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~~Sex Discrimination and Sex-Based~~  
**Sexual Harassment of District Staff Prohibited**

This district is committed to a positive and productive working environment free from discrimination, including ~~sex-based discrimination and sexual~~ harassment. This commitment extends to all employees, ~~applicants for employment,~~ and ~~others~~other persons involved in academic, educational, extracurricular, athletic, and other programs or activities of the ~~district's~~school, whether that program or activity 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 will not adopt or implement any policy, practice, or procedure or take any employment action on the basis of sex, except to meet its obligations related to pregnancy and pregnancy related conditions.~~

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~~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 may 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 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 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.~~

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~~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**

~~“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 student to adult, adult to adult 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 district employees by other students, employees or third parties involved in school district activities.~~

~~The term “sexual harassment” includes the following, which is defined by the regulations implementing the federal law Title IX defines of the Education Amendments Act of 1972 at 34 C.F.R. § 106.2-30.~~

- ~~Under federal and state law, the term “sexual harassment,” may include:~~
  - ~~“Hostile environment harassment,” and~~
  - ~~Specific offenses acts of sexual assault, dating violence, domestic violence;~~
  - ~~unwelcome sexual or stalking gender-directed conduct or communications that interferes with an individual's employment performance or creates an intimidation, hostile, or offensive environment;~~
  
- ~~The term “sexual harassment” is also prohibited under state law as defined at W.A.C. 392-190-056 and includes unwelcome sexual advances;~~
- ~~unwelcome 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:~~
  - a. ~~Submission to that conduct sexual demands when submission is a stated or communication is condition of implied obtaining employment work opportunity or other benefit;~~
  - b. ~~sexual demands where submission or rejection is a factor in decisions a work or other school-related decision affecting that individual's employment; or an individual.~~
  - e. ~~A “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 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.~~

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~~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 an employee is created where the unwanted conduct is sufficiently severe or pervasive to create an inclusive and welcoming a 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); that a reasonable person would consider intimidation, hostile, or abusive.~~

### **Investigation and Response**

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

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If the district knows, or reasonably should know, that ~~sex-based discrimination~~sexual harassment has ~~occurred~~created a hostile environment, the district will promptly investigate to determine what occurred and will 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 ~~sex-based~~sexual harassment, eliminate the hostile environment, prevent its occurrence, and, as appropriate, remedy its effects. The district will take prompt, equitable, and remedial action within its authority every time a report, complaint, and grievance alleging ~~sex-based~~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~~on-going 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 discrimination~~sexual harassment will result in appropriate discipline or other appropriate sanctions against offending staff or third parties involved in school district activities. Anyone else who engages in ~~sex-based discrimination~~sexual harassment on districtschool property or ~~district workspaces~~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, Retaliation~~ against any person who makes or is a witness in a ~~sex-based discrimination~~ 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-based discrimination~~ sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate 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.~~

### **Staff Responsibilities ~~and Training~~**

The ~~Superintendent~~ superintendent will develop and implement ~~a procedure that identifies the roles,~~ formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt timelines and delineate staff responsibilities under this policy.

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

This policy, ~~and training~~ applies to sexual harassment (including sexual violence) targeted at district employees carried out by a student, employee, or a third party involved in school district activities.

A formal complaint filed by an employee or filed by or on behalf of a student complainant against an employee respondent will be investigated under the definitions, requirements ~~of the Title IX Coordinator and school employees,~~ and procedures of Policy 3205 and Procedure 3205P.

~~The Superintendent will also~~ Reports of sex discrimination and sexual harassment will be referred to the district's Title IX Coordinator. Reports of discrimination based on sexual orientation, gender expression, gender identity, ethnicity, race, creed, color, national origin, religion, homelessness, immigration or citizenship status, the presence of any sensory, mental, or physical disability, neurodivergence, or the use of a trained guide dog or service animal, honorably discharged veteran or military status, or age, or complaints alleging violations of the Boy Scouts of America Act will be referred to the district's Civil Rights Compliance Coordinator.

Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

## Notice and Training

~~The superintendent will~~ develop ~~materials~~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.

### **District Notice**

~~At a minimum, 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 sexual harassment recognition and prevention and the elements of this policy will be included in staff 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~~reproduce 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~~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 ~~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, volunteers, and parents in the review process.

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Cross References:	Board Policy 3210	Nondiscrimination
	Board Policy 3211	Gender-Inclusive Schools
	Board Policy 3421	Child Abuse and Neglect
	Board Policy 5010	Nondiscrimination and Affirmative Action
	Board Policy 5012	Parental, Family, or Marital Status, and Pregnancy or Related Conditions of Staff
	<u>Board Policy 3205</u>	<u>Sexual Harassment of Student Prohibited</u>
	<u>Board Policy 3207</u>	<u>Prohibited of Harassment, Intimidation, and Bullying of Students</u>

