in unwelcome sexual conduct;
- conduct that creates a “hostile environment,” meaning unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or

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- “sexual assault,” as defined in 20 U.S.C. § 1092(f)(6)(A)(v); “dating violence,” as defined in 34 U.S.C. § 12291(a)(10); “domestic violence,” as defined in 34 U.S.C. 12291(a)(8); or “stalking,” as defined in 34 U.S.C. § 12291(a)(30).

### **District’s Response**

If the District knows, or reasonably should know, about sexual harassment, it will promptly take:

- A. appropriate action to investigate; and
- B. effective steps reasonably calculated to end harassment, eliminate any hostile environment, prevent its recurrence, and remedy its effects as appropriate.

This policy applies to sexual harassment (including sexual violence) targeted at district employees carried out by a student, employee, or a third party involved in school district activities. A formal complaint filed by or on behalf of a student complainant against an employee respondent will be investigated under the definitions, requirements, and procedures of Policy 3205 and Procedure 3205P.

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 respond to sexual harassment to the extent that the response does not interfere with an ongoing criminal investigation. A criminal investigation does not relieve the District of its independent obligation to respond to sexual harassment.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, 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 timelines and delineate staff responsibilities under this policy.

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Any school employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the District's Title IX Coordinator. All staff are also responsible for directing complainants to the formal complaint process.

Reports of discrimination and discriminatory harassment will be referred to the district's Title IX and 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. This policy and the 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 reproduce in each staff, volunteer, and parent handbook. Such notices will identify the District's Title IX Coordinator and provide contact information, including the Title IX Coordinator's email address.

### **Policy Review**

This policy will be reviewed annually for the use and efficacy of this policy with recommended changes being made by Human Resources to the Superintendent.

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| Cross References: | Administrative Policy – 3205 | Sexual Harassment of Students Prohibited                                                 |
|                   | Administrative Policy – 3207 | Prohibition of Harassment, Intimidation, and Bullying                                    |
|                   | Administrative Policy – 3210 | Nondiscrimination                                                                        |
|                   | Administrative Policy – 3211 | Gender-Inclusive Schools                                                                 |
|                   | Administrative Policy – 3241 | Discipline and Corrective Action for Scholar Misconduct                                  |
|                   | Administrative Policy – 3421 | Child Abuse and Neglect                                                                  |
| Legal References: | Administrative Policy – 5010 | Nondiscrimination and Affirmative Action                                                 |
|                   | 20 U.S.C. §§ 1681-1688       | Title IX of the Education Amendments of 1972                                             |
|                   | RCW 28A.640.020              | Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies |
|                   | WAC 392-190-058              | Sexual Harassment                                                                        |