

Prohibition of Sexual Harassment - Students

This district is committed to a positive and productive education free from discrimination, including sexual harassment. This commitment 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.

Definitions

For purposes of this policy, sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

- a. Submission to that conduct or communication is made a term or condition either explicitly or implicitly of obtaining an education;
- b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education; or
- c. That conduct or communication has the purpose or effect of substantially interfering with an individual's education, or of creating an intimidating, hostile, or offensive educational environment.

The district prohibits sexual harassment of students by other students, employees or third parties involved in school district activities.

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 egregious.

Investigation and Remedies

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. The Title IX Coordinator will upon receipt of a complaint, direct the complaint to the appropriate lead staff member to investigate all formal, and/or written complaints of sexual harassment or information in the coordinator's possession that requires further investigation. 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, including but not limited to implementing safety and/or behavior plans, corrective action, training and/or education. 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 contact individuals who submit reports, complaints and grievances alleging sexual harassment within two (2) school days to acknowledge receipt of the information and advise the individual of appropriate steps the district will take to resolve the complaint in writing. The district will take

these steps every time a complaint, alleging sexual harassment comes 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 in accordance with policy 3421. 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.

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. 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 and False Allegations

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.

Staff Responsibilities

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.

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 Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.

Reports of discrimination and discriminatory harassment will be referred to the district's Discrimination Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

Notice and Training

The superintendent or designee will ensure the development of 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 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 reproduced 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.

Staff responsible for facilitating and/or conducting investigations will receive annual training on investigations.

Policy Review

The superintendent or designee will make an annual report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, will be included in the report.

Cross References:	Board Policy 3207	Prohibition of Harassment, Intimidation and Bullying
	Board Policy 3210	Nondiscrimination
	Board Policy 3240	Student Conduct
	Board Policy 3241	Classroom Management, Corrective Actions and/or Intervention
	Board Policy 5010	Nondiscrimination and Affirmative Action
	Board Policy 5011	Sexual Harassment of District Staff Prohibited
Legal References:	20 U.S.C. 1681-1688	Sexual Harassment - Definitions
	WAC 392-190-056	Sexual Harassment - Notification
	WAC 392-190-058	Regulations, guidelines to eliminate discrimination – Scope – Sexual harassment policies
	RCW 28A.640.020	
Management Resources:		
	<i>Policy Alert</i> , July 2015	
	<i>Policy News</i> , December 2014	
	<i>Policy News</i> , October 2010	

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Bellevue School District**