

Procedure - Sexual Harassment of District Staff Prohibited

The procedure is intended to set forth the requirements of Policy 5011, including the process for a prompt, thorough, and equitable investigation of allegations of sexual harassment and the need to take appropriate steps to resolve such situations. If sexual harassment is found to have created a hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence, and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at district employees carried out by students, other employees, or third parties involved in school district activities. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

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

Title IX Coordinator, Investigator and Decision-Maker

Any individual designated as Title IX Coordinator, an investigator or a decision-maker for purposes of a Title IX formal complaint must meet the qualifications and training requirements described in Procedure 3205P for those roles.

Notice of Sexual Harassment Policy and Procedure

Information about the district's sexual harassment policy will be easily understandable and conspicuously posted throughout each school building, provided to each employee and reproduced in each staff, volunteer and parent handbook. In addition to the posting and reproduction of this procedure and Policy 5011, the district will provide annual notice to employees that complaints pursuant to this procedure may be filed at 927 E. Fairhaven Avenue, Burlington WA 98233.

Responding to Notice of Sexual Harassment, Including Informal Complaints

The district is on notice and required to take action when any employee knows, or in the exercise of reasonable care should know, about possible sexual harassment.

This includes:

- A. Informal (i.e., verbal) reports of sexual harassment, referred to in this procedure as "informal complaints" and
- B. Formal, written complaints made to the Title IX Coordinator, as described in the Formal Complaint Process section below.

Upon notice of possible sexual harassment, staff will always notify the Title IX Coordinator. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

In the event of an alleged sexual assault, the school principal will immediately inform: 1) the Title IX Coordinator so that the district can appropriately respond to the incident consistent with its own grievance procedures; and 2) law enforcement. The principal will notify the targeted district staff person of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

Once the district is on notice of possible sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures (as described in the Supportive Measures section below), consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

When an informal complaint of sexual harassment is made, the Title IX Coordinator may inquire of the complainant regarding the report of sexual harassment to determine whether a formal complaint is warranted. The Title IX Coordinator will inform the complainant that imposition of disciplinary sanctions or

other actions that are not supportive measures against a respondent will not be available unless a formal complaint occurs.

A complainant may file a formal complaint at any time while receiving supportive measures. A complainant or the Title IX Coordinator may file a formal complaint because, for example, they feel the complaint needs to be more thoroughly investigated or discipline may be warranted for the individual(s) alleged to have engaged in sexually harassing conduct.

Supportive Measures

Supportive measures must be offered to the complainant, before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may also be provided to the respondent. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to the complainant or respondent. Supportive measures should be designed to restore or preserve access to the district's education program or activity without unreasonably burdening the other party.

Supportive measures may include:

- A. An opportunity for the complainant to explain to the alleged harasser that their conduct is unwelcome, offensive or inappropriate either in writing or face-to-face;
- B. A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- C. A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant;
- D. Mutual restrictions on contact between the parties;
- E. Modifications of work or class schedules;
- F. Mutual restrictions on contact between the parties;
- G. Increased security and monitoring of certain areas of the campus or school building; or
- H. Providing staff and/or student training.

Confidentiality of Complaints

The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures.

If a complainant requests that his or her name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the Title IX Coordinator for evaluation. The Title IX Coordinator should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.

If the complainant still requests that his or her name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff and other third parties engaging in district activities, including the person who reported the sexual harassment. Although a complainant's request to have his or her name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

Retaliation Prohibited

Title IX and state law prohibit retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the district will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment, or against those who provided information as a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

Formal Complaint Process

Anyone may file a formal complaint of sexual harassment. All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. Complaints may be submitted by mail, fax, email or hand-delivery to the district Title IX Coordinator. Any district employee who receives a complaint that meets these criteria will promptly notify the Title IX Coordinator.

All formal complaints in which an employee is the complainant (i.e., the individual who is alleged to be the victim of conduct that could constitute sexual harassment) shall be subject to the procedure and requirements for formal complaints under Procedure 3205P.

Other Complaint Options

Office for Civil Rights (OCR), U.S. Department of Education

OCR enforces several federal civil rights laws, which prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability, and age. File complaints with OCR within 180 calendar days of the date of the alleged discrimination.

206-607-1600 | TDD: 1-800-877-8339 | OCR.Seattle@ed.gov | www.ed.gov/ocr

Washington State Human Rights Commission (WSHRC)

WSHRC enforces the Washington Law Against Discrimination (RCW 49.60), which prohibits discrimination in employment and in places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.

1-800-233-3247 | TTY: 1-800-300-7525 | www.hum.wa.gov

Training and Orientation

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure.

Certificated staff will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

- Demands for sexual favors in exchange for preferential treatment or something of value;
- Stating or implying that a person will lose something if he or she does not submit to a sexual request;
- Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
- Using derogatory sexual terms for a person;
- Standing too close, inappropriately touching, cornering or stalking a person; or
- Displaying offensive or inappropriate sexual illustrations on school property.

Policy and Procedure Review

This policy and procedure will be reviewed no less than once every three years to evaluate the use, efficacy, and alignment to state and federal requirements. Recommendations for policy updates will be presented to the Board of Directors as needed.

Updated July 2023