

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 at a class or school training held 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~~For purposes of this policy ~~and accompanying procedures:~~

1. ~~“Sexual, sexual harassment”~~ means unwelcome conduct or communication of a sexual nature ~~between two or more individuals.~~ Sexual harassment ~~toward students may can~~ occur ~~by adults, other students, or adult to student, student to student or can be carried out by~~ a group of ~~adults and/or students. Under federal and state law, 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 includes, but is not limited to, the following types of conduct:~~of students by other students, employees, or third parties involved in school district activities.

Acts

The term “sexual harassment” may include:

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

“Hostile

2. A “hostile environment” ~~means the 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~~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.

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~~to 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 sexual harassment, eliminate the hostile environment, prevent its recurrence ~~of the harassment~~, and, as appropriate, remedy ~~the~~its effects ~~of the harassment~~. The district will take prompt ~~and~~ 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, either formally or informally.

~~The district will report allegations.~~

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 ~~at issue~~ is reported to law enforcement, ~~district employees~~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.

~~Engaging in sexual harassment will result in appropriate~~ corrective action~~discipline~~ or other appropriate sanctions against offending students, ~~employees, staff~~ or other third parties involved in school district ~~programs or~~ activities. ~~Engaging~~Anyone else who engages in sexual harassment on ~~district's~~school property or at school activities may result in restrictions on a person's will have their access to ~~district's~~school property and activities restricted, as allowed by law~~appropriate~~.

Retaliation and False Allegations

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

Employee

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~~ district's 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~~district Title IX or Civil Rights Compliance Coordinator. All ~~employees~~staff are also responsible for directing complainants to the formal complaint process.

~~In general, reports~~

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~~shall not ~~assist~~provide a recommendation of employment for an employee, contractor, or agent ~~in obtaining a new job, apart from that~~ the ~~routine transmission of administrative and personnel files, if~~ district/school, or the individual ~~or District~~acting on behalf of the district/school, knows, or has probable cause to believe, ~~that such person has~~ engaged in sexual misconduct ~~regarding~~with a ~~minor or~~ student ~~or minor~~ 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~~staff, students, parents/guardians, 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 ~~orientations for employees, students, staff, student,~~ and regular ~~volunteers~~volunteer orientation. This policy and the ~~accompanying procedures~~procedure, which ~~include~~includes the complaint process, will be posted in each ~~school~~district building in a place available to ~~employees~~staff, students, parents/guardians, volunteers, and visitors. Information about ~~this~~the policy ~~and procedure~~ will be ~~easily understood~~clearly stated and conspicuously posted throughout each school building, provided to each employee, and reproduced in each ~~employee,~~ student, staff, volunteer, and parent/guardian, and volunteer handbook. Such notices will identify the ~~district's~~District's Title IX ~~Coordinator~~coordinator and provide contact information, including the coordinator's email address.

Policy Review

The superintendent will ~~periodically review~~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 ~~employees~~staff, students, ~~parents/guardians, and~~ volunteers, and parents in the review process.

Cross reference: <u>References:</u>	Board Policy 3207	3207 - Prohibition of Harassment, Intimidation, and Bullying
	Board Policy 3210	3210 - Nondiscrimination
		Board Student Conduct Expectations and Policy Reasonable Sanctions 32403211
		- Gender-Inclusive Schools
	Board Policy 3241	Classroom Management, 3241 - Student Discipline, and Corrective Action
	Board Policy 3421	Child Abuse and Neglect Prevention
	Board Policy 5010	5010 - Nondiscrimination and Affirmative Action
	Board Policy 5011	5011 - Sexual Harassment of District Employees Staff Prohibited
	Board Disciplinary Action and Discharge Policy 5281	

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

<u>Legal References:</u>	20 U.S.C. §§	
	1681-	
	1688	
		U.S. Department of Education Office for Civil Rights, Dear Colleague Letter, dated April 4, 2011
		WAC 392-190-058 Sexual harassment
		U.S. Department of Education Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence, dated April 29, 2014
		RCW 28A.640.020 Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies
	U.S. Department of Education Office for Civil Rights, Dear Colleague Letter, dated April 24, 2015	
	34 C.F.R. 106	
	Office of Superintendent of Public Instruction, Prohibiting Discrimination in Washington Public Schools, dated February 2012	

Management Resources: [2015— July Policy Alert](#)
[2014—December](#)[2020 - August](#) Issue
[2015 - July Policy Alert](#)
[2014 - December Issue](#)
2010 - October Issue

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