

SEXUAL HARASSMENT OF DISTRICT STAFF PROHIBITED

The Eastmont School District is committed to 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, sexual harassment 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. 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 communications that interferes with an individual’s employment performance or creates an intimidating, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is stated or implied for the acquisition or retention of a 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 intimidating, 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 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 every time a report, complaint, and grievance 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.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending staff or other 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 a 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.

This policy applies to sexual harassment (including sexual violence) targeted at District employees carried out by a student, employee, or a third party involved in school district activities. A formal complaint filed by an employee or filed by or on behalf of a student complainant against an employee respondent will be investigated under the definitions, requirements, and procedures of Policy No. 3205 Sexual Harassment of Students Prohibited and Procedure No. 3205-P.

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, 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 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, 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 staff or volunteer 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 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.

Cross References:

Board Policy 3205	Sexual Harassment of Students Prohibited
Board Policy 3207	Prohibition of Harassment, Intimidation and Bullying
Board Policy 3210	Nondiscrimination
Board Policy 3211	Gender-Inclusive Schools
Board Policy 3240	Student Conduct
Board Policy 3421	Child Abuse and Neglect
Board Policy 5010	Nondiscrimination and Affirmative Action

Legal References:

RCW 28A.640.020	Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies
WAC 392-190-058	Sexual harassment
20 USC §§ 1681-1688	

Management Resources

Policy and Legal News, June 2022

Policy and Legal News, July 2015