

Sexual Harassment

Complaint Process:

Complainants (employees, volunteers, parents and students) who wish to have the district hold their identity confidential will be informed that the district will almost assuredly 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 this and other applicable policies to protect complainants and witnesses. Student complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The superintendent or designated compliance 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 complaint. When the complainant is a student or their parent/guardian, the complaint will be investigated under Policy 3207 (Harassment, Intimidation and Bullying), Policy 3210 (Nondiscrimination) and accompanying procedures. Both policies provide appeal rights for complainants.

The following process will be followed when the complainant is a staff member or volunteer:

- A. The compliance officer will receive and investigate all, written complaints of sexual harassment, or information in the compliance officer's possession that the officer believes requires further investigation.
- B. All complaints will be in writing; will be signed by the complainant; and will set forth the specific acts, conditions or circumstances alleged to have occurred that constitute sexual harassment. The compliance officer may draft the complaint based on the report of the complainant, for the complainant to review and sign.
- C. When the investigation is completed the compliance officer will 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 superintendent will take further action on the report.
- D. The superintendent or designee will respond in writing to the complainant and the accused within thirty days stating:
 - 1. That the district does not have adequate evidence to conclude that harassment occurred;
 - 2. Corrective actions that the district intends to take; and/or
 - 3. That the investigation is incomplete to date and will be continuing.

The appeal process below will be included in the response to the complainant.

- E. 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. Complaints may be pursued through the appropriate collective bargaining agreement process or anti-discrimination policy.

Appeal Process

A. Level One

If a complainant remains aggrieved as a result of the action or inaction of the superintendent in resolving a complaint, the complainant may appeal to the board of the district by filing a

written notice of appeal with the secretary of the board by the 10th calendar day following:

1. The date upon which the complainant received the superintendent's response, or
2. The expiration of the 30-calendar day response period based on the receipt of the complaint by the school district, whichever occurs first; and
3. The board will schedule a hearing to commence by the 20th 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 10th calendar day following the termination of the hearing and will provide a copy to the complainant.

B. Level Two

If a complainant remains aggrieved as a result of the decision of the board in resolving a complaint, the complainant may appeal to the Superintendent of Public Instruction (OSPI) Office of Professional Practices by filing a written notice of appeal with OSPI by the 10th calendar day following the date upon which the complainant received written notice of the board's decision.

Training and Orientation

District orientation sessions for staff 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 complaint processes and their roles and responsibilities under the policy and procedure. Certificated 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.

As part of the information on the recognition and prevention of sexual harassment, staff and volunteers 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 remarks 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. Standing too close, inappropriately touching, cornering or stalking a person; or
- G. Displaying offensive or inappropriate sexual illustrations on school property.

Sexual harassment does not refer to casual conversations or compliments of a socially acceptable nature. It refers to behavior related to the above definitions which is not welcome, is personally offensive, and interferes with efficacy or creates uneasiness.

Date: 09.13, 3.16, 11.16