

Human Resources
Maurene Stanton
Executive Director of Human Resources

Date: August 3, 2021

To: Stanwood Camano School Board

From: Maurene Stanton

RE: Policy 5011 Sexual Harassment

This is the first reading of the revised Personnel Policy 5011, Sexual Harassment, which has been updated as recommended by the Washington State School Directors' Association (WSSDA).

This policy will come before the Board for second reading on August 17. If you have any questions regarding this policy, please contact me.

SEXUAL HARASSMENT

The district is committed to All employees and volunteers will be provided a positive and productive working environment free from discrimination, including sexual harassment. This commitment extends to all employees and other persons 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 training held elsewhere.

Definitions

For purposes of this policy, ~~S~~sexual harassment is a form of misconduct which undermines the integrity of the employment relationship. Such conduct, whether committed by supervisory or nonsupervisory personnel, vendors, contractors, volunteers and other members of the school community is specifically prohibited.

Sexual harassment is defined as means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur student to adult, adult to adult 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. sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: The district prohibits sexual harassment of district employees by other students, employees or third parties involved in school district activities.

Under federal and state law, the term "sexual harassment" includes:

- Acts of sexual violence;
- Unwelcome sexual or gender-directed conduct or communication that interferes with an individual's employment performance or creates an intimidation, hostile, or offensive environment;
- Unwelcome sexual advances;
- Unwelcome requests for sexual favors;
- Sexual demands when submission is stated or implied obtaining work opportunity or other benefit;
- Sexual demands where submission or rejection is a factor in a work or other school-related decision affecting an individual.

A "hostile environment" for an employee is created where the unwanted conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidation, hostile, or abusive.

Investigation and Response

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, the district will promptly investigate to determine what occurred and will 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 sexual harassment, eliminate the hostile environment, prevent its occurrence and, as appropriate, remedy its effects. The district will take prompt, equitable and remedial action within its authority every time a report, complaint and grievance alleging sexual harassment comes to the attention of the district, either formally or informally.

1. Submission to such conduct is made either an explicit or implicit term or condition of an individual's employment, or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that person, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work—performance or creating an intimidating, hostile, or offensive working environment.
- 4.

~~Any employee or volunteer who believes he/she has been subjected to sexual harassment on the job should bring this to the immediate attention of his/her supervisor, the Title IX/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 extent 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.~~

~~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 will not relieve the district of its independent obligation to investigate and resolve sexual harassment, ~~provided, however, that the district will not proceed in such a manner as to interfere with an ongoing criminal investigation.~~~~

~~Engaging in sexual harassment will result in Persons who knowingly report false allegations of sexual harassment or corroborate false allegations of sexual harassment will be subject to appropriate discipline or other appropriate sanctions against offending staff or third parties involved in school 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.~~

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.~~

Staff Responsibilities

~~The superintendent 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 report, informal complaint, or written complaint about sexual harassment is responsible for informing the district's Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.~~

~~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 Policy 3206 and Procedure 3206P.~~

~~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.~~

Notice and Training

~~The superintendent will develop procedures to provide information and education to district staff, 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~~

~~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~~

~~will be included in new employee information staff and regular volunteer orientation materials. The sexual harassment policy and procedure, which includes the complaint process, will be posted in each district building in a place available to staff, 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 included in each staff, and volunteer, and parent handbook, and be posted in each district building, which posting Such notices will include identify the name, phone number and email address of the district's Title IX Coordinator and provide contact information, including the coordinator's email addressX/Affirmative Action Officer.~~

Policy Review

~~The superintendent 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 is encouraged to involve staff, volunteers and parents in the review process. Informal complaints of sexual harassment of employees or volunteers may 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.~~

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| Cross References: | Procedure 5160 <u>11P</u> | Sexual Harassment |
| | Policy 3206 | Sexual Harassment (Students) |
| | Procedure 3206P | Sexual Harassment (Students) |
| | P <u>Policy 5161</u> | Civility in the Workplace |
| | <u>Policy 3210</u> | <u>Nondiscrimination (Students)</u> |
| | <u>Policy 3421</u> | <u>Child Abuse, Neglect, and Exploitation</u> |
| | | <u>Prevention</u> |
| | <u>5010</u> | <u>Nondiscrimination and Affirmative Action</u> |

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| Legal References: | <u>RCW 28A.640.020</u> | Sexual equality <u>Regulations, guidelines to eliminate discrimination – Scope – Sexual harassment policies</u> |
| | <u>29 CFR 1604.11</u> | <u>Sexual Harassment</u> |
| | <u>WAC 392-190-058</u> | <u>Equal educational opportunity – Sex</u> |
| | <u>Discrimination Prohibited</u> | |
| | <u>Sexual Harassment</u> | |
| | <u>20 U.S.C. § 1681-1688</u> | |

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| Management Resources | <u>2015 – July Policy Alert</u> |
| | <u>2014 – December Issue</u> |
| | <u>2010 – October Issue</u> |

Adoption Date: 04.15.03
Stanwood-Camano School District
Revised: 12.17.13; 09.06.16; 12.18.18; 05.21.19;