

POLICY NO. 5500
Adopted: 9-28-94
Revised: 8-22-07
Revised: 2-26-14

SEXUAL HARASSMENT OF STUDENTS

POLICY:

The Lake Stevens School District is committed to providing a positive and productive learning environment for students free of all forms of discrimination, including sexual harassment. This is accomplished through teaching using a curriculum which stresses acceptance of cultural and physical differences. The intent is to create an environment free from insult, discriminatory behavior, and malice. A form of discrimination, sexual harassment adversely affects the student's ability to learn in addition to eroding school morale. The District prohibits sexual harassment of its students whether committed by a peer, employee, contractor, or volunteer. Such behavior is cause for disciplinary action up to and including expulsion for the offending student and dismissal of the employee. Whereas sexual harassment substantially compromises the attainment of educational excellence, the District will not tolerate such behavior between the same or opposite sex.

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. Unwelcome sexual or gender-directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Sexual harassment can occur 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.

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. Allegations of criminal misconduct will be reported to law enforcement. Persons found to have been subjected to sexual harassment will have appropriate school district services made reasonably available to them and

adverse consequences of the harassment will be reviewed and remedied, as appropriate.

Sexual Harassment by a District Staff Member

A certificated or classified employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee shall report such abuse or misconduct to the appropriate school administrator. The administrator shall report to the proper law enforcement agency if he or she has reasonable cause to believe that the misconduct or abuse has occurred as required under RCW 26.44.030.

Harassment as Sexual Abuse

Under certain circumstances, sexual harassment may constitute child abuse under Washington State's criminal statutes.

Nothing in this policy will prohibit the District from taking appropriate action to protect victims of alleged child abuse (refer to Policy/Procedures No. 5470: Child Abuse or Neglect).

Grounds for Disciplinary Action

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff, and contractors. 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 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.

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 members are responsible for receiving informal complaints and reports of sexual harassment and informing appropriate district personnel of the complaint or report for investigation and resolution. All staff members are also responsible for directing complainants to the formal complaint process.

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

Assurance of Confidentiality

Those involved with a sexual harassment investigation are expected to protect the confidentiality of all individuals and of information related to the case.

Legal References:

Section 703, Title VII of the Civil Rights
Act of 1964
29 CFR 1604.11
RCW 46.60 Law Against Discrimination
RCW 28A.640.020 Regulations, guidelines to eliminate discrimination
Scope-Sexual harassment policies
WAC 392-190-056-058 Sexual harassment

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PROCEDURES:

The procedure for resolving complaints concerning sexual harassment which creates an adverse affect in the school environment may be informal initially. Should the process be unsuccessful at the informal level, it becomes formal. The procedures are as follows:

Informal Complaint Process:

Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member, although staff will always inform complainants of their right to and the process for filing a formal complaint. Staff will also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. 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. Informal remedies include:

- A. 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;
- B. 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; or
- C. A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant.

Formal Complaint Process:

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. Potential complainants who wish

to have the District hold their identity confidential will be informed that the District will almost assuredly face due process requirements that will make available to the accused all of the information that the District has related to the complaint. The District will, however, fully implement the anti-retaliation provisions of this policy to protect complainants and witnesses. Student complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The Superintendent or designated Compliance Officer may 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. The following process will be followed:

- A. The Compliance Officer will receive and investigate all formal written complaints of sexual harassment or information in the Compliance Officer's possession that the officer believes requires further investigation.
- B. All formal complaints will be in writing; will be signed by the complainant; and will set forth the specific acts, conditions, or circumstances alleged to have occurred and to constitute sexual harassment. The Compliance Officer may draft the complaint based on the report of the complainant, for the complainant to review and sign.
- C. When the investigation is completed the Compliance Officer will compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the Superintendent will take further action on the report.
- D. The Superintendent will respond in writing to the complainant and the accused within thirty days stating:
 1. That the District does not have adequate evidence to conclude that harassment occurred;
 2. Corrective actions that the District intends to take; and/or
 3. That the investigation is incomplete to date and will be continuing.
- E. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty days after the superintendent's written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.

Appeal Procedure:

- A. Level One

If a complainant remains aggrieved as a result of the action or inaction of the Superintendent in resolving a complaint, the complainant may appeal to the Board of the district by filing a written notice of appeal with the Secretary of the Board by the 10th calendar day following:

1. The date upon which the complainant received the Superintendent's response, or
2. The expiration of the 30-calendar day response period based on the receipt of the complaint by the school district, whichever occurs first; and
3. The Board will schedule a hearing to commence by the 20th calendar day following the filing of the written notice of appeal. Both parties will be allowed to present such witnesses and testimony as the Board deems relevant and material. The Board will render a written decision by the 10th calendar day following the termination of the hearing and will provide a copy to the complainant.

B. Level Two

If a complainant remains aggrieved as a result of the decision of the board in resolving a complaint, the complainant may appeal to the Superintendent of Public Instruction by filing a written notice of appeal with the Superintendent of Public Instruction by the 10th calendar day following the date upon which the complainant received written notice of the Board's decision.

The Superintendent of Public Instruction will schedule a hearing to commence by the 40th calendar day following the filing of the written notice of appeal. The notice of appeal must state the areas of disagreement and the relief requested.

Appeals to the Superintendent of Public Instruction will be conducted de novo and in compliance with the state Administrative Procedures Act. The complainant will present his or her case and the District will defend the decision rendered by the Board.

Training and Orientation:

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:

- A. Demands for sexual favors in exchange for preferential treatment or something of value;
- B. Stating or implying that a person will lose something if he or she does not submit to a sexual request;
- C. Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- D. 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;
- E. Using derogatory sexual terms for a person;
- F. Standing too close, inappropriately touching, cornering, or stalking a person; or
- G. Displaying offensive or inappropriate sexual illustrations on school property.

Annually, the Superintendent or designee will review this policy for regulatory changes. As needed, 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 Compliance Officer will be included in the committee. Based on the review of the committee, the Superintendent shall prepare a report to the Board including, if necessary, any recommended policy changes. The Superintendent shall consider adopting changes to this procedure if recommended by the committee.