Policy 3205

Students

**SEXUAL HARASSMENT OF STUDENTS PROHIBITED**

The district is committed to a positive and productive education free from discrimination,

including sexual harassment. This commitment extends to all students 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 or school

training held elsewhere.

**Definitions**

For purposes of this policy, sexual harassment means unwelcome conduct or communication that

constitutes sexual harassment under Title IX or Chapter 28A.640 RCW. The term “sexual

harassment” under this policy relates to certain legal definitions, which are described below. The

district will refer to those legal definitions when responding to potential sexual harassment.

The district prohibits sexual harassment of students by other students, employees, or third parties

involved in district activities. Sexual harassment can occur adult-to-student, can occur student-

to-student, or can be carried out by a group of students or adults. The district will respond to

sexual harassment even if the alleged harasser is not a part of the school staff or student body.

Under Chapter 28A.640 RCW, the term “sexual harassment” means unwelcome sexual

advances, requests for sexual favors, sexually motivated physical contact, or other verbal or

physical conduct or communication of a sexual nature if:

* submission to that conduct or communication is made a term or condition, either

 explicitly or implicitly, of obtaining an education or employment;

* submission to or rejection of that conduct or communication by an individual is used as a

 factor in decisions affecting that individual’s education or employment; or

* that conduct or communication has the purpose or effect of substantially interfering with

 an individual’s educational or work performance, or of creating an intimidating, hostile,

 or offensive educational or work environment.

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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 the school’s

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

incidents. In fact, a single or isolated incident of sexual harassment may create a hostile

environment if the incident is sufficiently severe, violent, or egregious.

Under regulations implementing Title IX, the term “sexual harassment” means conduct on the

basis of sex that satisfies one or more of the following:

* an employee of the district conditioning the provision of an aid, benefit, or service on an

 individual’s participation in unwelcome sexual conduct;

* conduct that creates a “hostile environment,” meaning unwelcome conduct determined by

 a reasonable person to be so severe, pervasive, and objectively offensive that it

 effectively denies a person equal access to the education program or activity; or

* “sexual assault,” as defined in 20 U.S.C. § 1092(f)(6)(A)(v); “dating violence,” as

 defined in 34 U.S.C. § 12291(a)(10); “domestic violence,” as defined in 34 U.S.C.

 § 12291(a)(8); or “stalking,” as defined in 34 U.S.C. § 12291(a) (30).

**District’s Response**

If the district knows, or reasonably should know, about sexual harassment, it will promptly take

(1) appropriate action to investigate, and (2) effective steps reasonably calculated to end

harassment, eliminate any hostile environment, prevent its recurrence, and remedy its effects as

appropriate.

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 respond to sexual

harassment to the extent that the response does not interfere with an ongoing criminal

investigation. A criminal investigation does not relieve the district of its independent obligation

to respond to 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 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**

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.

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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 formal and informal 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 school employee who witnesses sexual harassment or receives a report, informal complaint,

or written complaint about sexual harassment is responsible for informing the district’s Title IX

Coordinator. All staff are also responsible for directing complainants to the formal complaint

process.

Reports of discrimination and discriminatory harassment will be referred to the district’s Title

IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will

be referred to the district’s Section 504 Coordinator.

District/school staff, including employees, contractors, and agents, will not provide a

recommendation of employment for an employee, contractor, or agent that the district/school, or

the individual acting on behalf of the district/school, knows or has probable cause to believe has

engaged in sexual misconduct with a student or minor in violation of the law.

**Notice and Training**

The superintendent will develop procedures to provide age-appropriate information and

education to district staff, students, parents/guardians, and volunteers regarding this policy and

the recognition and prevention of sexual harassment. At 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 district building in a place available to staff, students,

parents/guardians, 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 reproduced in each student, 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, students, volunteers,

and parents/guardian in the review process.

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**Legal References**: 20 U.S.C. §§ 1681 et seq.

 34 C.F.R. Part 106

 RCW 28A.640.020 Regulations, guidelines to eliminate discrimination

 — Scope — Sexual harassment policies

 Chapter 392-190 WAC

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