

PERSONNEL

Sexual Harassment of District Staff Prohibited Procedures

I. Complaint Process

A. Informal Complaint

The informal procedure to report and resolve complaints of sexual harassment may be used by anyone. Informal reports may be made to any staff member, although staff will always inform complainants of their right to and the process for filing a formal complaint. Staff will also direct potential complainants to the building principal, his/her supervisor, or the Superintendent or designee who can explain the informal and formal complaint processes and what a complainant can expect. Any other staff member who may receive a sexual harassment complaint will immediately report the complaint to the building principal or any individual designated above.

Informal remedies include:

1. 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;
2. 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
3. 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.

B. Formal Complaint

The complainant 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 will be informed that the District will likely face due process requirements that will make available to the accused all of the information that the District has related to the complaint. The district will, however, fully implement the anti-retaliation provisions of Policy 5011 and this procedure to protect complainants and witnesses. The Superintendent or designated compliance officer (hereinafter referred to as the compliance officer) may conclude that the District may conclude that the District may conduct an investigation based on information in their possession regardless of the complainant's interest in filing a formal complaint. The following process will be followed:

Filing of Complaint

1. All formal complaints will be in writing; and will set forth the specific acts, conditions or circumstances alleged to have occurred to constitute sexual harassment. The compliance officer may draft the complaint based on the report of the complainant, for the complainant to review and sign.
2. The compliance officer will receive and investigate all formal, written complaints of sexual harassment and/or other information in the compliance officer's possession that the officer believes requires further investigation.
3. When the investigation is completed, the compliance officer will compile a full written report of the complaint and the results of the investigation.
4. The Superintendent or designee will respond in writing to the complainant and the accused within thirty (30) calendar days stating:
 - a. A summary of the results of the investigation;
 - b. A statement as to whether a preponderance of the evidence establishes that the complainant was sexually harassed;
 - c. If sexual harassment is found to have occurred, the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate;
5. The response of the Superintendent will include notice of the complainant's right to appeal to the Board and will identify where and to whom the appeal must be filed.
6. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the Superintendent's or designee'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. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.
7. The Superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. If the complaint alleges discriminatory harassment by a named party or parties, the coordinator will provide the accused party or parties with notice of the outcome of the investigation and notice of their right to appeal any discipline or corrective action imposed by the district.

II. **Appeal Procedure**

A. **Level One**

If a complaint remains aggrieved as a result of the action or inaction of the Superintendent or designee in resolving a complaint, the complainant may file a written notice of appeal with the secretary of the Board by the tenth (10) calendar day following:

1. The date upon which the complainant received the Superintendent's or designee's response, or
2. Expiration of the thirty (30) calendar-day response period based on the receipt of the complaint by the District, whichever occurs first.

The Board will schedule a hearing to commence by the twentieth (20) calendar day following the filing of the written notice of appeal. Both parties will be allowed to present such witnesses and testimony as the Board deems relevant and material. The Board will render a written decision by the tenth (10) calendar day following termination of the hearing and will provide a copy to the complainant.

The decision will be provided in a language that the complainant can understand which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.

The response of the Board will include notice of the complainant's right to appeal to the Office of the Superintendent of Public Instruction (OSPI) and will identify where and to whom the appeal must be filed.

B. **Level Two – Complaint to OSPI**

In the event a complainant remains aggrieved with the decision of the Board, the complainant may file a complaint with the Office of the Superintendent of Public Instruction (OSPI) by filing a written notice of the complaint with OSPI by the twentieth (20) calendar day following the date upon which the complainant received written notice of the Board's decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.

The notice of the complaint must state the areas of disagreement and the relief requested. Complaints to OSPI will be conducted in compliance with the applicable regulations adopted by OSPI.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint.

C. **Level Three – Administrative Hearing**

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with

OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

III. Preservation of Records

The files containing copies of all correspondence relative to each complainant communicated to the District and the disposition, including any corrective measures instituted by the District, will be retained in the Human Services office.

IV. Confidentiality

Confidentiality of the complainant and of the accused will be respected consistent with the District's legal obligations, and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

V. Non-Retaliation

Individuals will not be retaliated against by others for making a report of sexual harassment or for providing testimony and/or assisting in the investigation of such a report.

VI. False Reports

The District will take all complaints of sexual harassment seriously and will act to investigate all complaints. It is also a violation of this policy to knowingly report false allegations. Persons found to knowingly make false allegations will also be subject to disciplinary action.

VII. Sanctions

A substantiated complaint against a staff member in the District will subject such staff member to disciplinary action, up to and including the possibility of discharge. Where reasonable and appropriate, the District also reserves the right to refer the matter to law enforcement officials.

A substantiated complaint against a student in the District will subject that student to disciplinary action which may include suspension or expulsion, consistent with the student discipline code. Where reasonable and appropriate, the District also reserves the right to refer the matter to law enforcement officials.

VIII. Sexual Harassment as Sexual Abuse

Under certain circumstances, sexual harassment may constitute sexual abuse under Washington State's criminal statutes. Nothing in this policy will prohibit the District from taking appropriate action to protect victims of alleged sexual abuse.

IX. 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. 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.

A copy of the District's sexual harassment policy must be included in any publication of the District or of a school that sets forth the rules, regulations, procedures, and standards of conduct for the school or school District. The policy must also be conspicuously posted in each school, and provided to each employee, volunteer and student.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that examples of "sexual harassment" include:

- Acts of sexual violence;
- Unwelcome sexual or gender-directed conduct or communications that interferes with an individual's employment performance or creates intimidation, hostile, or offensive work environment;
- Unwelcome sexual advances;
- Unwelcome request for sexual advances;
- Sexual demands where submission is stated or implied obtaining work opportunity or other benefit; or
- Sexual demands where submission or rejection is a factor in a work-related decision affecting and individual.

Adoption Date: April 26, 1995

Revision Dates: December 11, 1996
August 29, 2011
February 12, 2014
August 4, 2014
August 22, 2018
October 21, 2019