

SEXUAL HARASSMENT OF STUDENTS PROHIBITED

The Woodland School District is committed to providing students with 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 district, whether that program or activity occurs in a school facility, on school transportation, or elsewhere.

The district prohibits sexual harassment of students by other students, employees, and third parties involved in district programs or activities. Complaints of sexual harassment of students will be investigated by the district even if the alleged harasser is not a district employee or student.

Definitions

The following definitions apply for purposes of this policy and accompanying procedures:

1. “Sexual harassment” means unwelcome conduct or communication of a sexual nature between two or more individuals. Sexual harassment toward students may occur by adults, other students, or a group of adults and/or students. Under federal and state law, sexual harassment includes, but is not limited to, the following types of conduct:
 - Acts of sexual violence;
 - Unwelcome sexual or gender-directed conduct or communication that substantially interferes with a student’s educational performance or creates an intimidating, hostile, or offensive environment;
 - Unwelcome sexual advances;
 - Requests for sexual favors;
 - Sexually motivated physical contact;
 - Sexual demands, when submission is a stated or implied condition of obtaining an educational benefit; and
 - Sexual demands, where submission or rejection is a factor in an academic or other school-related decision affecting a student.
2. “Hostile environment” means the environment 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 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.

Complaints of Sexual Harassment

The superintendent will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt timelines and delineate employee responsibilities under this policy.

Investigation and Response

Upon receipt of a complaint of sexual harassment, or if the district knows, or reasonably should know, that sexual harassment has created a hostile environment or otherwise occurred, it will promptly and thoroughly investigate as required by federal and state laws and regulations. The district's investigation will determine what occurred and 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 harassment, eliminate the hostile environment, prevent recurrence of the harassment, and, as appropriate, remedy the effects of the harassment. The district will take prompt and equitable 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 report allegations of criminal misconduct to law enforcement and suspected child abuse to law enforcement or Child Protective Services. Regardless of whether the misconduct at issue is reported to law enforcement, district employees 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.

Engaging in sexual harassment will result in appropriate corrective action or other appropriate sanctions against offending students, employees, or other parties involved in district programs or activities. Engaging in sexual harassment on district property or at school activities may result in restrictions on a person's access to district property and activities, as allowed by law.

Retaliation and False Allegations

The district prohibits retaliation against any person who makes or is a witness in a sexual harassment complaint. Retaliation will result in appropriate corrective action. 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 corrective action.

Employee Responsibilities

Any district 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 employees are also responsible for directing complainants to the formal complaint process.

In general, reports of discrimination and discriminatory harassment will be referred to the district's Title IX Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

District employees, contractors, and agents will not assist an employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or District knows, or has probable cause to believe, that such person engaged in sexual misconduct regarding a minor or student in violation of the law. This requirement will not apply when:

- the information giving rise to probable cause was properly reported to a law enforcement agency with jurisdiction and any other authorities as required by federal, state, or local law, and the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
- the school employee, contractor, or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or
- the case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

Notice and Training

The superintendent will develop procedures to provide age-appropriate information and education to district employees, 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 orientations for employees, students, and regular volunteers. This policy and the accompanying procedures, which include the complaint process, will be posted in each school building in a place available to employees, students, parents/guardians, volunteers, and visitors. Information about this policy will be easily understood and conspicuously posted throughout each school building, provided to each employee, and reproduced in each employee, student, parent/guardian, and volunteer handbook. Such notices will identify the district's Title IX Coordinator and provide contact information.

Policy Review

The superintendent will periodically review the use and efficacy of this policy and related procedures. The superintendent is encouraged to involve employees, students, parents/guardians, and volunteers in the review process.

Cross reference: Board Policy 3207

Prohibition of Harassment, Intimidation, and Bullying

	Board Policy 3210	Nondiscrimination
	Board Policy 3240	Student Conduct Expectations and Reasonable Sanctions
	Board Policy 3241	Classroom Management, Discipline, and Corrective Action
	Board Policy 3421	Child Abuse and Neglect Prevention
	Board Policy 5010	Nondiscrimination and Affirmative Action
	Board Policy 5011	Sexual Harassment of District Employees
	Board Policy 5281	Disciplinary Action and Discharge
Legal reference:	Chapter 28A.640 RCW	Sexual Equality
	Chapter 392-190 WAC	Equal Educational Opportunity—Unlawful Discrimination Prohibited
	Chapter 49.60 RCW	Discrimination—Human Rights Commission
	20 U.S.C. §§ 1681-1688	
	U.S. Department of Education Office for Civil Rights, Dear Colleague Letter, dated April 4, 2011	
	U.S. Department of Education Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence, dated April 29, 2014	
	U.S. Department of Education Office for Civil Rights, Dear Colleague Letter, dated April 24, 2015	
	Office of Superintendent of Public Instruction, Prohibiting Discrimination in Washington Public Schools, dated February 2012	
Management Resources:	2015 – July Policy Alert	
	2014 - December Issue	
	2010 - October Issue	

Revision Date: 6/24/19
Adoption Date: January 23, 2017
Woodland School District #404