

Sexual Harassment of District Staff Prohibited

Purpose

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

Scope

This policy applies to the Board of Directors, Superintendent, all Valley School District employees, students, parents and guardians, and volunteers.

Policy

1. INTRODUCTION

Valley School District is committed to a safe, respectful and productive working environment free from discrimination, including sexual harassment. The district prohibits and will not tolerate sexual harassment of any employees and other persons involved in academic, educational, extracurricular, athletic and other programs or school district activities, whether that program or activity is in a school facility, on school transportation, or at a class or school training held elsewhere. 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" is defined as 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.
- 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 employment 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 a work opportunity or other benefit.
 - (f) Sexual demands where submission or rejection is a factor in a work or other school-related decision affecting an individual.
- 2.3. A "hostile environment" for an employee is created where the unwanted conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

3. INVESTIGATION AND RESPONSE

- 3.1. If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, the district will promptly investigate to determine what occurred and will 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 every time a report, complaint and grievance alleging sexual harassment come 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 on-going 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 staff or other third parties involved in school district activities. 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 ALLEGATIONS

- 4.1. Retaliation against any person who makes a complaint 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 or designee 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's Title IX or Civil Rights Compliance Coordinator. All staff members 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 information and education to district staff, 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 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, parents, volunteers and visitors. Information about the policy and procedure will be easily understood and conspicuously posted throughout each school building, provided to each employee and will be included in each 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. 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, volunteers and parents in the review process.

Related Procedures

3210P1-Nondiscrimination

5010P1-Equal Employment Opportunity and Affirmative Action

5011P1-Sexual Harassment of District Staff Prohibited

Policy Cross References

3205-Sexual Harassment of Students Prohibited

3207-Prohibition of Harassment, Intimidation and Bullying

3210-Nondiscrimination

3240-Student Conduct

3301-Disciplinary Action

3421-Child Abuse, Neglect and Exploitation Prevention

5010-Equal Employment Opportunity and Affirmative Action

Policy Legal References

Title VII of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972

RCW 49.60 – Discrimination – Human Rights Commission

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

WAC 392-190-056 to 058 – Sexual harassment

Management Resources

Policy & Legal News Alert, July 2015

Policy & Legal News, December 2014

Policy News, October 2011, Policy Manual Revisions

Policy History

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