

STUDENTS

Sex Discrimination and Sexual Sex-Based Harassment of Students Prohibited

The district is committed to a positive and productive education. It is the policy of Everett School District to maintain a learning environment for students that is free from all forms of discrimination, including sexual harassment. The district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by federal and state laws. 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 has jurisdiction over complaints of sex discrimination, including sex-based harassment, pursuant to the Federal law Title IX of the Education Amendments of 1972 (Title IX) and Washington State laws, including Chapter 28A.640 RCW and Chapter 392-190 WAC.

This policy is developed to meet the district's obligations under Title IX and aligned with Washington State laws and regulations that define sex discrimination. Sex discrimination that does not fall under this policy may be addressed under other district policies and procedures.

The district prohibits sex discrimination of students by other students, employees, or third parties involved in school district activities. The district also prohibits sex discrimination in the policies, procedures, and practices of the district's program and activities, including but not limited to counseling and guidance services, recreational and athletics activities, and access to course offerings.

For purposes of this policy, "sex discrimination" includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and gender expression. Sex-based harassment is a form of sex discrimination and is prohibited by this policy.

Definitions

"Sex-based harassment" means sexual harassment and other harassment on the basis of sex stereotypes, sex characteristics, sexual orientation, gender identity, gender expression, pregnancy or related conditions, and marital status.

The term "sexual harassment" includes the following, which Title IX defines at 34 C.F.R. § 106.2:

- "Quid pro quo harassment,"
- "Hostile environment harassment," and
- Specific offenses of sexual assault, dating violence, domestic violence, or stalking.

For the purposes of this policy, The term “sexual harassment” is also prohibited under defined by state and federal laws as defined by WAC 392-190-056 and includes any 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 (2) or more individuals if that:

- (a) Submission to that conduct or communication is condition of obtaining an education; or
- (b) A factor in decisions affecting that individual’s education; or
- (c) The conduct or communication has the purpose or effect of substantially interfering with an individual’s educational performance or of creating an intimidating, hostile, or offensive educational environment.

Harassment based on sexual orientation, gender expression, or gender identity is also prohibited under Washington state law.

For the purpose of these definitions, sex-based harassment may include conduct or communication that involves adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male, and female to female.

The district will address all sex-based harassment in its program and activities, even when some conduct alleged to be contributing to a hostile environment occurs outside of its program or activities.

The district has also developed other specific, related policies for students to comply with its obligations under state and federal laws, including nondiscrimination (Policy 3210), pregnant and parenting students (Policy 3211), gender-inclusive schools (Policy 3213), district employees (Policy 5160), and pregnant and parenting staff (50??) to comply with its obligations under state and federal laws, including Title IX, and to create inclusive and welcoming school-communities.

- Conditions the provision of an aid, benefit or service of the district, either explicitly or implicitly, on the student’s participation in such conduct (quid pro quo harassment); and/or
- A reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an education program or activity; and/or
- Has the purpose or effect of substantially interfering with a student’s educational 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).

Sexual harassment can occur adult to student, student to adult, 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.

Under federal and state law, the term sexual harassment may include, but is not limited to:

- 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

The superintendent or designee will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sexual discrimination and will include reasonable and prompt timelines and delineate roles and responsibilities for such.

If the district knows, or in the exercise of reasonable care reasonably should know have known, that sexual harassment discrimination has occurred, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that sexual sex-based harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sexual sex-based 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 sex discrimination 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 sex discrimination 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 as required by law. 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 sex-based harassment.

Engaging in **sexual sex-based** 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 sex-based** 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. It is a violation of this policy to engage in retaliation, as defined under federal and state laws and Procedure 3205P, including retaliation by a student against another student, 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 reporting false allegations of sexual harassment sex discrimination is prohibited. Students or employees will not be disciplined for making a report in good faith. However, persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline as discussed in Procedure 3205P. However, no party, witness, or others participating in the district's grievance process will be disciplined based solely on a determination of whether sex discrimination occurred under the Procedure 3205P.

Staff Responsibilities and Training

The superintendent or designee will develop and implement **formal and informal a procedures that identifies the roles, responsibilities, and training requirements of the Title IX Officer and other district employees for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt timelines and delineate staff responsibilities under this policy.**

The superintendent or designee will also develop materials to provide age-appropriate information and education to district staff, students, parents, and volunteers regarding this policy and the recognition and prevention of sex-based harassment.

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/Civil Rights Compliance Officer. 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 Officer. 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.

District 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, the district's website will include a statement that the district prohibits sex discrimination and sex-based harassment in any education program or activity that it operates, as required by Title IX and other laws, and employment. It will also state that questions about Title IX, how to locate the district's policy and grievance procedure, and how to report sex discrimination or make a complaint may be directed to the district's Title IX Officer. The Title IX Officer's contact information will also be provided, including their name or title, office address, email address, and telephone number. sexual harassment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientation.~~

This policy and [Procedure 3205P](#), which includes the complaint process, will be **conspicuously** posted in each district building in a place **available accessible** 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/**Civil Rights Compliance** Officer and provide contact information, including the Title IX/**Civil Rights Compliance** Officer's email address.

Additionally, sex-based harassment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientations.

Policy Review

The superintendent or designee will make an annual report to the board reviewing the use and efficacy of this policy and [Procedure 3205P](#). 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.

Cross references:	Board Policy 2152	Nondiscrimination on the Basis of Sex in Education Programs and Activities and Title IX Prohibition of Harassment, Intimidation, or Bullying of Students
	Board Policy 3204	<u>Sex Discrimination and Sexual Sex-Based Harassment of Students Prohibited</u>
	Procedure 3205P	
	Board Policy 3210	Nondiscrimination
	Board Policy 3213	Gender-Inclusive Schools
	Board Policy 5010	Affirmative Action and Nondiscrimination
	Board Policy 5160	Sexual Harassment
	Board Policy 5270	Disciplinary Action and Discharge

Legal references: ~~Chapter 26.44 RCW Abuse of Children~~
~~Chapter 28A.640 RCW Sexual Equality~~
~~RCW 28A-640-020~~ Regulations, guidelines to eliminate
discrimination—Scope—Sexual harassment
policies
~~Chapter 49.60 RCW Discrimination—Human Rights Commission~~
~~Chapter 392-190 WAC Equal educational opportunity—Unlawful~~
~~discrimination prohibited~~
~~WAC 162-32-040 Harassment~~
~~WAC 392-190-058~~ Sexual harassment policy—Notification
~~Title VI Civil Rights Act of 1964~~
~~Title IX Education Amendments of 1972~~
~~2024 Title IX Regulations at 34 C.F.R. § 106 et seq.~~

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