

Sexual Harassment of Students Prohibited

This ESD 123 is committed to a positive and productive education free from discrimination, including sexual harassment. This commitment extends to all students involved in any of its cooperative programs, whether that program or activity is in an ESD 123 facility or at a class or school training held elsewhere.

Definitions

For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur adult to student, student to student, or can be carried out by a group of students or adults and will be investigated by ESD 123 even if the alleged harasser is not a part of the program staff or student body. ESD 123 prohibits sexual harassment of students by other students, employees, or third parties involved in ESD 123 activities.

The term "sexual harassment" includes:

- 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 ESD 123 program. The more severe the conduct, the less need there is to demonstrate a repetitive series of incidents. 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

If ESD 123 knows or reasonably should know, that sexual harassment has created a hostile environment, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that sexual harassment has created a hostile environment, ESD 123 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. ESD 123 will take prompt, equitable, and remedial action within its authority on reports, complaints, and grievances alleging sexual harassment that come to the attention of ESD 123, either formally or informally. ESD 123 will take these steps every time a complaint, alleging sexual harassment comes to the attention of ESD 123, 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, program 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 ESD 123 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 students, staff, or other third parties involved in ESD 123 activities. Anyone else who engages in sexual harassment on ESD 123 property or at program activities will have his/her access to ESD 123 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. ESD 123 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 procedures 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.

Any ESD 123 employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing ESD 123 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 ESD 123's Title IX/Civil Rights Compliance Officer. Reports of disability discrimination or harassment will be referred to ESD 123's Section 504 Officer.

Notice and Training

The Superintendent will develop procedures to provide age-appropriate information and education to ESD 123 staff, students, 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 will be included in staff, student, and regular volunteer orientation. This policy and the procedure, which includes the complaint process, will be posted in each ESD 123 facility in a place available to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will be clearly stated and conspicuously posted throughout each ESD 123 program facility, provided to each employee, and reproduced in each student, staff, volunteer, and parent/guardian handbook. Such notices will identify ESD 123's Compliance Officer and provide contact information, including the Coordinator's email address.

Policy Review

The Superintendent will, when requested, 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, may be included in the report.

First Reading: 08/26/21
Second Reading: 09/30/21
Adoption: 09/30/21

Reference:

[RCW 28a.640.020 Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies.](#)

[WAC 392-190-058 Sexual harassment policy—Notification.](#)

[20 U.S.C. §§ 1681 Sex - 1688 Neutrality with respect to abortion](#)

[34 C.F.R. § 106 Nondiscrimination on the basis of sex in education programs or activities receiving federal financial assistance](#)

Cross Reference:

[Policy 3207 - Prohibition of Harassment, Intimidation, and Bullying](#)

[Policy 3210 - Nondiscrimination](#)

[Policy 3211 - Gender-Inclusive Programs](#)

[Policy 3240 - Student Conduct Expectations and Reasonable Sanctions](#)

[Policy 3421 - Child Abuse, Neglect, and Exploitation Prevention](#)

[Policy 5010 - Nondiscrimination](#)

[Policy 5011 - Sexual Harassment of District Staff Prohibited](#)