

~~Sex Discrimination and Sex-Based~~Sexual Harassment of Students Prohibited

The ~~district~~Woodland School District is committed to a positive and productive education free from discrimination. ~~The district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Federal and State laws, including sexual harassment.~~ This commitment extends to all students involved in academic, educational, extracurricular, athletic, and other programs or activities of the ~~school district~~, whether that program or activity is in a school facility, on school transportation, or at a class or school training held elsewhere.

~~The district has jurisdiction over complaints of sex discrimination, including sex-based harassment, 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.~~

~~This policy is developed to meet the district's obligations under Title IX and aligned with Washington State laws and regulations that define sex discrimination. Sex discrimination that does not fall under this policy may be addressed under other district policies and procedures.~~

~~The district prohibits sex discrimination of students by other students, employees, or third parties involved in school district activities. The district also prohibits sex discrimination in the policies, procedures, and practices of the district's program and activities, including but not limited to counseling and guidance services, recreational and athletics activities, and access to course offerings.~~

~~For purposes of this policy, "sex discrimination" includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression. Sex-based harassment is a form of sex discrimination and is prohibited by this policy.~~

Definitions

~~"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.~~

~~For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur adult to student, student to student or can be carried out by a group of 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 of students by other students, employees, or third parties involved in school district activities.~~

~~The term "sexual harassment" includes the following, which Title IX defines at 34 C.F.R. § 106.2 may include:~~

- ~~• "Quid pro quo harassment,"~~
- ~~• "Hostile environment harassment," and~~
- Specific offenses~~acts~~ of sexual assault, dating violence, domestic violence, or stalking;

~~The term “sexual harassment” is also prohibited under state law as defined at WAC 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 if:~~

- ~~1. Submission to that unwelcome sexual or gender-directed conduct or communication is condition of obtaining an education or~~
- ~~2. A factor in decisions affecting that individual's education; or~~
- ~~3. ● The conduct or communication has the purpose or effect of substantially interfering that interferes with an individual's individual's educational performance or of creating creates an intimidating, hostile, or offensive educational environment.;~~

~~Harassment based on sexual orientation, gender expression, or gender identity is also prohibited under Washington state law.~~

~~For the purpose of these definitions, sex-based 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 will address all sex-based harassment in its program and activities, even when some conduct alleged to be contributing to a hostile environment occurs outside of its program or activities.~~

~~The district has also developed other specific, related policies for students to comply with its obligations under State and Federal laws, including nondiscrimination (Policy 3210), pregnant and parenting students (Policy 3206), gender inclusive schools (Policy 3211), and district employees (Policy 5011) to comply with its obligations under State and Federal laws, including Title IX, and to create inclusive and welcoming school communities.~~

- ~~● unwelcome sexual advances;~~
- ~~● unwelcome requests for sexual favors;~~
- ~~● sexual demands when submission is a stated or implied condition of obtaining an educational benefit;~~
- ~~● sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.~~

~~A “hostile 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 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.~~

Investigation and Response

~~The Superintendent will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sex discrimination and will include reasonable and prompt~~

~~timelines and delineate roles and responsibilities for such. The procedure can be found at 3205P1.~~

If the district knows, or reasonably should know, that ~~sex discrimination~~sexual harassment has ~~occurred~~created a hostile environment, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that ~~sex-based~~sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the ~~sex-based~~sexual harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects. The district will take prompt, equitable, and remedial action within its authority on reports, complaints, and grievances alleging ~~sex discrimination~~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 ~~sex discrimination~~sexual harassment comes 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 ~~as required by law~~. Regardless of whether the misconduct is reported to law enforcement, 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 ~~sex-based~~sexual harassment.

- Engaging in ~~sex-based~~sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff, or other third parties involved in school district activities. Anyone else who engages in ~~sex-based~~sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

Retaliation and False Allegations

~~It is a violation of this policy to engage in retaliation, as defined under Federal and State laws and the Superintendent's procedure, including retaliation by a student against another student.~~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 ~~sex discrimination~~sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline ~~as discussed in the Superintendent's procedure. However, no party, witness, or others participating in the district's grievance process will be disciplined based solely on a determination of whether sex discrimination occurred under the Superintendent's procedure.~~

Staff Responsibilities and Training

The ~~Superintendents~~superintendent will develop and implement a ~~procedure that identifies the roles, responsibilities, formal and informal procedures for receiving, investigating and training requirements resolving complaints or reports of the Title IX sexual harassment.~~ The procedures

will include reasonable and prompt time lines and delineate staff responsibilities under this policy.

- Any school employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the district Title IX or Civil Rights Compliance Coordinator and other district. All staff are also responsible for directing complainants to the formal complaint process.

- 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 shall not provide a recommendation of employment for an employee, contractor, or agent that the district/school, or the individual acting on behalf of the district/school, knows or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law.

Notice and Training

The ~~Superintendents~~superintendent will ~~also~~ 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 ~~sex-based~~sexual harassment. ~~The procedures can be found at 3205P 2.~~

District Notice

At a minimum, ~~the district's website will include a statement that the district prohibits sex discrimination and sex-based~~ sexual harassment in any education program or activity that it operates, as required by Title IX recognition and prevention and other laws, and employment. It will also state that questions about Title IX, how to locate the district's the elements of this 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.

will be included in staff, student, and regular volunteer orientation. This policy and the procedure, which includes the complaint process, will be ~~conspicuously~~ posted in each district building in a place ~~accessible~~available to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will be clearly stated and conspicuously posted throughout each school building, provided to each employee, and reproduced in each student, staff, volunteer, and parent handbook. Such notices will identify the ~~district's~~District's 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.~~

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Policy Review

The ~~Superintendents~~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 ~~Superintendents~~superintendent is encouraged to involve staff, students, volunteers, and parents in the review process.

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| Cross References: | Board Policy 3207 | Prohibition of Harassment, Intimidation, and Bullying |
| | Board Policy 3210 | Nondiscrimination |
| | Board Policy 3211 | Gender-Inclusive Schools |
| | Board Policy 3241 | Student Discipline |
| | Board Policy 5010 | Nondiscrimination and Affirmative Action |
| | Board Policy 5011 | Sexual Harassment of District Staff Prohibited |

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| <u>Legal References:</u> | <u>20 U.S.C. 1681-1688</u> | |
| | <u>WAC 392-190-058</u> | <u>Sexual harassment</u> |
| | <u>RCW 28A.640.020</u> | <u>Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies</u> |
| | <u>34 C.F.R. 106</u> | |

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| <u>Management</u> | RCW | |
| <u>Resources:</u> | 49.602020 | Washington Law Against |
| Legal | - August | Discrimination |
| References: | Issue | |
| | 2024 Title IX Regulations at 34 C.F.R. 106 et seq. | 2015 - July Policy Alert |
| | 20 U.S.C. 1681-1688 | 2014 - December Issue |
| | -2010 - | WAC Sexual harassment |
| | October | 392-190- |
| | Issue | 058 |
| | RCW | Regulations, |
| | 28A.640- | guidelines to |
| | 020 | eliminate |
| | | discrimination — |
| | | Scope — Sexual |
| | | harassment policies |

~~WAC 162-32-040~~ ~~Harassment~~

~~Management Resources:~~ ~~2020—August Issue~~

~~2015—July Policy Alert~~

~~2014—December Issue~~

~~2010—October Issue~~

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