

Sexual Harassment of Students Prohibited

Purpose

This policy affirms Valley School District's commitment to a positive and productive education free from sexual harassment and describes responsibilities concerning awareness, training, intervention and response.

Scope

This policy applies to the Board of Directors, Superintendent, district employees, students, parents and guardians, and volunteers.

Policy

1. INTRODUCTION

- 1.1. The district's commitment to a positive and productive educational environment free from discrimination, including sexual harassment, extends to all students involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation or at a class or school training held elsewhere.
- 1.2. The district prohibits sexual harassment of students by other students, employees or third parties involved in school district activities. Sexual harassment will be investigated by the district even if the alleged harasser is not a part of the school staff or student body.

2. DEFINITIONS

- 2.1. "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.
- 2.2. Under federal and state law, the term "sexual harassment" includes:
 - (a) Acts of sexual violence.
 - (b) Unwelcome sexual or gender-directed conduct or communication that interferes with an individual's educational performance or creates an intimidating, hostile, or offensive environment.
 - (c) Unwelcome sexual advances.
 - (d) Unwelcome requests for sexual favors.
 - (e) Sexual demands when submission is a stated or implied condition of obtaining an educational benefit.
 - (f) Sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

- 2.3. 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 flagrant.

3. INVESTIGATION AND RESPONSE

- 3.1. If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation.
 - 3.1.1. If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence and as appropriate, remedy its effects.
 - 3.1.2. 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. The district will take these steps every time a complaint alleging sexual harassment comes to the attention of the district, either formally or informally.
- 3.2. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. 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 sexual harassment.
- 3.3. Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff or other third parties involved in school district activities.
 - 3.3.1. 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.

4. RETALIATION AND FALSE ACCUSATIONS

- 4.1. 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.
- 4.2. 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.

5. STAFF RESPONSIBILITIES

- 5.1. The Superintendent will 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.
- 5.2. 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. All staff are also responsible for directing complainants to the formal complaint process.
- 5.3. Reports of discrimination and discriminatory harassment will be referred to the district's Title IX and/or Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

6. NOTICE AND TRAINING

- 6.1. The Superintendent or designee will 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.
- 6.2. This policy and the procedure, which includes the complaint process, will be posted in each district building in a place 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 will be included in each student, staff, volunteer and parent handbook. Such notices will identify the district's Title IX coordinator and provide contact information, including the coordinator's email address.

7. POLICY REVIEW

The Superintendent or designee will periodically review the use and efficacy of this policy and related procedures, and recommend changes as appropriate. The Superintendent is encouraged to involve staff, students, volunteers and parents in the review process.

Related Procedures

3205P1-Sexual Harassment of Students Prohibited

3207P1-Prohibition of Harassment, Intimidation and Bullying

3210P1-Nondiscrimination

5253P1-Maintaining Professional Staff-Student Boundaries

Policy Cross References

3207-Prohibition of Harassment, Intimidation and Bullying

3210-Nondiscrimination

3240-Student Conduct

3301-Disciplinary Action

3421-Child Abuse, Neglect and Exploitation Prevention

5011-Sexual Harassment of District Employees Prohibited

5253-Maintaining Professional Staff-Student Boundaries

Policy Legal References

RCW 28A.640.020 – Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies

WAC 392-190-056 to -058 – Sexual harassment

20 U.S.C. §§ 1681-1688

Management Resources

Policy & Legal News Alert, July 2015

Policy & Legal News, December 2014

Policy News, October 2011, Policy Manual Revisions

Policy History

Action:	Date:
Approved by the Board	November 18, 2015
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