

## 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 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 adult to student, student to student, 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 students by other students, employees or third parties involved in School District activities.

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

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communication that interferes with an individual’s educational performance or creates an intimidating, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied condition of obtaining an educational benefit;
- sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

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.

#### **Investigation and Response**

If the District knows, or reasonably should know, that sexual harassment may be creating a hostile environment, it will promptly investigate to determine whether a hostile work environment exists, and if so, take appropriate steps to resolve the situation. Specifically, 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 on

reports, complaints and grievances alleging sexual harassment that come to the attention of the District, either formally or informally. The District will take these steps every time a complaint, alleging sexual harassment comes to the attention of the District.

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 investigate to determine what occurred and take appropriate steps to resolve the situation, to the extent that such investigation does not interfere with an ongoing criminal investigation. A criminal investigation does not relieve the District of its independent obligation to investigate and resolve sexual harassment, although it may impact the timing of such investigation and resolution.

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. 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.

### **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.

Any school employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing an administrator. Failure to promptly inform an administrator may itself result in disciplinary action, up to and including discharge.

Any individual who has been found, after appropriate investigation, to have sexually harassed a staff member, volunteer, parent or student will be subject to disciplinary action up to and including expulsion for students, discharge for staff or denial of access to school property or activities for others. The District shall take prompt remedial action designed and intended to correct any established sexual harassment without adversely affecting the victim.

### **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 disciplinary action.

### **Notice and Training**

The superintendent is directed to develop procedures that provide for receiving, investigating, and resolving a complaint of alleged sexual harassment. Reprisals or retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate disciplinary actions.

The superintendent shall 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, student, and regular volunteer orientation. This policy shall be posted in each District building in a place available to staff, students, parents, volunteers, and visitors. The policy shall be reproduced in each student, staff, volunteer, and parent handbook.

### **Policy Review**

This policy shall be reviewed yearly by the Cabinet.

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### **Cross Reference:**

3200 – Students’ Rights and Responsibilities  
3207 – Prohibition of Harassment, Intimidation and Bullying  
3210 – Nondiscrimination  
3240 – Student Conduct  
3241 – Classroom Management and Student Discipline  
5010 – Nondiscrimination and Affirmative Action  
5011 – Sexual Harassment of District Staff Prohibited

### **Legal References:**

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

Adoption Date: January 26, 2000  
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