

SEXUAL HARASSMENT

This district is committed to a positive and productive education and working environment free from discrimination, including sexual harassment. The district prohibits sexual harassment of students, employees and others involved in school district activities.

Sexual harassment occurs when:

1. Submitting to the harasser's sexual demands is a stated or implied condition of obtaining an education or work opportunity or other benefit;
2. Submission to or rejection of sexual demands is a factor in an academic, work or other school-related decision affecting an individual; or
3. Unwelcome sexual or gender-directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

Sexual harassment can occur 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 take prompt, 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. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Persons found to have been subjected to sexual harassment will have appropriate school district services made reasonably available to them and adverse consequences of the harassment shall be reviewed and remedied, as appropriate. Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff and contractors. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

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 sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

The superintendent shall 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. All staff are responsible for receiving informal complaints and reports of sexual harassment and informing appropriate district personnel of the complaint or report for investigation and resolution. All staff are also responsible for directing complainants to the formal complaint process.

ORCAS ISLAND SCHOOL DISTRICT NO. 137**POLICY: 6590****SEXUAL HARASSMENT**

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- 3) unwelcome sexual or gender-directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

Sexual harassment can occur adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male or female to female.

The District will take prompt, effective, remedial and equitable action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the District, either formally or informally. Allegations of criminal misconduct will be reported to law enforcement, suspected child abuse will be reported to law enforcement or Child Protective Services. Persons found to have been subjected to sexual harassment will have any adverse consequences of the harassment reviewed and remedied, as appropriate.

Engaging in sexual harassment will result in appropriate discipline (up to and including discharge/expulsion) or other appropriate sanctions against offending students, staff and contractors. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited. The District will take appropriate actions to protect involved persons from retaliation.

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The Superintendent shall 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 sexual harassment. At a minimum, sexual harassment recognition and prevention and the elements of this policy will be included in staff, student and regular volunteer orientation. This policy shall be posted in each District building in a place available to staff, students, parents, volunteers and visitors, and shall be reproduced in each student, staff, volunteer and parent handbook.

The Superintendent shall report to the Board, as appropriate, regarding the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, shall be included in these report(s). The Superintendent is encouraged to involve staff, students, and volunteers and parents in the review process, as appropriate.

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First Reading:

Second Reading: 04/22/98

Reviewed: 12/13/06

REFERENCE:

RCW 28A.640.020

WAC 392-190-056-058

29 CFR 1604.11

Sec. 703, Title VII of the Civil Rights Act
of 1964

CROSS-REFERENCE:

Policy 5010

ORCAS ISLAND SCHOOL DISTRICT NO. 137

PROCEDURE: 6590P

SEXUAL HARASSMENT

Informal Complaint Process: Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member, although staff shall always inform complainants of their right to and the process for filing a formal complaint. Staff shall also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. Staff shall 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. Informal remedies include an opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face; 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; or a general public statement from an administrator in a building reviewing the District sexual harassment policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant, parent, guardian, or because the District believes the complaint needs to be more thoroughly investigated. Confidentiality will be protected, if requested, to the extent reasonable. However, if the complaint is escalated to a formal complaint process, confidentiality is not possible.

Formal Complaint Process: Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. Potential complainants who wish to have the District hold their identity confidential shall be informed that the District may face due process requirements that will make available all of the information that the District has to the accused. The District will, however, fully implement the anti-retaliation provisions of this policy to protect complainants and witnesses. Student complainants and witnesses may have a trusted adult with them during any District-initiated investigatory activities. The Superintendent or designated compliance officer (hereinafter referred to as the compliance officer) may conclude that the District needs to conduct an investigation based on information in his or her possession regardless of the complainant's interest in filing a formal complaint. The following process shall be followed:

Level 1

The first step in the complaint procedure is a presentation by the complainant to their immediate supervisor/principal, a counselor (for students), the Title IX Coordinator, who is not involved in the alleged harassment. The complaint should be made within sixty (60) days of the occurrence. The complainant shall define the nature of the complaint in writing, including the desired outcome.

The supervisor receiving the complaint shall provide a verbal and written response within seven (7) working days of the receipt of the complaint. The supervisor shall notify the Superintendent in writing when a complaint has been made. The Superintendent shall receive a copy of the written response.

Level II

If the complainant is not satisfied with the disposition of his/her complaint at Level 1, or if no decision has been rendered within seven (7) working days, the complainant may forward his/her complaint in writing to the compliance officer/Title IX Coordinator. The written complaint shall contain the following elements:

- 1) a description of the events in question and the date(s) of occurrence;
- 2) the name(s) of the individual(s) involved;
- 3) a specific statement that the sexual harassment policy has been violated; and,
- 4) the desired remedy.

The complainant shall sign and date the written complaint. In order to proceed to Level II, the complainant must have submitted the complaint in writing to the compliance officer within seven (7) working days following the filing of the complaint with his/her immediate supervisor.

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The compliance officer shall investigate the complaint and, if deemed appropriate, convene a meeting with the complainant or others deemed necessary to develop facts pertinent to the complaint. Within seven (7) working days of the receipt of the written complaint, the complainant will be informed in writing of the decision.

Level III

If the complaint is not resolved to the satisfaction of the complainant at Level II, he/she may sign, date and resubmit the written complaint and the written response to the Superintendent. In addition, the complainant shall provide a written statement indicating why she/he does not find the remedy to be satisfactory. The complainant must initiate Level III within seven (7) working dates following the receipt of the compliance officer's response. The Superintendent shall investigate the complaint, and if deemed appropriate, convene a meeting with the complainant within seven (7) working days after receiving the complaint. The Superintendent shall respond in writing to the complaint within fourteen (14) working days following the receipt of the complaint.

Whenever the District's complaint procedure is used, the following should be kept in mind:

- 1) The Affirmative Action Officer is available to everyone, including the person accused of harassment, for advice any time after the complainant and the supervisor attempt to resolve the complaint.
- 2) Persons who file a complaint shall be free from restraint, interference, coercion, discrimination and reprisal in seeking resolution of their complaint. Furthermore, persons acting as witnesses to a complaint shall be free from restraint, interference, coercion, discrimination and reprisal.
- 3) Any time limits stipulated in the complaint procedure may be extended for stated periods of time by mutual written agreement between the complainant and the appropriate District representative at the step being extended.
- 4) If a complainant fails to comply with the delineated time lines within the complaint procedure, the District shall consider the complaint withdrawn/resolved. This withdrawal applies only to the District complaint process and does not preclude the person's right to pursue the complaint through the procedures of other agencies.
- 5) If a District representative fails to comply with any time limitation in the complaint procedure, the complainant may immediately proceed to the next level of the complaint procedure.

If a student remains aggrieved by the Superintendent's response, he or she may pursue the complaint as one of sexual discrimination pursuant to Policy 3210, *Nondiscrimination*.

A fixed component of all District orientation sessions for staff, students and regular volunteers shall introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff shall be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure. Certificated staff shall 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 shall 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. Parents shall be provided with copies of this policy and procedure and appropriate materials on the recognition and prevention of sexual harassment.

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:

- 1) demands for sexual favors in exchange for preferential treatment or something of value;

- 2) stating or implying that a person will lose something if he or she does not submit to a sexual request;
- 3) penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- 4) 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;
- 5) using derogatory sexual terms for a person;
- 6) standing too close, inappropriately touching, cornering or stalking a person; or,
- 7) displaying or creating offensive or inappropriate sexual illustrations on school property.

A person has the right to pursue external procedures available through the Washington State Human Rights Commission, Equal Employment Opportunity Commission, or any other appropriate outside agency. If a person initiates a complaint through an external agency (e.g., Washington State Human Rights Commission, Equal Employment Opportunity Commission), the District processing of the complaint will be discontinued to allow for the external investigation. If the complainant initiates a complaint with an outside agency, the District will cooperate fully with the outside agency.

Presented to Board: 04/22/98

Reviewed: 12/13/06

ORCAS ISLAND SCHOOL DISTRICT NO. 137

FORM: 6590 F1

SAMPLE SEXUAL HARASSMENT GRIEVANCE FILING FORM

Date: _____

Your name: _____

Your School and/or Position: _____

Place Where You May Be Reached: _____

Address: _____ Phone: _____

THE FACTS: (Please describe what happened in factual detail. Please identify witnesses or others who were present. Then identify the policy or statute you believe may be violated by this action/behavior. Please identify any person(s) you believe may be responsible.) (Use additional paper if needed.)

If others are affected by the possible violation, please give their names and/or positions:

PAST HISTORY: (Please describe any past incidents that you believe are related to this grievance):

SUGGESTED REMEDY: (Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to this grievance.)

Signature of Grievant

Date

Signature of Person Receiving Grievance

Date

Location

c: Title IX Coordinator

Rev. 08/06