

SEXUAL HARASSMENT OF DISTRICT EMPLOYEES AND OTHER NON-STUDENTS PROHIBITED

Sex Discrimination and Sex-Based Harassment of District Staff Prohibited

This district is committed to ~~providing~~ a positive and productive working environment free from discrimination, including ~~sexual~~sex-based discrimination and harassment. This commitment extends to all employees, applicants for employment, and ~~other non-students~~others involved in academic, educational, extracurricular, athletic, and other programs or activities of the district, whether that program or activity ~~occurs~~is in a school facility, on school transportation, or at a class training held elsewhere.

- This policy is developed to meet the district's obligations under Title IX and is aligned with Washington State laws and regulations that define sex-based discrimination. The district ~~prohibits sexual harassment of employees and other persons by employees, students, will not adopt or third parties involved in district programs~~implement any policy, practice, or activities. ~~Complaints of sexual harassment of people involved in procedure or take any employment action on the basis of sex, except to meet its obligations related to pregnancy and pregnancy-related conditions.~~

- The district will not make any pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs." Pre-employment, ~~the district programs or activities may be investigated by ask an applicant for employment to self-identify their sex, but only if this question is asked of all applicants and if the response is not used as a basis for discrimination prohibited by Title IX or this policy.~~

- Consistent with the Title IX regulation, ~~the district even if the alleged harasser is not a district will not implement any policy, practice, or procedure or take any employment action on the basis of sex:~~

- (1) concerning the current, potential, or past parental, family, or marital status of an employee or student applicant for employment, which treats persons differently; or
- (2) that is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

- The district will not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions. The district must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

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The district has jurisdiction over complaints of sex-based discrimination pursuant to the Federal law Title IX of the Education Amendments of 1972 (Title IX) and Washington State laws, including Chapter 28A.640 RCW and Chapter 392-190 WAC.

Definitions

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

~~“Sexual”~~“Sex-based harassment” means sexual harassment and other harassment on the basis of sex stereotypes, sex characteristics, sexual orientation, gender identity, gender expression, pregnancy or related conditions, and marital status.

The term “sexual harassment” includes the following, which Title IX defines at 34 C.F.R. § 106.2:

- “Quid pro quo harassment,”
- “Hostile environment harassment,” and
- Specific offenses of sexual assault, dating violence, domestic violence, or stalking

The term “sexual harassment” is also prohibited under state law as defined at W.A.C. 392-190-056 and includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals. ~~Sexual harassment may occur by adults, students, or a group of adults and/or students. Under federal and state law, sexual harassment includes, but is not limited if:~~

~~1.a. Submission to, the following types of conduct: that conduct or communication is condition of obtaining employment;~~

- ~~Acts of sexual violence;~~

~~b. Unwelcome sexual or gender-directed a factor in decisions affecting that individual's employment; or~~

- ~~c. the conduct or communication that has the purpose or effect of substantially interferes~~interfering with an ~~individual's~~individual's employment ~~performance or creates~~of creating an intimidating, hostile, or offensive educational environment;.

~~Harassment based on sexual orientation, gender expression, or gender identity is also prohibited under Washington state law as defined at RCW 49.60.040 and WAC 162.32-040.~~

~~For the purpose of these definitions, sexual harassment may include conduct or communication that involves 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 Unwelcome sexual advances;~~
- ~~Requests for sexual favors;~~
- ~~Sexually motivated physical contact;~~

- ~~Sexual demands will address all sex-based harassment in its program and activities, even when submission is some conduct alleged to be contributing to a stated or implied condition of obtaining a work opportunity or other benefit;~~
- ~~Sexual demands, where submission or rejection is a factor in a work or other school-related decision affecting an individual.~~

2. A “hostile environment” occurs ~~when the unwanted conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive outside of its program or activities.~~

~~The district has also developed other specific related policies for district employees to comply with its obligations under State and Federal laws, including Title IX, and to create an inclusive and welcoming work environment, including [WSSDA Model Policies or modified for your district equivalent] Policy 5210 (Prohibiting Discrimination of Staff), Policy 5012 (Parental, family, or marital status; pregnancy or related conditions), and 5404 (Family Medical and Maternity Leave).~~

Investigation and Response

Complaints of Sexual Harassment

The ~~superintendent~~ Superintendent will develop and implement procedures for receiving, investigating, and resolving complaints or reports of ~~sexual~~ sex discrimination, including sex-based harassment. ~~The procedures, and~~ will include reasonable and prompt timelines and delineate ~~employee~~ roles and responsibilities ~~under this policy for such.~~

Investigation and Response

~~Upon receipt of a complaint of sexual harassment, or if~~

~~If~~ the district knows, or reasonably should know, that ~~sexual harassment~~ sex-based discrimination has ~~created a hostile environment or otherwise occurred, it~~ the district will promptly and thoroughly investigate ~~as required by federal and state laws and regulations. The district’s investigation will to~~ determine what occurred and will take appropriate steps to resolve the situation. If an investigation reveals that ~~sexual~~ sex-based harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end ~~the sex-based harassment, eliminate the hostile environment, prevent recurrence of the harassment its occurrence,~~ 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, complaint~~ every time a report, complaint, and ~~grievance~~ grievance alleging ~~sexual~~ sex-based harassment ~~that come~~ 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: as required by law. Regardless of whether the misconduct ~~at issue~~ is reported to law enforcement, ~~district employee~~ 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~~sex-based harassment.

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

Retaliation and False Allegations

It is a violation of this policy to engage in -

~~The district prohibits~~ retaliation, as defined under Federal and State laws and the Superintendent's procedure, against any person who makes or is a witness in a ~~sexual harassment~~sex-based discrimination complaint. ~~Retaliation and~~ will result in appropriate corrective actiondiscipline. 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~~sex-based discrimination. Persons found to knowingly report or corroborate false allegations will be subject to appropriate ~~corrective action~~discipline. However, no party, witness, or others participating in the district's grievance process will be disciplined based solely on a determination of whether sex-based discrimination occurred under the Superintendent's procedure.

EmployeeStaff 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 Civil Rights Compliance Officer. 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 Civil Rights Compliance Officer. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.~~

Notice and Training

The ~~superintendent~~Superintendent will develop ~~procedures~~and implement a procedure that identifies the roles, responsibilities, and training requirements of the Title IX Coordinator and school employees.

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The Superintendent will also develop materials 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 sex-based harassment.

District Notice

At a minimum, sexual harassment recognition and prevention and the elements of this policy will be included in orientations for employees, and regular volunteers. the district’s website will include a statement that the district prohibits sex discrimination and sex-based harassment in any education program or activity that it operates, as required by Title IX and other laws, and employment. It will also state that questions about Title IX, how to locate the district’s policy and grievance procedure, and how to report sex discrimination or make a complaint may be directed to the District’s Title IX Coordinator. The Title IX Coordinator’s contact information will also be provided, including their name or title, office address, email address, and telephone number.

This policy and the accompanying procedures procedure, which include includes the complaint process, will be conspicuously posted in each district building in a place available accessible to employees, staff, students, parents/guardians, volunteers, and visitors. Information about this the policy and procedure will be easily understood and conspicuously clearly stated and posted throughout each school building, provided to each employee, and reproduced in each employee, parent/guardian, and student, staff, volunteer, and parent handbook. Such notices will identify the district’s Civil Rights Compliance Officer Title IX coordinator and provide contact information, including the coordinator’s email address.

Additionally, sex-based harassment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientations.

Policy Review

The superintendent Superintendent will periodically review make an annual report to the board reviewing the use and efficacy of this policy and related procedures. The superintendent Recommendations for changes to this policy, if applicable, will be included in the report. The Superintendent is encouraged to involve employees, students, parents/guardians, and staff, volunteers, and parents in the review process.

Cross References:

Board Policy 3241

Board Policy 32053210 - Sexual Harassment of Students
Nondiscrimination
Board Policy 32403211 - Student Conduct Expectations-
Reasonable Sanctions
Gender-Inclusive
Schools
Classroom Management, Discipline, and Correctiv
Action3421 - Child Abuse and Neglect

~~Board Policy 5281~~

~~Disciplinary~~5010 - Nondiscrimination and Affirmative Action
~~and Discharge~~

~~Legal References:~~ ~~Chapter 28A.640 RCW~~ ~~Sexual Equality~~
 ~~Chapter 392-190 WAC~~ ~~Equal Educational Opportunity—~~
 ~~Unlawful Discrimination Prohibited~~
 ~~Chapter 49.60 RCW~~ ~~20 U.S.C. §§ 1681-1688~~
 ~~20 U.S.C. §§ 2000e-2000e-17~~
 ~~Office of Superintendent of Public Instruction, Prohibiting~~
 ~~Discrimination in Washington Public Schools, dated February~~
 ~~2012~~5012 - Parental, Family, or Marital Status, and Pregnancy
 or Related Conditions of Staff

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
 2024 Title IX Regulations at 34 C.F.R. • • 106 et seq
 RCW 49.60 Washington Law Against Discrimination
 WAC 162-32-040 Harassment

Management Resources: 2015 - July Policy Alert
 2014 - December Issue
 2010 - October Issue
 2022 - June June

Adoption Date: June 26, 2017
Woodland School District #404