

I. General State of Policy

Sexual harassment is a form of sex discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.*, and RCW 49.60, the Washington law against discrimination.

It is the policy of the Prosser School District No. 116 to maintain a learning and working environment that is free from sexual harassment. The school district prohibits any form of sexual harassment. Moreover, any sexual advance, verbal or physical, or other activity of a sexual nature as presently defined in WAC 180-87-080, by an employee towards a student shall be grounds for imposition of discipline, including, but not limited to, suspension from further duties and discharge from employment.

It shall be a violation of this policy for any student or employee of Prosser School District No. 116 to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy.

The school district will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of the school district.

II. Sexual Harassment Defined

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Any sexual harassment as defined when perpetrated on any student or employee by any student or employee will be treated as sexual harassment under this policy.

B. Sexual harassment may include but is not limited to:

1. verbal harassment or abuse;
2. subtle pressure for sexual activity;
3. inappropriate patting or pinching;
4. intentional brushing against a student's or an employee's body;
5. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
6. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
7. any unwelcome sexually motivated touching.

III. Dissemination and Implementation of Policy

A. It is the direct responsibility of all administrators/supervisors to:

1. Post the policy in each building and facility.

2. Ensure that all employees, permanent or temporary, and volunteers are made aware of this policy, the types of conduct prohibited by it and the avenues available for resolution of violations.
3. Include the policy in school district publications that set forth rules, regulations, procedures and standards of conduct for the school or district.
4. Monitor their respective working and learning areas for violation of this policy.
5. Listen to charges of policy violations brought to their attention by staff, students, patrons.
6. Either intercede for complaint resolution or refer the complainant and/or the respondent to the superintendent's office for further advice or investigation.
7. Report immediately to the superintendent's office all complaints of sexual harassment.
8. Prevent retaliation for the use of these district complaint procedures.

IV. Reporting Procedures

Any person who believes he or she has been the victim of sexual harassment by a student or an employee of the school district, or any third person with knowledge or belief of conduct which may constitute sexual harassment, should report the alleged acts immediately to an appropriate school district official as designated by this policy. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office.

- A. The school board hereby designated the school district superintendent or its designee as the school officer to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment. The school district shall conspicuously post the name of the superintendent or its designee, including a mailing address and telephone number. In the event that the sexual harassment complaint is against the superintendent, the person making the claim may make such report directly to a member of the Board of Directors of the Prosser School District. The board shall then designate an individual to conduct any subsequent investigation.
- B. Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignments.
- C. Use of formal reporting forms is not mandatory.

The school 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 school district's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

V. False Accusations

It is also a violation of this policy to knowingly report false allegations. Persons found to knowingly report false allegations will also be subject to disciplinary action.

VI. Investigation and Recommendation

By authority of the school district, the superintendent or its designee, upon receipt of a report or complaint alleging sexual harassment, shall immediately authorize an investigation. This investigation may be conducted by school district officials or by a third party designated by the school district. The investigating party shall provide a written report of the status of the investigation within 10 working days to the superintendent of the school district.

In determining whether alleged conduct constitutes sexual harassment, the school district should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the school district may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment.

VII. School District Action

- A. Upon receipt of a recommendation that the complaint is valid, the school district will take such action as appropriate based on the results of the investigation.
- B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district. The report will document any disciplinary action taken as a result of the complaint.

VIII. Grievance Procedures

- A. In the event the complainant remains aggrieved with the decision of the superintendent, the complainant may appeal the decision to the school district Board of Directors.
- B. In the event the complainant remains aggrieved with the decision of the School Board of Directors rendered pursuant to WAC 392-190-070, the complainant may appeal the Board's decision to the Superintendent of Public Instruction..

IX. Reprisal

The school district will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

X. Non-Harassment

The school district recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory effect on employment or education requires a determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties.

XI. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the appropriate state agency, initiating civil action or seeking redress under state criminal statutes and/or federal law.

XII. Sexual Harassment as Sexual Abuse

Under certain circumstances, sexual harassment may constitute sexual abuse, and accordingly a violation under the Washington Criminal Code. In such situations, school districts shall comply with all applicable provisions of Washington law concerning the reporting of abuse or sexual assault upon students.

XIII. Discipline

Any school district action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements, Washington statutes and school district policies. The school district will take

such disciplinary action it deems necessary and appropriate, including, but not limited to, warning, reprimand, suspension or immediate discharge to end sexual harassment and prevent its recurrence.

XIV. Remedies

The district will take prompt and effective reasonable corrective measures to eliminate sexual harassment and prevent its reoccurrence. When deemed appropriate by the district, the district shall provide support and/or assistance for individuals who have been subjected to sexual harassment in the district's educational or work environment.

XV. Internal Review

The Title IX/Affirmative Action Officer shall conduct an annual review of the utilization and efficiency of the district's sexual harassment policy and administrative procedures governing formal complaints of sexual harassment. The Title IX/Affirmative Action Officer shall recommend any changes in district policy and/or procedures to the Superintendent.

Adoption Date: September 10, 1998

Sexual Harassment Report Form

Comment [COMMENT1]: Place this page on "FORM"

General Statement of Policy Prohibiting Sexual Harassment

Paterson School District maintains a firm policy prohibiting all forms of discrimination based on sex. Sexual harassment against students or employees is sex discrimination. All persons are to be treated with respect and dignity. Sexual advances or other forms of personal harassment by any person, male or female, which create an intimidating, hostile or offensive environment will not be tolerated under any circumstances.

Complainant: _____

Home Address: _____

Work Address: _____

Home Phone: _____ Work Phone: _____

Date of alleged incident(s): _____

Name of person you believe sexually harassed you: _____

List any witnesses that were present: _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

This complaint is filed based on my honest belief that _____ has sexually harassed me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

(Complaint Signature) (Date)

(Received by) (Date)