

Human Resources
Linda D. Littlefield
Executive Director of Human Resources



Date: December 17, 2013

To: Stanwood Camano School Board

From: Linda Littlefield

RE: Policy 6590 Changed to Policy 5160, Sexual Harassment

The attached our current Board of Director Policy 6590, Sexual Harassment and the Proposed Policy which will be changed to Policy 5160. The policy has been significantly revised to address significant changes in the law in the last two years and to appropriately place the policy in the Personnel area of Board Policy rather than the Management Support area.

As noted previously the proposed policy clearly defines sexual harassment and outlines the district's responsibilities should an employee feel they are being sexually harassed. There is a more detailed description of the complaint procedures in the procedures part of this policy which is also being revised but procedures are not brought to the board for approval.

This is the second reading of the policy. If you have any questions regarding this policy please contact me.

Recommendation: I recommend your approval of this policy.

SEXUAL HARASSMENT

All employees will be provided a work environment free from sexual harassment. Sexual harassment is a form of misconduct which undermines the integrity of the employment relationship. Such conduct, whether committed by supervisory or nonsupervisory personnel, is specifically prohibited.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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.

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 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 highest degree 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.

Persons who knowingly report false allegations of sexual harassment or corroborate false allegations of sexual harassment will be subject to appropriate discipline or other sanctions.

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 new employee information and volunteer orientation materials.

Informal complaints of sexual harassment by employees or volunteers shall 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.

Annually in conjunction with the report to the board of directors on the Affirmative Action Plan, the Affirmative Action officer will review the use and efficacy of the sexual harassment policy and procedures.

Cross References: Procedure 5160P

Sexual Harassment

Legal References: RCW 28A.640
29 CFR 1604.11
WAC 392-190

WAC 392-190-056
WAC 392-190-057

WAC 392-190-059

Sexual equality
Sexual Harassment
Equal educational opportunity – Sex
Discrimination Prohibited
Sexual harassment – Definitions
Sexual harassment policy – Adoption date –
Required criteria
Sexual harassment – Procedures

Adoption Date: 04.15.03
Stanwood-Camano School District
Revised:

SEXUAL HARASSMENT

This district is committed to a positive and productive education and working environment free from discrimination, including sexual harassment. The district prohibits sexual harassment of students, employees and others involved in school district activities.

Sexual harassment occurs when:

- A. Submitting to the harasser's sexual demands is a stated or implied condition of obtaining an education or work opportunity or other benefit;
- B. Submission to or rejection of sexual demands is a factor in an academic, work or other school-related decision affecting an individual; or
- C. Unwelcome sexual or gender-directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

Sexual harassment can occur adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male and female to female.

The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or in- formally. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Persons found to have been subjected to sexual harassment will have appropriate school district services made reasonably available to them and adverse consequences of the harassment shall be reviewed and remedied, as appropriate.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff and contractors. 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 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.

The superintendent shall 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. All staff are responsible for receiving informal complaints and reports of sexual harassment and informing appropriate district personnel of the complaint or report for investigation and resolution. All staff are also responsible for directing complainants to the formal complaint process.

The superintendent shall develop procedures to provide age-appropriate information and education to district 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 shall be posted in each district building in a place available to staff, students, parents, volunteers and visitors. The policy shall be reproduced in each student, staff, volunteer and parent handbook.

The superintendent shall 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, shall be included in the report. The superintendent is encouraged to involve staff, students, and volunteers and parents in the review process.

Cross References:

Board Policy 3210
3240
3421
5010
5281

Nondiscrimination
Student Conduct
Child Abuse and Neglect
Nondiscrimination
Disciplinary Action and Discharge

Legal References:
discrimination – Scope

RCW 28A.640.020
WAC 392-190-056-058

Regulations, guidelines to eliminate
Sexual harassment

Current