

## **Sexual Harassment of District Staff Prohibited**

This district is committed to a positive and productive education and 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 or school training held elsewhere.

### **Definitions**

For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur student to adult, adult to adult or can be carried out by a group of students or adults and will be investigated by the District even if the alleged harasser is not a part of the school staff or student body. The district prohibits sexual harassment of district employees by other students, employees or third parties involved in school district activities.

Under federal and state law, the term “sexual harassment” includes:

1. Acts of sexual violence;
2. Unwelcome sexual or gender-directed conduct or communication that interferes with an individuals’ employment performance or creates an intimidating, hostile, or offensive environment;
3. Unwelcome sexual advances;
4. Unwelcome request for sexual favors;
5. Sexual demands when submission is a stated or implied condition of obtaining a work opportunity or other benefit;
6. Submission to or rejection of sexual demands is a factor in an academic, work or other school-related decision affecting an individual.

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.

### **Investigation and Response**

Sexual harassment occurs when:

1. Submitting to the harasser's sexual demands is a stated or implied condition of obtaining an education or work opportunity or other benefit;
2. Submission to or rejection of sexual demands is a factor in an academic, work or other school-related decision affecting an individual; or

3. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services.

Unwelcome sexual or gender-directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile or offensive environment. The more severe the conduct, the less need there is to show a repetitive series of incidents to evidence a hostile environment. A single or isolated incident of sexual violence may create a hostile environment.

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, the district will promptly investigate to determine what occurred and will take appropriate steps to resolve the situation. If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sexual 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 every time a report, complaint and or grievance alleging sexual harassment comes to the attention of the district, either formally or informally.

Persons found to have been subjected to sexual harassment will have appropriate school district services made reasonably available to them and adverse consequences of harassment will be reviewed and remedied, as appropriate. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be report to law enforcement or Child Protective Services. 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 on-going criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sexual harassment.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff or other third parties involved in school district activities, contractors, and 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 time lines and delineate staff responsibilities under this policy.

All staff is responsible for receiving informal complaints and reports of sexual harassment and informing appropriate district personnel of the complaint or report for investigation and resolution. 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 or Civil Rights Compliance Coordinator. All staff is 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/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district Section 504 Coordinator.

### **Notice and Training**

The superintendent will develop procedures to provide age-appropriate information and education to district staff, students, 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 student 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, students, parents, volunteers and visitors. Information about the policy and procedure will be easily understood and conspicuously 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.

### **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, and volunteers and parents in the review process.

### **Cross References:**

- Policy 3205, Sexual Harassment of Students Prohibited
- Policy 3207, Prohibition of Harassment, Intimidation and Bullying
- Policy 3210, Nondiscrimination
- Policy 3211, Transgender Students
- Policy 3240, Student Conduct
- Policy 3421, Child Abuse, Neglect and Exploitation Prevention
- Policy 5010, Nondiscrimination and Affirmative Action

### **Legal References:**

- RCW 28A.640.020, Regulations, guidelines to eliminate discrimination – Scope - Sexual harassment policies
- WAC 392-190-056-058, Sexual harassment
- 20 U.S.C. 1681-1688

Management Resources:

2015 - July Policy Alert

2014 - December Issue

2010 - October Issue

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**School District: Reardan-Edwall School District No. 009**

**Classification: Essential**

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