

Human Resources
Linda D. Littlefield
Executive Director of Human Resources



Date: December 17, 2013
To: Stanwood Camano School Board
From: Linda Littlefield
RE: Policy 3206, Sexual Harassment

This is the second reading of Board of Director Policy 3206 *Sexual Harassment* (current policy) which is being recommended for modification to maintain a learning environment that is free from all forms of discrimination, including harassment based on any legally protected status or characteristic including sex. Thus you will see that the proposed policy, Policy 3206 *Harassment*, identifies a variety of legally protected categories and characteristics to include race, color, religion, creed, sex, national origin, sexual orientation including gender expression or identity, disability, or the use of a trained dog guide or service animal by a student with a disability.

Our current policy is somewhat dated as it was adopted in 2001 and has not been updated since that time despite numerous revisions in the law. The proposed policy strongly states that the district will not tolerate any form of harassment as defined by the policy which includes sexual harassment of or by students. The revised policy has been reviewed by legal counsel.

This is the second reading of the policy.

RECOMMENDATION: That Policy 3206, Harassment be approved as revised.

SEXUAL HARASSMENT

Harassment

I. Statement of Policy

It is the policy of Stanwood-Camano School District to maintain a learning environment for students that is free from all forms of discrimination, including harassment based on any legally protected status or characteristic, including race, color, religion, creed, sex, national origin, sexual orientation, including gender expression or identity, disability, or the use of a trained dog guide or service animal by a student with a disability. The district prohibits harassment of, and by, students. A fundamental premise of this policy and expectation regarding conduct is that the dignity of individuals and groups must be respected.

The district will not tolerate any form of harassment as defined by this policy. It shall be a violation of this policy and the district's student discipline policy for any student of the district to harass another student, staff member, volunteer, vendor, visitor, parent, or guardian. This policy also prohibits harassment of students by staff members, volunteers, vendors, visitors, parents, or guardians. Violations of the policy should be immediately reported by the student or anyone with knowledge of the harassing conduct to the building Title IX office, a building administrator, the district Title IX officer, or the executive director of human resources.

All complaints of harassment, whether formal or informal, will be addressed and appropriate corrective, disciplinary, and remedial actions will be taken, up to and including suspension and/or expulsion, against any student found to have violated this policy.

This policy is intended to prevent harassment of, and by, students and is not intended to confer any rights upon or otherwise protect a person who engages in harassment.

II. Harassment Defined

Generally, prohibited harassment is conduct or communication that is directed against an individual based on the individual's protected status or characteristic if the conduct (1) is unwelcome; (2) has the purpose or effect of creating an intimidating, hostile or offensive educational environment; and (3) is sufficiently severe or pervasive to substantially interfere with a student's education.

III. Complaints

A. Receipt of Complaints

The district will take complaints of harassment seriously and will act to address all complaints. Any student who believes that he or she has been subjected to harassment in the educational environment is encouraged to bring his or her complaint to the immediate attention of a member of the teaching, counseling, or administrative staff for assistance in resolving the matter. Other students and staff members with knowledge that a student is being harassed are expected to immediately report such behavior to the building Title IX officer in accordance with Procedure 3206P. Complaints shall be handled in the manner specified in Procedure 3206P.

B. False Reports

It is a violation of this policy to knowingly report or corroborate false allegations of harassment. Persons found to knowingly report or corroborate false allegations will be

subject to disciplinary action.

C. Non-retaliation

Students shall not be retaliated against by other students or staff for making a complaint of harassment or for providing testimony and/or assisting in the investigation of such a complaint. Any student who believes that he or she has been retaliated against for bringing forward a complaint or participating in an investigation, should promptly notify one of the persons designated in Procedure 3206P for the receipt of complaints.

D. Confidentiality

The district will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the district's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when harassment has occurred.

IV. Harassment as Sexual Abuse

Under certain circumstances, sexual harassment may constitute child abuse under Washington State's criminal statutes.

Nothing in this policy will prohibit the district from taking appropriate action to protect victims of alleged child abuse. (Refer to Child Abuse and Neglect Prevention Reporting Policy/Procedure 3421.)

V. Harassment by a District Staff Member, Volunteer, Vendor, Visitor, Parent or Guardian

Harassment of a student by a district staff member, volunteer, vendor, visitor, parent or guardian is prohibited. Such behavior should be immediately reported by the student or anyone with knowledge of such behavior to the building principal and/or building Title IX officer and the executive director of human resources for investigation and, where appropriate, disciplinary action up to an including discharge of a staff member.

VI. Corrective Actions

The district will take such disciplinary or other corrective action it deems necessary and appropriate to end harassment and to prevent its recurrence. Documentation and record of complaints and action taken shall be maintained.

Cross References: Policy 3207 Prohibition of Harassment, Intimidation, and Bullying
Procedure 3206P Harassment

Legal References: RCW 26.44 Abuse of Children
RCW 28A.640 Sexual Equality
WAC 392-190 Equal educational opportunity – unlawful discrimination prohibited
Title VI Civil Rights Act of 1964
Title IX Education Amendments of 1972

SEXUAL HARASSMENT

Sexual harassment is considered to be a form of sex discrimination, and it is illegal in schools and in the workplace under existing state and federal laws. It is the policy of the Board of Directors of Stanwood-Camano School District to provide a working and learning environment that is free from all forms of discrimination, including sexual harassment.

Definition of Sexual Harassment

Sexual harassment is unwelcome conduct that is directed toward a person because of that person's gender. Prohibited sexual harassment occurs in a school setting when:

1. submitting to the harasser's demands is a stated or implied condition of admission to a class or extracurricular activity;
2. submission to or rejection of sexual demands is the basis of an academic or other school related decision affecting the student; or
3. unwelcome sexual or other gender based conduct interferes with an individual's performance or creates an intimidating, hostile or offensive school environment.

This conduct can be on the part of a student and/or school employee.

The Superintendent, or designee, shall develop and implement procedures to prevent sexual harassment from occurring and for processing sexual harassment complaints. Appropriate information regarding the policy shall be distributed annually in handbooks to all staff and students, and training will be provided to help prevent sexual harassment from occurring in the District. All students and staff of the Stanwood-Camano School District are responsible for conducting themselves in a manner consistent with the spirit and intent of the Sexual Harassment Policy. The Superintendent or designee shall also develop procedures for disciplinary action related to sexual harassment. Additionally, information will be provided to parents regarding the policy and procedures.

Any student who believes that he or she has been subjected to sexual harassment, either as a victim of or a witness to, should bring this to the immediate attention of a teacher, counselor, administrator, and/or the Title IX Officer. All such complaints will be investigated promptly and fairly and, where appropriate, immediate corrective action will be taken. Students involved in a sexual harassment complaint shall not be retaliated against because of participation in the complaint procedure.

A. Informal Complaint Procedure

If a student feels he/she has been sexually harassed, he/she should immediately report the problem to a teacher, counselor, administrator, or other trusted staff member verbally or in writing. Any staff member who receives an informal complaint shall notify the school counselor, principal or Title IX Officer. In the informal complaint process, the complainant may be advised of ways to resolve the problem on his/her own including, but not limited to:

1. confronting the harasser in person
2. writing the harasser a letter describing the offensive behavior, how it makes the complainant feel, and requesting that the behavior stop
3. asking the teacher, counselor, or administrator to confront the harasser and request the behavior to stop

If the complaint is successfully resolved through the informal process, a summary of the claim and resolution will be filed with counselor, building principal, and/or the Title IX Compliance Officer.

If the complainant does not wish to follow the informal procedure, or is not satisfied with the results of the informal process he/she may request a formal complaint process. Depending on the nature of the complaint, the complainant may be advised to use the formal complaint process instead of the informal process.

B. Formal Complaint Procedure

1. **Written Complaint:** The complainant may file a formal complaint without first using the informal complaint procedure. The complaint should be filed with the complainant's teacher, advisor, counselor, principal, or Title IX Officer on the District's Sexual Harassment Report Form available at each school. If needed, the complainant shall be assisted by a parent or staff member in preparing a written complaint, which should include:
 - the alleged harasser's name and relationship to victim
 - the times, dates, places, and circumstances surrounding the allegation
 - a detailed description of the harassment activity
 - the names of any witnesses to the incident(s)
 - how he/she would like to see the problem resolved
 - complainant's signature and date of complaint
2. **Investigation:** Investigation of formal complaints will be initiated as soon as reasonably possible and may consist of personal interviews with the complainant, the alleged harasser(s), witnesses, and appropriate teachers and staff. The investigator(s) may also review any documents deemed pertinent to the case. Throughout the formal complaint procedure, the Title IX Compliance Officer may be consulted for advice and/or assistance. If necessary, the investigation may be conducted entirely by the Title IX Officer.
3. **Confidentiality:** Every effort will be made to preserve confidentiality and protect the privacy of those involved in the investigation to the extent the investigative process allows.
4. **Retaliation:** Retaliation against any person involved in the complaint process is prohibited by the District and will result in disciplinary action. This includes individuals who initiate complaints, persons against whom a complaint has been filed, witnesses, and others participating in the investigation.
5. **Resolution of Claim:** Upon completion of the investigation, a determination will be made as to whether sexual harassment did occur and an appropriate resolution will be recommended for the complaint. The complainant will be given written notification of resolution of claim describing the actions to be taken to stop the harassment. If the complainant finds the resolution acceptable, the Title IX Officer, or designee, will follow up with the complainant to ensure that the problem has in fact been resolved. A confidential copy of the complaint and resolution will be filed with the building principal and Title IX Officer.
6. **Appeals:** In the event the complainant finds the proposed resolution unacceptable, he/she may appeal to the Stanwood-Camano School District Board of Directors by filing a written notice of appeal with the Secretary of the Board on or before the tenth day following the date of complaint resolution. Those found to have committed acts of sexual harassment may follow the same appeal process.
7. **Other Avenues of Recourse:** These procedures do not impact the right of an individual to pursue other avenues of recourse which may include filing charges with the Washington State Human Rights Commission, the Office of Civil Rights, initiating civil action, or seeking redress under other statutes.
8. **Deliberate False Claims:** False accusations of sexual harassment can have a serious detrimental effect on innocent parties. Deliberate false claims of sexual harassment will not be tolerated and will also result in disciplinary action.

C. Discipline

Any District or school action taken against individuals found to have committed acts of sexual harassment will be consistent with Washington statutes, regulations, and Stanwood-Camano School District policies and procedures.

Adoption Date: 06.19.01 Stanwood-Camano School District