

STUDENTS

Sexual Harassment of Students Prohibited

This district is committed to a positive and productive education free from discrimination, including sexual harassment. This commitment extends to all students and others involved in academic, educational, extracurricular, athletic, or 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 that constitutes sexual harassment under Title IX or Chapter 28A.640 RCW. The term “sexual harassment” under this policy relates to certain legal definitions, which are described below. The district will refer to those legal definitions when responding to potential sexual harassment.

The district prohibits sexual harassment of students by other students, employees, or third parties involved in district activities. Sexual harassment can occur adult-to-student, can occur student-to-student, 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” has been created for a student when sexual harassment is sufficiently serious to interfere with or limit the student’s ability to participate in or benefit from the school’s program. The more severe the conduct, the less need there is to demonstrate a repetitive series of incidents. In fact, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe, violent, or egregious.

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Definitions (continued)

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 of 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
- “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 (1) appropriate action to investigate, and (2) effective steps reasonably calculated to end harassment, eliminate any hostile environment, prevent its recurrence, and remedy its effects as appropriate.

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 other third parties involved in 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.

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Staff Responsibilities

The superintendent or designee 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.

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/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

District/school staff, including employees, contractors, and agents, will not provide a recommendation of employment for an employee, contractor, or agent that the district/school, or the individual acting on behalf of the district/school, knows or has probable cause to believe has engaged in sexual misconduct with a student or minor in violation of the law.

Notice and Training

The superintendent or designee will develop procedures to provide age-appropriate information and education to district staff, students, parents/guardians, and volunteers regarding this policy and the recognition and prevention of sexual harassment. At minimum, sexual harassment recognition and prevention and the elements of this policy will be included in staff, 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/guardians, 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 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 or designee 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 or designee is encouraged to involve staff, students, volunteers, and parents/guardians in the review process.

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Cross reference:	Policy 3210	Nondiscrimination
	3300	Student Conduct Expectations and Reasonable Sanctions
	3308	Prohibition of Harassment, Intimidation, and Bullying/Cyberbullying
	3421	Child Abuse and Neglect Prevention
	5013	Personnel: Sexual Harassment of District Staff Prohibited
Legal reference:	20 U.S.C. §§ 1691 <i>et seq.</i>	
	34 CFR Part 106	
	RCW 28A.640.020	Regulations, guidelines to eliminate discrimination—
		Scope—Sexual harassment policies
	Chapter 392-190 WAC	

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