

## Sexual Harassment

This district is committed to a positive and productive education and working environment free from discrimination, including sexual harassment. The district prohibits sexual harassment of students, employees and others involved in school district activities.

Sexual harassment occurs when:

- A. Submitting to the harasser's sexual demands is a stated or implied condition of obtaining an education or work opportunity or other benefit;
- B. Submission to or rejection of sexual demands is a factor in an academic, work or other school-related decision affecting an individual; or
- C. 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 and suspected child abuse will be reported to law enforcement or Child Protective Services. 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.

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 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 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.

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:	Model Policy 3207	Prohibition of Harrassment, Intimidation and Bullying
	Model Policy 3210	Nondiscrimination
	Model Policy 3240	Student Conduct
	3421	Child Abuse, Neglect and Exploitation Prevention
	Model Policy 5010	Nondiscrimination and Affirmative Action
	Model Policy 5281	Disciplinary Action and Discharge
Legal References:	RCW 28A.640.020	Regulations, guidelines to eliminate discrimination — Scope—Sexual harrassement policies
	WAC 392-190-056-058	Sexual harassment
Management Resources:		
	<i>Policy News</i> , October 2011	Policy Manual Revisions

**Adoption Date: February 18, 2014**

## Sexual Harassment

### **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:

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

Informal complaints may become formal complaints at the request of the complainant, parent, guardian, or because the district believes the complaint needs to be more thoroughly investigated.

### **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:

- 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.
- 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.
- 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.
- The Superintendent will respond in writing to the complainant and the accused within thirty days stating:

- That the district does not have adequate evidence to conclude that harassment occurred, and/or
- Corrective actions that the district intends to take; and/or
- The response of the Superintendent will include notice of the complainant's right to appeal to the school board, and will identify where and to whom the appeal must be filed.
- 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**

- **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:

- The date upon which the complainant received the Superintendent's response, or
- The expiration of the 30-calendar day response period based on the receipt of the complaint by the school district, whichever occurs first.

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. The response of the board will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed.

- **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 20th calendar day following the date upon which the complainant received written notice of the board's decision.

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 school district will defend the decision rendered by the board.

### **Training and Orientation**

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure. Certificated staff

will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents. Parents will be provided with copies of this policy and procedure and appropriate materials on the recognition and prevention of sexual harassment.

A copy of the district's sexual harassment policy must be included in any publication of the district or of a school that sets forth the rules, regulations, procedures, and standards of conduct for the school or school district. The policy must also be conspicuously posted in each school district, and provided to each employee, volunteer, and student.

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:

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

### **Sexual Harassment**

Students and staff are protected against sexual harassment by anyone in any school program or activity, including on the school campus, on the school bus or off-campus, such as a school-sponsored field trip.

### **Sexual harassment is unwelcome behavior or communication that is sexual in nature when:**

- A student or employee is led to believe that he or she must submit to unwelcome sexual conduct or communications in order to gain something in return, such as a grade, a promotion, a place on a sports team or any educational or employment decision, or
- The conduct substantially interferes with a student's educational performance or creates an intimidating or hostile educational employment environment.

### **Examples of sexual harassment:**

- Pressuring a person for sexual favors

- Unwelcome touching of a sexual nature
- Writing graffiti of a sexual nature
- Distributing sexually explicit texts, e-mails or pictures
- Making sexual jokes, rumors or suggestive remarks
- Physical violence, including rape and sexual assault

**How do I report sexual harassment?**

You can report sexual harassment to any school staff member or to the district's Title IX Officer: Anna Fazzari, Prosser High School, 1203 Prosser Avenue, (509)786-1224

For a copy of your district's Sexual Harassment policy and procedure, contact your school or district office. [www.prosserschools.org](http://www.prosserschools.org)