

SEX DISCRIMINATION AND SEX-BASED HARASSMENT OF DISTRICT STAFF PROHIBITED

This 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.

This policy is developed to meet the district's obligations under Title IX and is aligned with Washington State laws and regulations that define sex-based discrimination. The district will not adopt or implement any policy, practice, or procedure or take any employment action on the basis of sex, except to meet its obligations related to pregnancy and pregnancy-related conditions.

The district will not make any pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs." Pre-employment, the district may ask an applicant for employment to self-identify their sex, but only if this question is asked of all applicants and if the response is not used as a basis for discrimination prohibited by Title IX or this policy.

Consistent with the Title IX regulation, the district will not implement any policy, practice, or procedure or take any employment action on the basis of sex:

- (1) concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
- (2) that is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

The district will not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions. The district must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions for all job-related purposes, including commencement, duration and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The district has jurisdiction over complaints of sex-based discrimination pursuant to the Federal law Title IX of the Education Amendments of 1972 (Title IX) and Washington State laws, including Chapter 28A.640 RCW and Chapter 392-190 WAC.

Definitions

“Sex-based harassment” means sexual harassment and other harassment on the basis of sex stereotypes, sex characteristics, sexual orientation, gender identity, gender expression, pregnancy or related conditions, and marital status.

The term “sexual harassment” includes the following, which Title IX defines at 34 C.F.R. § 106.2:

- “*Quid pro quo* harassment,”
- “Hostile environment harassment,” and
- Specific offenses of sexual assault, dating violence, domestic violence, or stalking

The term “sexual harassment” is also prohibited under state law as defined at W.A.C. 392-190-056 and includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

- a. Submission to that conduct or communication is condition of obtaining employment;
- b. a factor in decisions affecting that individual's employment; or
- c. the conduct or communication has the purpose or effect of substantially interfering with an individual's employment or of creating an intimidating, hostile, or offensive educational environment.

Harassment based on sexual orientation, gender expression, or gender identity is also prohibited under Washington state law as defined at RCW 49.60.040 and WAC 162.32-040.

For the purpose of these definitions, sexual harassment may include conduct or communication that involves 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 address all sex-based harassment in its program and activities, even when some conduct alleged to be contributing to a hostile environment occurs outside of its program or activities.

The district has also developed other specific related policies for district employees to comply with its obligations under State and Federal laws, including Title IX, and to create an inclusive and welcoming work environment, including [WSSDA Model Policies or modified for your district equivalent] Policy 5210 (Prohibiting Discrimination of Staff), Policy 5012 (Parental, family, or marital status; pregnancy or related conditions), and 5404 (Family Medical and Maternity Leave).

Investigation and Response

The Superintendent will develop and implement procedures for receiving, investigating, and resolving complaints or reports of sex discrimination, including sex-based harassment, and will include reasonable and prompt timelines and delineate roles and responsibilities for such.

If the district knows, or reasonably should know, that sex-based discrimination has occurred, the district will promptly investigate to determine what occurred and will take appropriate steps to

resolve the situation. If an investigation reveals that **sex-based** harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end **sex-based** 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.

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 on-going criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sexual harassment.

Engaging in sex-based harassment will result in 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

It is a violation of this policy to engage in retaliation as defined under Federal and State laws and the Superintendent's procedure, against any person who makes or is a witness in a sex-based harassment 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 **sex-based** harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline. However, no party, witness, or others participating in the district's grievance process will be disciplined based solely on a determination of whether sex-based discrimination occurred under the Superintendent's procedure.

Staff Responsibilities and Training

The Superintendent will develop and implement a procedure that identifies the roles, responsibilities, and training requirements of the Title IX Coordinator and school employees.

The Superintendent will also develop materials to provide age-appropriate information and education to district staff, students, parents, and volunteers regarding this policy and the recognition and prevention of sex-based harassment.

District Notice

At a minimum, the district's website will include a statement that the district prohibits sex discrimination and sex-based harassment in any education program or activity that it operates, as required by Title IX and other laws, and employment. It will also state that questions about Title

IX, how to locate the district's policy and grievance procedure, and how to report sex discrimination or make a complaint may be directed to the District's Title IX Coordinator. The Title IX Coordinator's contact information will also be provided, including their name or title, office address, email address, and telephone number.

This policy and the procedure, which includes the complaint process, will be **conspicuously** 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 reproduce in each staff, volunteer, and parent 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: Policy 3210 - Nondiscrimination
Policy 3211 - Gender-Inclusive Schools
Policy 3421 - Child Abuse and Neglect
Policy 5010 - Nondiscrimination and Affirmative Action
Policy 5012 - Parental, Family, or Marital Status, and Pregnancy or
Related Conditions of Staff

Legal References:

- 20 U.S.C. §§§§ 1681-1688
- WAC 392-190-058 Sexual harassment
- RCW 28A.640.020 Regulations, guidelines to eliminate discrimination §§§ Scope §§§ Sexual harassment policies
- 2024 Title IX Regulations at 34 C.F.R. §§ 106 et seq
- RCW 49.60 Washington Law Against Discrimination
- WAC 162-32-040 Harassment

Management Resources: 2015 - July Policy Alert
2014 - December Issue
2010 - October Issue
2022 – June Issue

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