

SEXUAL HARASSMENT

(PSSC students do an on-line assignment on sexual harassment)

Highline School District Policy #5262P

SEXUAL HARASSMENT

I. Prevention

A component of 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. They shall also be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedures. 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. Parents shall be provided with copies of this policy and procedures 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:

- A. Demands for sexual favors in exchange for preferential treatment or something of value;
- B. Stating or implying that a person will lose something if he or she does not submit to a sexual request;
- C. Penalizing a person for refusing to submit to a sexual advance or providing a benefit to someone who does;
- D. Making unwelcome, offensive or inappropriate sexually suggestive comments, gestures or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
- E. Using derogatory sexual terms for a person;
- F. Inappropriately touching, cornering or stalking a person; or
- G. Displaying offensive or inappropriate sexual illustration on school district premises.

II. Evaluation

The superintendent or designee will annually convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and effectiveness of this policy and procedures. The affirmative action and Title IX officers will be included in the committee. Based on the review of the committee, the superintendent shall prepare a report to the board including, if necessary, any recommended policy changes. The superintendent shall consider adopting changes to this procedure if recommended by the committee.

III. Student Procedures

Students who believe they have been sexually harassed are encouraged to act promptly to make an attempt to resolve the harassment informally. 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. Victims are cautioned to keep accurate documentation of any harassment in the event such documentation is needed in formal or legal steps. Documentation should include dates, places, specific behaviors, the victim's responses and any witnesses. Students are permitted and encouraged to have a friend or advisor with them for support during any step of this procedure.

A. Informal Reporting

1. Speak directly to the harasser. State the behavior and request that the behavior stop. Tell the harasser such behavior is offensive, inappropriate and is not welcome. or
2. Write a note or letter to the harasser identifying the behavior and request that the behavior stops. Tell the harasser such behavior is offensive, inappropriate and is not welcome. and/or
3. Informally seek a neutral third party to discuss the situation and to seek options for resolution. Following the discussion, determine whether and how to pursue the matter. Following discussion with a third party, the victim may choose to proceed with one of the procedures listed below:
 - Discussion with the alleged harasser by the victim and third party jointly.
 - Discussion with the alleged harasser by the third party alone.
 - Decision that involving a third person is not likely to resolve the harassment and the complainant, parent, guardian or district may elect to resolve the matter through formal steps.

B. Formal Reporting

These steps can begin either following, or in lieu of, the use of informal attempts at resolution

1. Present allegations to a building administrator or designee. Facts presented must include who, specific behaviors, dates and times. A copy of the district Sexual Harassment Report Form may be used to identify the information needed. The building administrator or designee will respond to the complainant regarding resolution options as soon as possible. Options given will be responsive to the individual situation and may focus on either or both short or long-term solutions. If possible, a resolution will occur at the school level. The building administrator or designee will report the alleged harassment and resolution to the District Title IX Officer.
2. If the issue cannot be resolved at Step 1, the building administrator or designee will refer the complainant to the District Title IX Officer. The complainant will be asked to complete and sign the Sexual Harassment Report Form if it has not already been done.

C. Investigation Procedures

Although reports of sexual harassment or intimidation and the investigation are to be kept in strictest confidentiality if at all possible, the district's obligation to investigate and take corrective action may supersede an individual's right to privacy. The superintendent may conduct an investigation regardless of the complainant's interest in filing a formal complaint.

1. Upon receipt of the Sexual Harassment Report Form, the Title IX Officer shall undertake or authorize an investigation. Student complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities.
2. The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, and others who may have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
3. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of policy requires a determination based on all facts and surrounding circumstances.
4. In order to implement the anti-retaliation provisions of this policy, the school district may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators or other school personnel pending a completion of an investigation.
5. When the investigation is completed, the Title IX Officer shall compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the matter may be referred to the superintendent for possible further action. The superintendent or designee shall respond in writing to the complainant and the accused within thirty days stating:

- that the district does not have adequate evidence to conclude that harassment occurred;
- corrective actions that the district intends to take; and/or
- that the investigation is incomplete to date and will be continuing.

Corrective measure deemed necessary will be instituted as quickly as possible, but in no event more than thirty days after the superintendent's written response, unless the accused is appealing the imposition of discipline and the district is barred by due process consideration or a lawful order from imposing the discipline until the appeal process is concluded. The Complainant shall be contacted within thirty (30) days after the completion of the investigation to determine if the matter has been satisfactorily resolved.

D. Appeals

In the event a complainant remains aggrieved as a result of the decision of the superintendent in resolving a complaint, a complainant may appeal to the school district board of directors by filing a written notice of appeal with the secretary of the school board on or before the tenth day following (a) the date upon which the complainant received the superintendent's response or (b) the expiration of the thirty days under which the superintendent has to respond to the complaint, whichever occurs first. An appeal to the board of directors shall require the board of directors to schedule a hearing to commence on or before the twentieth day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The board of directors shall render a written decision on or before the tenth day following the termination of the hearing, and shall provide a copy to all parties involved. In the event a complainant remains aggrieved with the decision of the school district board of directors, the complainant may appeal the board's decision to the Superintendent of Public Instruction.

E. Discipline

Any district or school action taken against individuals found to have committed acts of sexual harassment will be consistent with Washington statutes, regulations and district policies and procedures. The district or school will take such disciplinary action it deems necessary and appropriate.

IV. Employee and Volunteer Procedures

A. Informal Reporting

Anyone who experiences sexual harassment should let the offender know immediately and firmly that the behavior is offensive and must immediately stop. Informal remedies include:

1. The complainant explaining to the alleged harasser that his or her conduct is unwelcome, offensive, or inappropriate, either face-to-face or in writing;
2. If the complainant feels unable to directly confront the alleged harasser, he or she should speak with his or her supervisor or the affirmative action officer. The supervisor or the affirmative action supervisor may inform the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; and/or
3. A general public statement from an administrator reviewing the district sexual harassment policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant or because the district believes the complaint needs to be more thoroughly investigated.

B. Formal Reporting

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. The district will fully implement the anti-retaliation provisions of district policy to protect complainants and witnesses. The superintendent or the affirmative action 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:

1. The affirmative action officer shall receive and investigate all formal written complaints of sexual harassment, or information in the affirmative action officer's possession that the officer

- believes requires further investigation.
2. All formal complaints shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment.
 3. When the investigation is completed, the affirmative action officer shall compile a full written report of the complaint and the results of the investigation.
 4. The superintendent shall respond in writing to the complainant and the accused within thirty days of the filing of the complaint stating:
 - that the district does not have adequate evidence to conclude that harassment occurred;
 - corrective actions that the district intends to take; and/or
 - that the investigation is incomplete to date and will be continuing.

C. Appeals

In the event a complainant remains aggrieved as a result of the decision of the superintendent in resolving a complaint, a complainant may appeal to the school district board of directors by filing a written notice of appeal with the secretary of the school board on or before the tenth day following (a) the date upon which the complainant received the superintendent's response or (b) the expiration of the thirty days under which the superintendent has to respond to the complaint, whichever occurs first. An appeal to the board of directors shall require the board of directors to schedule a hearing to commence on or before the twentieth day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The board of directors shall render a written decision on or before the tenth day following the termination of the hearing, and shall provide a copy to all parties involved. In the event a complainant remains aggrieved with the decision of the school district board of directors, the complainant may appeal the board's decision to the Superintendent of Public Instruction.

D. Discipline

Any employee who has been found, after appropriate investigation, to have harassed another individual will be subject to disciplinary action up to and including discharge. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty days after the superintendent's written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

Any district action taken against individuals found to have committed acts of sexual harassment will be consistent with Washington statutes and regulations, district collective bargaining agreements, and district policies and procedures.

Revised by the Superintendent: August 20, 1999

Revised by the Superintendent: June 14, 2004