

## **Sexual Harassment**

The superintendent, in conformance with direction established in policy by the Board of Directors, is committed to a positive and productive educational and working environment which is free from sex discrimination, including sexual harassment. The district prohibits sexual harassment of students, employees and others involved in school district activities.

### **1. Sexual Harassment Defined**

- 1.1 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 (2) or more individuals if:
  - 1.1.1 submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;
  - 1.1.2 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
  - 1.1.3 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.
- 1.2 For the purpose of this definition, 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.

### **2. District Action**

The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district through the formal or informal grievance procedure. Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse will be reported to law enforcement or Child Protective Services (CPS). Possible remedies for complainants are:

- 2.1 to register or file a formal or informal grievance with the district; then, if applicable
- 2.2 to appeal the decision of the superintendent to the Board of Directors; then, if applicable
- 2.3 to appeal the Board of Directors' decision to the Office of the Superintendent of Public Instruction (OSPI); or, if applicable
- 2.4 to file a complaint with the Equal Employment Opportunity Commission (EEOC) or Human Rights Commission (HRC); or, if applicable
- 2.5 to file a civil action.

The grievance procedure shall not prohibit the processing of grievances by an employee bargaining representative and/or a member of a bargaining unit pursuant to grievance procedures established at the school district level by the local bargaining agreement.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff, parents, volunteers and/or other adults. Anyone else who engages in sexual harassment on school premises or at school activities will have their access to school district premises and activities restricted, as appropriate.

Retaliation against any person who makes a complaint or is a witness in a sexual harassment grievance is prohibited and will result in appropriate discipline or other appropriate sanction. The district will take appropriate action to protect involved persons from retaliation.

It is a violation of this operational procedure to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

The superintendent shall develop and implement formal and informal grievance processes for receiving, investigating and resolving complaints or reports of sexual harassment. The processes will include reasonable and prompt time lines and delineate staff responsibilities under this operational procedure. All staff shall report complaints of sexual harassment to the appropriate district personnel. All staff are responsible for directing complainants to the grievance process and its complaint form; see 5010.1X and 5010.2X.

The superintendent shall develop procedures to provide age-appropriate information and education to district staff, students, parents and volunteers regarding this operational procedure and the recognition and prevention of sexual harassment. Sexual harassment recognition and prevention and the elements of this operational procedure will be included in staff, student and regular volunteer orientations, inservice training, or other appropriate forums. This operational procedure shall be posted in each district building in a place available to students, staff, parents, volunteers and/or other adults and made available to those persons on request.

#### Cross References:

- (cf.: 2161 – Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973)
- (cf.: 3201 – Student Rules, Regulations, and Conduct: Teacher and Staff Rights and Responsibilities)
- (cf.: 3203 – Alternative Discipline Process in Substance Abuse Offenses)
- (cf.: 3210 – Nondiscrimination and Complaint)
- (cf.: 3215 – Prohibition of Harassment, Intimidation and Bullying)
- (cf.: 3216 – Sexual Harassment)
- (cf.: 3441 – Child Abuse, Neglect and Exploitation Prevention)
- (cf.: 5010 – Equal Employment Opportunity and Nondiscrimination)
- (cf.: 5012 – Prohibition of Discrimination, Harassment, Intimidation, and/or Bullying)
- (cf.: 5255 – Disciplinary Action and Discharge)

#### Legal References:

- RCW 9A.36.080 Malicious Harassment
- RCW 9A.44.010 Definitions
- RCW 28A.640.020 Sexual Equity
- RCW 46.60 Law against Discrimination

WAC 392 - 190-056 Sexual Harassment Definitions

Title IX of the Education Amendment of 1972; Title VI of the Civil Rights Act of 1964 as amended in 1972 and 1991

Sec. 703, Title VII of the Civil Rights Act of 1964 as amended in 1972 and 1991

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