

STUDENTS

Sex Discrimination and Sexual Sex-Based Harassment of Students Prohibited— Implementation Procedure

This procedure is intended to set forth the requirements of [Policy 3205](#) and [Policy 5160](#) to specify the district's obligations with respect to establishing an educational and work environment that does not tolerate sex discrimination, including the process for a prompt, thorough, and equitable investigation of allegations of sexual sex-based harassment, and the need to take appropriate steps to resolve such situations. If sexual harassment is found to have created a hostile environment, staff must take prompt and effective steps reasonably calculated to end harassment, eliminate the hostile environment, prevent its reoccurrence, and as appropriate, remedy its effects.

“Sex discrimination” means discrimination on the basis of sex, sex stereotypes, sex characteristics, sexual orientation, gender identity, gender expression, pregnancy, or related conditions. Sex-based harassment is a form of sex discrimination.

The district prohibits sex discrimination, including sex-based harassment, 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.

This procedure applies to sexual harassment (including sexual violence) as defined in [Policy 3205](#) and targeted at students carried out by other students, employees or third parties involved in district activities. Because students can experience the continuing effects of off-campus harassment in the educational setting, the district will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, [Chapter 28A.640, RCW](#) and [Chapter 392-190 WAC](#).

I. District Notice and Information

Publication of Notices

Information about [Policy 3205](#) and this procedure will be clearly stated and:

- Conspicuously posted on the district's website;
- Conspicuously posted throughout each school building;
- Provided to each employee; and
- Reproduced in each student, staff, volunteer, and parent handbook.

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Such notices will:

- Include a statement that the recipient does not discriminate on the basis of sex and prohibits sex discrimination and sex-based harassment in any education program or activity that it operates, as required by the State and Federal law Title IX, including employment;
- State that inquiries about the application of Title IX may be referred to the district's Title IX Officer, the Office for Civil Rights, or both;
- Identify the district's Title IX Officer and provide contact information, including their name or title, office address, email address, and telephone number;
- Include how to locate the district's sex discrimination policy and grievance procedures;
- Include how to report information about conduct that may constitute sex discrimination; and
- Include how to make a complaint of sex discrimination.

If necessary, due to the format or size of any publication, the district may instead include in those publications a statement that the district prohibits sex discrimination, including sex-based harassment, in any education program or activity that it operates. It will also state that individuals may report concerns or questions to the Title IX Officer and provide the location of the notice described above on the district's website.

In addition, copies of [Policy 3205](#) and this procedure, including the policies relating to employees, will be posted on the district website and in each district building in a place accessible to staff, students, parents, volunteers, and visitors.

At a minimum, sex discrimination, including sex-based harassment, recognition and prevention, and the elements of [Policy 3205](#) will be included in staff, student, and regular volunteer orientation.

Information about the district's sex discrimination and sex-based harassment policy will be easily understandable and conspicuously posted throughout each school building, provided to each employee, and reproduced in each staff, volunteer and parent handbook.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

- Pressuring a person for sexual favors.
- Writing graffiti of a sexual nature on school property.
- Distributing or displaying sexually explicit texts, emails or pictures.

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- Making unwelcome, offensive or inappropriate sexual comments, gestures, or jokes.
- Making unwelcome comments about someone based on their sex, appearance, sexual orientation or gender identity or expression.
- Unwelcome touching of a sexual nature or stalking a person.
- Physical violence, including rape, sexual assault, dating violence, and domestic violence.

Reasonable efforts shall be made to inform all students and their parents of the district's sexual harassment policy and procedure. Information about the district's sexual harassment policy and procedure will be reproduced in the [Student Rights and Responsibilities Handbook](#), in each schools' student/parent handbook, staff handbook, and volunteer handbook, posting the policy and procedure in each school building, and discussion of the policy and procedure at each school.

The name and telephone numbers of the building Title IX Coordinator, as well as the district Title IX/Civil Rights Compliance Officer, and assistant superintendent of human resources shall be posted in such locations in buildings as to be commonly and easily viewed by students and staff.

H. The Title IX Team

For the purposes of this section, the Title IX Team refers to the Title IX Officer, school or department-based Title IX Coordinators, investigators, decisionmakers, appeal decisionmakers, informal resolution facilitators, and people with the authority to modify or terminate supportive measures.

A. Roles of Members of the Title IX Team

Any individual designated with any of the following roles must not have a conflict of interest or bias for or against any of the parties:

The district's Title IX Officer is the person authorized by the superintendent to coordinate the district's federal state and sex discrimination and sex-based harassment regulation compliance efforts.

The district's Title IX Officer is:

Dr. Chad Golden

Assistant Superintendent Human Resources

3900 Broadway, Everett, WA 98201

425-385-4100

cgolden@everettsd.org

The person with authority to modify or terminate supportive measures is an impartial employee and someone other than the employee who made the challenged supportive measure decision. They have the authority to modify or reverse a decision to provide, deny, modify, or terminate any supportive measure upon request of a party. Their decision will be based on a determination that the initial supportive measure decision the supportive measure was inconsistent with the definition of supportive measures under Title IX at [34 CFR 106.2](#) and Procedure 3205.1P.

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An informal resolution facilitator is a person who has received the training provided to all employees. They must also be trained on the rules and practices associated with the district's informal resolution process(es) and on how to serve impartially, including avoiding conflicts of interest and bias. Any district designee, which will typically be the school or department based Title IX Coordinator, for the informal resolution process cannot be the complaint investigator, decision-maker, or appeal decision-maker. Such designee must not have a conflict of interest or bias for or against either of the parties. However, a district designee for the informal process will not be considered biased solely because they are an employee of the district or are paid to serve as a facilitator in an informal resolution process.

An investigator is a person who is impartial and has been trained to investigate compliance with the district's sex discrimination grievance process as described in this procedure. The investigator can be the same person who serves as the Title IX Officer or the decisionmaker of the sex discrimination complaint.

The decisionmaker is the superintendent or a designee that reaches the final determination of responsibility for alleged Title IX sex discrimination, including sex-based harassment, will be the superintendent or their designee. The decisionmaker can be the same person who serves as the district's Title IX Officer or the investigator of the sex discrimination complaint.

The appeal decisionmaker will be a member of the school board or a school board designee and cannot be the superintendent or an employee of the district.

B. Training for the Title IX Team

All investigators, decisionmakers, employees with authority to modify or terminate supportive measures, and other employees responsible for implementing the recipient's grievance procedures must be trained on the following topics to the extent related to their responsibilities:

- The definition of sex-based harassment under Title IX and state law;
- The scope of the district's education program or activity;
- How to conduct an investigation, the grievance process, and the informal resolution process;
- How to serve impartially;
- Their responsibilities under [Chapter 392-190 WAC](#); and
- How to raise awareness of and eliminate bias based on sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal.

Investigators must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

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The decisionmaker and appeal decisionmaker must also receive training on issues of relevance of questions and evidence, including the requirement that questions and evidence about a complainant's sexual predisposition or prior sexual conduct are not relevant unless 1) such questions and evidence are offered to prove that someone other than the respondent committed the alleged conduct or 2) questions and evidence concerning specific incidents of the complainant's prior sexual behavior with respect to the respondent is offered to prove consent.

Appeal decisionmakers must also receive training on any technology to be used during in-person or virtual hearings.

In addition to training requirements for all employees described above, the district's Title IX Officer, school- and department-based Title IX Coordinators, and any designees under the Title IX Officer must be trained on:

- The responsibilities of the Title IX Officer;
- Specific responsibilities for ensuring equal opportunity to pregnant and parenting students;
- The provision of supportive measures;
- The district's recordkeeping requirements; and
- Any other training necessary to coordinate the recipient's compliance with Title IX.

III.—Compliance Responsibilities

The district's Title IX Officer's name, title, office address, telephone number, and email address must be available on the district website, in handbooks/catalogs that are made available to staff, students, and parents, and in the district's nondiscrimination statement.

The Title IX Officer will inform the district community, including people who report sex discrimination, of the district's responsibilities under [Policy 3205](#) and related policies and procedures. These include policies for pregnant and parenting students ([Policy 3211](#)), gender-inclusive schools ([Policy 3213](#)), and district employees ([Policy 5160](#)) to comply with its obligations under state and federal laws, including Title IX, and to create inclusive and welcoming school communities.

The Title IX Officer will ensure the district has a process for facilitation of supportive measures for all students, staff, and people attempting to enroll or participate in district programs that report sex discrimination. In addition to the Title IX Officer, the process for supportive measures will include another district employee who is not a subordinate of the Title IX Officer to address requests for rescinding or modifying supportive measures.

The Title IX Officer will ensure the district has a process and system in place to provide support and modifications to pregnant and parenting students, staff, and people attempting to enroll or participate in district programs that report being pregnant or having pregnancy-related conditions.

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The Title IX Officer will annually:

- (1) Monitor the district's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX or this part; and
- (2) Take steps reasonably calculated to address such barriers.

When notified of conduct that reasonably may constitute sex discrimination under Title IX, Washington State law, or the district's policies, the Title IX Officer must take the following actions to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects:

- Treat the complainant and respondent equitably.
- Offer and coordinate supportive measures, as appropriate, for the complainant.
- Offer and coordinate supportive measures, as appropriate, for the respondent if the district has initiated grievance procedures or offered an informal resolution process to the respondent.
- Notify the complainant or, if the complainant is unknown, the individual who reported the district's grievance procedures under Procedure 3205P.1 and the informal resolution process, if available and appropriate.

If a complaint is initiated under the grievance procedures, the Title IX Officer will:

- Evaluate the complaint and, as appropriate, initiate the grievance procedures under Procedure 3205P.1 or other applicable procedures;
- Describe and offer the informal resolution process under the same, if available and appropriate; and
- Notify the respondent of the grievance procedures, if appropriate and applicable.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and the absence or termination of an informal resolution process, the Title IX Officer will determine whether to initiate a complaint of sex discrimination that complies with the grievance procedures under Procedure 3205.P.1. To make this fact-specific determination, the Title IX Officer must consider, at a minimum, the following factors:

- (1) The complainant's request not to proceed with a complaint;
- (2) The complainant's reasonable safety concerns regarding a complaint;
- (3) The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- (4) The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- (5) The age and relationship of the parties, including whether the respondent is an employee of the recipient;

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- (6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- (7) The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- (8) Whether the district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures under Procedure 3205P.1.

If, after considering these and other relevant factors, the Title IX Officer determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person or that the conduct as alleged prevents the recipient from ensuring equal access on the basis of sex to its education program or activity, the Title IX Officer may initiate a complaint.

When there has been a determination of responsibility for sex discrimination, the Title IX Officer and the school or department-based Title IX Coordinator will ensure that any corrective measures and remedial actions deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent mailed a written decision unless a student 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. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.

IV—District Staff Responsibilities

When aAny staff member who witnesses or receives becomes aware of an incident of a report or complaint about sexual harassment discrimination, including sex-based harassment, is responsible for they must immediately informing their building principal or department supervisor, the building or department Title IX Coordinator or the district's Title IX/Civil Rights Compliance Officer of such incident. The school principal, department supervisor, or the building or department Title IX Coordinator will immediately inform: 1) the district's Title IX/Civil Rights Compliance Officer so that the district can appropriately respond to the incident consistent with its own grievance procedures; and, if necessary, 2) law enforcement. All staff are also responsible for directing reporters to the complaint process.

In the event of an alleged sexual assault, the principal or department supervisor will notify the targeted student(s) and their parents/guardians of their rights under the district's sexual harassment policy and procedure and the right to file a criminal complaint and a sexual harassment complaint simultaneously.

Any district employee who is informed by a student (or a student's parent, guardian, or legal representative) of the student's pregnancy or pregnancy-related condition must promptly:

- Provide them with the district's Title IX Officer's contact information; and

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- Inform the affected student (or the student's legal representative) that the Title IX Officer can coordinate specific actions to prevent pregnancy and pregnancy-related discrimination and ensure equal access to the district's education program or activity.

Such notice does not need to be provided if the employee reasonably believes that the Title IX Officer has already been notified.

Reports of other forms of discrimination and discriminatory harassment will be referred to the district's Civil Rights Compliance Officer. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

Employees who are mandatory reporters must also report allegations of criminal misconduct to law enforcement, and suspected child abuse must be reported to law enforcement or Child Protective Services (CPS).

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.

Confidentiality

If a complainant requests their name not be revealed to the alleged aggressor or asks that the district not investigate or seek action against the alleged aggressor, the request will be forwarded to the district's Title IX/Civil Rights Compliance Officer for evaluation. Regardless of whether a formal complaint is filed, the district must take prompt and effective steps reasonably calculated to end harassment, eliminate the hostile environment, prevent its reoccurrence, and as appropriate, remedy its effects.

The district's Title IX/Civil Rights Compliance Officer should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged aggressor.

If the complainant still requests their name not be disclosed to the alleged aggressor or that the district not investigate or seek action against the alleged aggressor, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff and other third parties engaging in district activities, including the person who reported the sexual harassment. Although a complainant's request to have their name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

Informal Complaint Process

Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal complaints of sexual harassment of students shall be reported to the building principal or designee. The building principal or designee will be responsible for investigation and resolution of informal complaints. The building principal or designee may seek assistance or guidance from the district's Title IX/Civil Rights Compliance

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Officer. The building principal or designee must provide the complainant with a copy of the district's [Policy 3205](#) and [Procedure 3205P](#), and notify the complainant of the right to file a formal complaint under that policy and procedure. The notice shall be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

During the course of the informal complaint process, the district will take prompt and effective steps reasonably calculated to end any harassment and to correct any discriminatory effects on the complainant. If an investigation is needed to determine what occurred, the district will take interim measures to protect the complainant before the final outcome of the district's investigation (e.g., allowing the complainant to change academic or extracurricular activities or break times to avoid contact with the alleged aggressor). Informal remedies may include, but is not limited to:

- An opportunity for the complainant to explain to the alleged harasser that the conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant;
- Developing a safety plan;
- Separating students; or
- Providing staff and/or student training.

Informal complaints may become formal complaints at the request of the complainant, parent/guardian, or because the district believes the complaint needs to be more thoroughly investigated.

The district will inform the complainant and their parent/guardian how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

Formal Complaint Process

A. The district's Title IX/Civil Rights Compliance Officer, assistant superintendent of human resources or designee shall be responsible for monitoring and coordinating the district's compliance with [Chapter 392-190 WAC](#) and related procedures and ensuring that all complaints communicated to the district are promptly investigated and resolved.

The Title IX/Civil Rights Compliance Officer ("Compliance Officer") is:

Chad Golden

Everett School District No. 2

3900 Broadway

P.O. Box 2098

Everett, WA 98201

cgolden@everettsd.org

Phone: (425) 385-4100

The Assistant Superintendent of Human Resources is:

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Chad Golden
Everett School District No. 2
3900 Broadway
P.O. Box 2098
Everett, WA 98201
cgolden@everettsd.org
Phone: (425) 385-4100

The compliance officer or designee will receive and investigate formal complaints that involve only students. The assistant superintendent of human resources or designee will receive and investigate formal complaints when allegations of sexual harassment are brought against employees or other adults. School or district administrators who receive a formal complaint of sexual harassment will promptly notify the compliance officer or assistant superintendent of human resources and forward a copy of the complaint.

B. The allegations of sexual harassment shall:

- 1. be written;**
- 2. be signed by the complainant or the complainant's parent/guardian;**
- 3. describe the specific acts, conditions, or circumstances alleged to violate the district's policies or obligations with regard to discrimination;**
- 4. clearly indicate a desire for the district to investigate the allegations; and**
- 5. be filed with the compliance officer or assistant superintendent of human resources within one (1) year after the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under [Chapter 392-190 WAC](#) or related guidelines.**

C. Upon receipt of the complaint, the district's compliance officer, the assistant superintendent of human resources, or designee will provide the complainant a copy of [Policy 3205](#), [Procedure 3205P](#) and [Procedure 3210P](#) in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. The district will promptly and thoroughly investigate the complaint.

D. Before initiating the investigation, the district shall provide written notice of the allegations to both the complainant and the alleged aggressor prior to any discussions or interviews, and provide sufficient details known at the time and sufficient time to prepare a response. Specifically, the written notice must include:

- citations to the complaint process set forth in the district's [Policy 3205](#) and [Procedure 3205P](#);**
- allegations with sufficient details (identity of parties, conduct alleged to constitute sexual harassment, date, location, implicated policies, etc.);**
- a statement indicating the responding party is "presumed not responsible" until a determination is made;**

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- notice to the right of an advisor of their choice, who may be an attorney;
- notice that the parties may request to inspect and review relevant evidence; and
- a reminder of the district's policy not to make false statements or intentionally submit false information.

If additional allegations are subsequently added to the investigation, the district shall provide written notice to all parties of the new allegations.

The investigation process shall:

- treat all parties to the complaint equitably, including providing supportive measures to all parties, if necessary;
- be conducted by investigator who is free of bias against any of the parties, and who is trained on the definition of sexual harassment and how to conduct a sexual harassment investigation; and
- utilize the preponderance of the evidence standard to determine whether the conduct violated the definition of sexual harassment as provided in [Policy 3205](#) and whether the conduct occurred in the district's education program or activity.

E. Simultaneously, the district shall determine whether supportive measures are necessary. "Supportive Measures" are defined as non-disciplinary, non-punitive individualized services, offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent(s). Such measures may include, but are not limited to:

- counseling;
- extensions of deadlines or other course-related adjustments;
- modifications of work or class schedules;
- restrictions on contact between the parties;
- increased security and monitoring of certain areas of district grounds; and/or
- emergency removal of the respondent(s).

Prior to emergency removal, the district must perform an individualized risk analysis, determine whether there is an immediate threat to the health or safety of students or staff that justifies removal, and provides the respondent(s) with notice and an opportunity to challenge the decision immediately following removal. The emergency removal analysis shall focus on the specific facts and individuals involved in the situation and shall provide evidence that there is an immediate threat to the safety of students or staff. Any emergency removal of a student under this section must also comply with Washington's student discipline rules for emergency removal under [WAC 392-400-510](#) through [WAC 392-400-530](#).

F. Following completion of the investigation, the compliance officer or the assistant superintendent of human resources shall provide the superintendent or designee with a full written report of the complaint and the results of the investigation, including an objective evaluation of all evidence (both inculpatory and exculpatory), unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a written report. This report must also be provided to all parties and their representatives, if any, at least ten (10) days before a final decision is made.

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G. After review of the investigative report, the superintendent or designee shall utilize the preponderance of the evidence standard to determine whether the conduct violated the definition of sexual harassment as provided in [Policy 3205](#), whether the conduct occurred in the district's education program or activity, and whether the district complied with [Chapter 392-190 WAC](#) and/or related guidelines.

H. The superintendent or designee shall respond in writing to the parties within thirty (30) calendar days after the district received the written complaint by the district, unless otherwise agreed to by the parties or if exceptional circumstances related to the complaint require an extension of the time limit. If an extension is needed, the district must notify the parties in writing of the reasons for the extension and the anticipated response date in a language the parties can understand, which may require language assistance for a party with limited-English proficiency, in accordance with Title VI. At the time the district responds to the parties, the district will send a copy of the response to the Office of the Superintendent of Public Instruction.

I. The response by the superintendent or designee will include:

1. A summary of the results of the investigation, including whether the alleged conduct violated the definition of sexual harassment as provided in [Policy 3205](#) and whether the conduct occurred in the district's education program or activity;
2. Whether the district failed to comply with [Chapter 392-190 WAC](#) or related guidelines;
3. If the district failed to comply with [Chapter 392-190 WAC](#) or related guidelines, the corrective measures deemed necessary to correct the noncompliance; and
4. Notice of the parties' right to appeal under [WAC 392-190-005](#), including where and with whom the appeal should be filed.

The district's response to the complaint will be provided in a language the parties can understand, which may require language assistance for a party with limited-English proficiency in accordance with Title VI.

J. Corrective measures necessary to correct any noncompliance shall be instituted as expeditiously as possible, but no later than thirty (30) calendar days after the district's written response to the parties, unless otherwise agreed to by the complainant.

K. Any party may appeal the superintendent or designee's decision to a hearing officer designated by the district to hear the appeal by filing a written notice of appeal with the superintendent on or before the tenth (10th) calendar day from the date the parties received the superintendent or designee's response. The hearing officer shall not have been involved in the initial complaint or investigation.

L. Upon receipt of an appeal, the hearing officer shall provide a written appeal decision to the parties in a timely manner, not to exceed thirty (30) calendar days from the date the district received the appeal, unless otherwise agreed to by the parties. The appeal decision will include notice of the parties' right to file a complaint with the superintendent of public instruction under [WAC 392-190-075](#). The decision of the hearing officer will be provided in a language the parties can understand, which may require language assistance for a party with limited-English proficiency in accordance

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with Title VI. The decision of the hearing officer will include notice of the parties' right to file a complaint with the Office of the Superintendent of Public Instruction. The district will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction.

M. In the event a party disagrees with the appeal decision of the hearing officer or if the district fails to comply with the procedures in [WAC 392-190-065](#) or [WAC 392-190-070](#), that party may file a complaint with the Office of the Superintendent of Public Instruction under [WAC 392-190-075](#). A complaint must be received by the Office Superintendent of Public Instruction within twenty (20) calendar days after the parties received the hearing officer's written appeal decision.

Mediation of Complaints

A. The district may offer mediation, at its expense, to resolve a complaint at any time during the complaint procedure. Mediation:

1. Must be voluntary;
2. Requires the agreement of the district and all parties;
3. May be terminated by any party during the mediation process;
4. Cannot be used to deny or delay a complainant's right to utilize the complaint procedure; and
5. Be conducted by a qualified and impartial mediator, who is not an employee of the district or providing services to a student who is the subject of the mediation.

B. If the parties resolve the complaint through mediation, the parties may execute a legally binding agreement that:

1. Sets forth the resolution;
2. States that all discussions that occurred during the mediation process will remain confidential and not be used as evidence in any future complaint, due process hearing, or civil proceeding; and
3. Is signed by all the parties and a district representative.

C. The parties and district may agree to extend the complaint timelines to pursue mediation.

Disciplinary Action

The district will take such disciplinary action as it deems necessary and appropriate to end harassment and to prevent its reoccurrence. Such disciplinary action will be consistent with state and federal law, and in compliance with district discipline policies and procedures. When appropriate, the district shall provide, or continue to provide, supportive measures for individuals involved in the complaint.

Protection Against Retaliation

Retaliation for filing complaints or otherwise participating, or refusing to participate, in the investigation of an allegation of sexual harassment is strictly prohibited. No individual may intimidate, threaten, coerce, or discriminate against any other individual for the

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purpose of interfering with any right or privilege secured under the district's policies and procedures and/or state or federal law, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under this procedure.

V.—Training and Orientation

A fixed component of all district ~~newly hired employees, and annual~~ orientation sessions for staff, students and regular volunteers will introduce the elements of ~~this procedure~~, the district's ~~grievance procedures, and the corresponding policy~~ sexual harassment policies and procedures. Staff will be provided information on recognizing and preventing ~~sex discrimination, including sexual sex-based~~ harassment, including the definition of sexual harassment. Staff will be fully informed of the formal and informal complaint processes and their roles and responsibilities ~~when on notice sex discrimination, the district's complaint procedures, and their roles and responsibilities~~ under the policies and procedures.

~~All employees must receive training on the district's obligations under federal, state, and local laws and regulations, and district policy and procedures prohibiting sex discrimination, including those related to pregnancy or pregnancy-related conditions or marital or parental status. The training shall include, at a minimum:~~

- ~~• Employees' obligations to provide notice of the Title IX Officer as discussed above;~~
- ~~• The district's prohibition of sex discrimination, including prohibitions of harassment of students and staff based on sexual orientation, gender identity, gender expression, pregnancy, pregnancy-related conditions, and marital or pregnancy status; and~~
- ~~• The district's policy prohibition of retaliation against a student or staff member for exercising these rights, including imposing or threatening to impose negative educational outcomes because a student requests leave or accommodation, files a complaint, or otherwise exercises their rights under the policy.~~

~~Professional school personnel, including but not limited to certificated staff, will be reminded of their legal responsibility to report suspected child abuse and how some allegations of sex-based harassment may implicate that responsibility. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.~~

All of the schools' Title IX Coordinators, district investigators, decisionmakers designated under this procedure, and any person who facilitates an informal resolution process under this procedure, shall receive training that includes, but is not limited to, the definition of sexual harassment, the scope of the district's education program and activities, how to properly conduct an investigation and the district's complaint process, appeal rights, informal resolution processes, investigating allegations impartially, conflicts of interest, issues of relevance of evidence including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant, and how to create a report that fairly summarizes relevant evidence.

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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.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

- Demands for sexual favors in exchange for preferential treatment or something of value;**
- Stating or implying that a person will lose something if the person does not submit to a sexual request;**
- Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;**
- 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;**
- Using derogatory sexual terms for a person;**
- Standing too close, inappropriately touching, cornering or stalking a person; or**
- Displaying offensive or inappropriate sexual illustrations on school property.**

All materials used to implement the trainings described above shall be available to members of the public on the district's website and through the district's public records process pursuant to district [Policy 4340](#) and [Procedure 4340P](#).

Reports to the Board

Annually, in conjunction with the report to the board of directors on the district's Affirmative Action Plan, the Title IX/Civil Rights Compliance Officer will review the use and efficacy of the sexual harassment policy and procedures.

VI—Policy and Procedure Review

Annually, the superintendent or designee ~~and the district's Title IX Officer~~ will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The Title IX/Civil Rights Compliance Officer will be included in the committee.

Based on the review of the committee, the superintendent or designee will prepare a report to the board, including, if necessary, any recommended policy changes. The superintendent will consider adopting changes to this procedure if recommended by the committee.

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VII. Investigation Recordkeeping

The district will maintain, for a period of at least seven (7) years, the following records:

- All materials used to train employees, the district's Title IX Officer, school or department-based Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process for the district and make such materials available upon request.
- Records of any actions, including supportive measures, taken in response to a report of sex-based harassment under Title IX, even if no complaint is filed.
- Records of any informal resolution and the result.
- Records of each sex discrimination investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent and any remedies provided to the complainant; and any appeal from the result of a determination regarding responsibility.

Cross references:

[Board Policy 3205](#)

~~Sexual Discrimination and Sex-Based Harassment of Students Prohibited~~

~~Procedure 3205P.1~~

~~Sex Discrimination and Sex-Based Harassment of Students Prohibited--Grievance Procedure~~

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