

PROPOSED REVISION

3205

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STUDENTS

Sexual Harassment of Students Prohibited

I. Statement of Policy

It is the policy of Everett School District (Everett Public Schools?) to maintain a learning environment for students that is free from all forms of discrimination, including sexual harassment based on any legally protected status or characteristic, including the presence of any physical, sensory or mental disability, race, color, religion, creed, sex, national origin, sexual orientation, gender expression, gender identity, veteran or military status, disability, or the use of a trained dog guide or service animal by a student with a disability. 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.

~~The district prohibits harassment of, and by, students. A fundamental premise of this policy and expectation regarding conduct is that the dignity of individuals and groups must be respected.~~

~~The district will not tolerate any form of harassment as defined by this policy. It shall be a violation of this policy and the district's student discipline policy for any student of the district to harass another student, staff member, volunteer, vendor, visitor, parent, or guardian. This policy also prohibits harassment of students by staff members, volunteers, vendors, visitors, parents, or guardians. Violations of the policy should be immediately reported by the student or anyone with knowledge of the harassing conduct to the building Title IX officer, a building administrator, the district Title IX officer, or the assistant superintendent of human resources.~~

~~All complaints of harassment, whether formal or informal, will be addressed and appropriate corrective, disciplinary, and remedial actions will be taken, up to and including suspension and/or expulsion, against any student found to have violated this policy.~~

~~This policy is intended to prevent harassment of, and by, students and is not intended to confer any rights upon or otherwise protect a person who engages in harassment.~~

H. Harassment Defined Definitions

~~Generally, prohibited~~ For the purposes of this policy, sexual harassment is 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 and will be investigated by the district even if the alleged harasser is not a part of the school staff or student body. The district prohibits sexual harassment of students by other students, employees, or third parties involved in district activities. that is directed against an individual based on the individual's protected status or characteristic if the conduct (1) is unwelcome; (2) has the purpose or effect of creating an intimidating, hostile or offensive educational environment; and (3) is sufficiently severe or pervasive to substantially interfere with a student's education.

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Under federal and state law, the term “sexual harassment” may include:

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communication that interferes with an individual’s educational performance or creates an intimidating, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied condition of obtaining an educational benefit;
- sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

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 Response

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. 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. 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.

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.

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Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff or other third parties involved in 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.

III. Complaints

A. Receipt of Complaints

~~The district will take complaints of harassment seriously and will act to address all complaints. Any student who believes that he or she has been subjected to harassment in the educational environment is encouraged to bring his or her complaint to the immediate attention of a member of the teaching, counseling, or administrative staff for assistance in resolving the matter. Other students and staff members with knowledge that a student is being harassed are expected to immediately report such behavior to the building Title IX officer in accordance with [Procedure 3205P](#). Complaints shall be handled in the manner specified in [Procedure 3205P](#).~~

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.

B. False Reports

~~It is a violation of this policy to knowingly report or corroborate false allegations of harassment. Persons found to knowingly report or corroborate false allegations will be subject to disciplinary action.~~

C. Non-retaliation

~~Students shall not be retaliated against by other students or staff for making a complaint of harassment or for providing testimony and/or assisting in the investigation of such a complaint. Any student who believes that he or she has been retaliated against for bringing forward a complaint or participating in an investigation, should promptly notify one of the persons designated in [Procedure 3205P](#) for the receipt of complaints.~~

D. Confidentiality

~~The district will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the district's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when harassment has occurred.~~

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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 or Civil Rights 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 Title IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

District/school staff, including employees, contractors, and agents shall not provide a recommendation of employment for an employee, contractor, or agent that the district/school, or the individual acting on behalf of the district/school, knows or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law.

Notice and Training

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. 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.

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. The superintendent or designee is encouraged to involve staff, students, volunteers, and parents in the review process.

IV. Harassment as Sexual Abuse

~~Under certain circumstances, sexual harassment may constitute child abuse under Washington State's criminal statutes.~~

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~~Nothing in this policy will prohibit the district from taking appropriate action to protect victims of alleged child abuse. (Refer to child abuse reporting [Policy/Procedure 3421](#).)~~

V. Harassment by a District Staff Member, Volunteer, Vendor, Visitor, Parent or Guardian

~~Harassment of a student by a district staff member, volunteer, vendor, visitor, parent or guardian is prohibited. Such behavior should be immediately reported by the student or anyone with knowledge of such behavior to the building principal and/or building Title IX officer and the assistant superintendent of human resources for investigation and, where appropriate, disciplinary action up to and including discharge of a staff member.~~

VI. Corrective Actions

~~The district will take such disciplinary or other corrective action it deems necessary and appropriate to end harassment and to prevent its recurrence. Documentation and record of complaints and action taken shall be maintained.~~

Cross references: [Board Policy 2152](#) Nondiscrimination on the Basis of Sex in Education Programs and Activities and Title IX
 [Board Policy 3204](#) Prohibition of Harassment, Intimidation, and Bullying
 [Procedure 3205P](#) Harassment
 [Board Policy 3210](#) Nondiscrimination
 [Board Policy 3213](#) Transgender Students
 [Board Policy 3240](#) Student Conduct Expectations and Sanctions
 [Board Policy 5010](#) Affirmative Action and Nondiscrimination
 [Board Policy 5160](#) Sexual Harassment
 [Board Policy 5270](#) **Disciplinary Action and Discharge**

Legal references: [RCW 26.44](#) Abuse of Children
 [RCW 28A.640](#) Sexual Equality
 [RCW 28A-640-020](#) **Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies**
 [WAC 392-190](#) Equal educational opportunity—unlawful discrimination prohibited
 [WAC 392-190-058](#) **Sexual harassment policy—Notification**
 [Title VI Civil Rights Act of 1964](#)
 [Title IX Education Amendments of 1972](#)

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