

PROPOSED REVISION



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HUMAN RESOURCES

Sexual Harassment

All employees and volunteers will be provided a work environment free from sexual harassment. Sexual harassment is a form of misconduct which undermines the integrity of the employment relationship. Such conduct, whether committed by supervisory or nonsupervisory personnel, is specifically prohibited.

For the purposes of this policy, **sexual harassment** is defined by state and federal laws as any unwelcome sexual advance, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature that:

- Conditions the provision of employment or an aid, benefit or service of the district, either explicitly or implicitly, on the employee's participation in such conduct (quid pro quo harassment); and/or
- Makes the submission to or rejection of that conduct or communication a factor in decisions affecting that individual's employment; and/or
- A reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies an employee equal access to a district program or activity; and/or
- Has the purpose or effect of substantially interfering with an employee's job performance, or of creating an intimidating, hostile, or offensive educational environment; and/or
- Constitutes sexual assault as defined in the Clery Act, 20 U.S.C. 1092(f)(6)(A)(v)), dating violence as defined in 34 U.S.C. 12291(a)(10), domestic violence as defined in 34 U.S.C. 12291(a)(8), or stalking as defined in the Violence Against Women Act ("VAWA"), 34 U.S.C. 12291(a)(30).

Any employee or volunteer who believes they have been subjected to sexual harassment on the job should bring this to the immediate attention of their supervisor, the Affirmative Action officer, or the executive director of human resources.

All such complaints will be promptly investigated and, where appropriate, immediate corrective action will be taken to end sexual harassment and prevent its recurrence. Corrective action may include disciplinary action, up to and including suspension or termination, against those who violate the sexual harassment policy and support and/or assistance, as appropriate, for individuals who have been subjected to sexual harassment. Disciplinary actions shall be in compliance with collective bargaining agreements and state and federal law. To the highest degree possible, allowing for a fair investigation, complaints will be treated in a confidential manner. Retaliation against employees or volunteers shall not occur because they have made complaints of sexual harassment to management.

Persons who knowingly report false allegations of sexual harassment or corroborate false allegations of sexual harassment will be subject to appropriate discipline or other sanctions.

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Reasonable efforts shall be made to inform all employees and volunteers of the district's sexual harassment policy and procedures. These efforts shall include insertion of the policy and procedures in new employee information and volunteer orientation materials.

Informal complaints of sexual harassment by employees or volunteers shall be reported to the employee's or volunteer's supervisor, the Affirmative Action officer, or the executive director of human resources. The administrator receiving the complaint will be responsible for coordinating the investigation of such complaint with the district's Affirmative Action officer or executive director of human resources. Formal complaints of sexual harassment shall be processed in accordance with the complaint procedures set forth in [Procedure 5160P](#).

A formal complaint filed by or on behalf of a student complainant against an employee respondent will be investigated under the definitions, requirements, and procedures of Board Policy 3205 and Procedure 3205P.

Annually in conjunction with the report to the board of directors on the Affirmative Action Plan, the Affirmative Action officer will review the use and efficacy of the sexual harassment policy and procedures.

Cross references:	Board Policy 2152	Nondiscrimination on the Basis of Sex in Education Programs and Activities and Title IX
	Board Policy 3204	<u>Prohibition of Harassment, Intimidation and Bullying</u>
	Board Policy 3205	Sexual Harassment of Students
	Board Policy 3210	<u>Nondiscrimination</u>
	Board Policy 3213	<u>Gender-Inclusive Schools</u>
	Board Policy 3421	<u>Child Abuse, Neglect and Exploitation</u>
	Board Policy 5010	<u>Affirmative Action and Nondiscrimination</u>
	Procedure 5160P	Sexual Harassment
	Board Policy 5161	Civility in the Workplace

Legal references:	Chapter 28A.640 RCW	Sexual equality
	RCW 28A.640.020	<u>Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies</u>
	Chapter 392-190 WAC	Equal educational opportunity— Unlawful discrimination prohibited
	WAC 392-190-056	Sexual harassment—Definitions
	WAC 392-190-057	Sexual harassment policy—Required criteria

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[WAC 392-190-058](#)

Sexual harassment policy—
Notification

[20 U.S.C. §§ 1681-1688](#)

**Discrimination Based on Sex or
Blindness**

[29 CFR § 1604.11](#)

Sexual Harassment

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