SEXUAL HARASSMENT OF DISTRICT STAFF PROHIBITED

The procedure is intended to set forth the requirements of Policy 5011, including the process for a prompt, thorough, and equitable investigation of allegations of sexual harassment and the need to take appropriate steps to resolve such situations. If sexual harassment is found to have created a hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence, and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at district employees carried out by students, other employees, or third parties involved in school district activities. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

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.

I. Notice of Sexual Harassment Policy

A. Posting of Notices

Information about the district's sexual harassment policy will be easily understandable and conspicuously posted throughout each school building, provided to each employee and reproduced in each staff, volunteer and parent handbook. In addition to the posting and reproduction of this procedure and Policy 5011, the district will provide annual notice to employees that complaints pursuant to this procedure may be filed at: Title IX Compliance Officer, Sumner-Bonney Lake School District, 1202 Wood Ave, Sumner, WA 98390.

B. Responding to Notice of Sexual Harassment

Once the district is on notice of possible sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

In the event of an alleged sexual assault, the school principal will immediately inform the Title IX Coordinator so that the district can appropriately respond to the incident consistent with its own grievance procedures. The principal will notify the targeted district staff person of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

II. Supportive Measures

Supportive measures must be offered to the complainant before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may also be provided to the respondent.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent. Supportive measures should be designed to restore or preserve access to the district's education program or activity without unreasonably burdening the other party.

Supportive measures may include:

- An opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant;
- Developing a safety plan;
- Modifications of work or class schedules;
- Mutual restrictions on contact between the parties;
- Increased security and monitoring of certain areas of the campus or school building, or
- Providing staff and/or student training.

The district will inform the complainant how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and respond promptly and appropriately to address any new or continuing problems appropriately. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

A complainant may file a formal complaint at any time while receiving supportive measures. A complainant, their parent or guardian, or the Title IX Coordinator may file a formal complaint because, for example, they feel the complaint needs to be more thoroughly investigated or discipline may be warranted for an individual alleged to have engaged in sexually harassing conduct.

III. Confidentiality

- The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures.

- If a complainant requests that their name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the district Title IX Coordinator for evaluation. The district Title IX Coordinator should inform the complainant that the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff, and other third parties engaging in

district activities, including the person who reported the sexual harassment.

- If the complainant's request that their name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator can be honored, the district Title IX Coordinator should notify the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. However, the district will use other appropriate means available to address the sexual harassment.

IV. Retaliation

Title IX prohibits retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the district will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment, or against those who provided information as a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

V. Formal Title IX Sexual Harassment Complaint Process

In response to formal complaints of sexual harassment, the district will take prompt and appropriate action to investigate and take prompt and effective steps reasonably calculated to end harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Anyone may initiate a formal complaint of sexual harassment.

A. Filing of Complaint

All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The Title IX Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The Title IX Coordinator may also conclude that the district needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.

Complaints must be filed within one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392- 190-005.

Complaints may be submitted by mail, fax, email, or hand-delivery to the district Title IX Coordinator. Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.

B. Discipline and Emergency Removals for Alleged Sexual Harassment under Title IX

A respondent who is accused of sexual harassment under Title IX and this process is presumed not responsible for the alleged conduct until after a determination regarding responsibility is made at the conclusion of the grievance/investigation process.

Until a determination of responsibility for sexual harassment is made, the district may not impose any disciplinary sanctions or other punitive actions against the respondent. (Supportive measures are not disciplinary sanctions and must be non-punitive.)

In rare instances, a district may remove a student from school on an emergency basis consistent with Policy and Procedure 3241 – Student Discipline.

Additionally, a non-student employee respondent may be placed on administrative leave during the pendency of a grievance process.

C. Formal Complaints by Staff will be Processed under the Procedures of 3205P

The district will consider a formal complaint concerning the sexual harassment of an employee under the process, definitions, and standards outlined for formal complaintsn Section VI. of Procedure 3205P. If the formal complaint proceeds with an investigation under that procedure, the parties will have the appeal rights designated in that procedure.

If a formal complaint was filed, employees will also be permitted to use the Title IX Informal Resolution Process under that procedure.

If the Title IX Coordinator must dismiss a complaint under that procedure, the Title IX Coordinator will provide the complainant with written notice that the complaint has been dismissed. The notice should also inform the complainant whether the complaint has been:

- Referred for consideration under the district's policy prohibiting discrimination against staff, including sex-based discrimination Policy 5010, and its procedures for investigating a complaint under that policy.
- Referred for other action or consideration under another District policy and procedure.
- Dismissed with no further action anticipated because the information provided does not suggest a potential violation of District policy or state or federal law.

The complainant must be provided notice of the right to appeal any dismissal decision(s) to the district Title IX Coordinator. Additionally, dismissal of a prior complaint shall not be a basis for refusing to consider any new formal complaints filed by the same complainant or their legal representative.

I. Other Complaint Options

Office for Civil Rights (OCR), U.S. Department of Education
OCR enforces several federal civil rights laws, which prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability, and age. File complaints with OCR within 180 calendar days of the date of the alleged discrimination.
206-607-1600 | TDD: 1-800-877-8339 | OCR.Seattle@ed.gov | www.ed.gov/ocr

Washington State Human Rights Commission (WSHRC)
WSHRC enforces the Washington Law Against Discrimination (RCW 49.60), which prohibits discrimination in employment and in places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.
1-800-233-3247 | TTY: 1-800-300-7525 | www.hum.wa.gov

II. Investigation Recordkeeping

The district will maintain, for a period of seven years, records of all sexual harassment investigations.

The district will maintain, for a period of seven years, records of each Title IX sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant; and any appeal from the result of a determination regarding responsibility.

The district will maintain, for a period of seven years, records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment under Title IX.

III. Training and Orientation

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure.

Certificated staff will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

- Demands for sexual favors in exchange for preferential treatment or something of value;
- Stating or implying that a person will lose something if he or she does not submit to a sexual request;
- Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
- Using derogatory sexual terms for a person;
- Standing too close, inappropriately touching, cornering or stalking a person; or

- Displaying offensive or inappropriate sexual illustrations on school property.

IV. Policy and Procedure Review

Annually, the superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The Title IX Compliance Coordinator will be included in the committee. Based on the review of the committee, the superintendent will prepare a report to the board including, if necessary, any recommended policy changes. The superintendent will consider adopting changes to this procedure if recommended by the committee.

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