

## **Sexual Harassment of Students Prohibited**

ESD 112 is committed to a positive and productive education free from discrimination, including sexual harassment. This commitment extends to all students involved in any of its programs, whether that program or activity is in an ESD 112 facility or at a class or training held elsewhere.

### **Definitions**

For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur adult to student, student to student, or can be carried out by a group of students or adults and will be investigated by ESD 112 even if the alleged harasser is not a part of the program staff or student body. ESD 112 prohibits sexual harassment of students by other students, employees, or third parties involved in ESD 112 activities.

Under federal and state law, the term "sexual harassment" may include:

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communication that interferes with an individual's educational performance or creates an intimidating, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied condition of obtaining an educational benefit;
- sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

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 ESD 112's programs. 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.

### **Investigation and Response**

If ESD 112 knows, or reasonably should know, that sexual harassment has created a hostile environment, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that sexual harassment has created a hostile environment, ESD 112 will take prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence and as appropriate, remedy its effects. ESD 112 will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of ESD 112, either formally or informally. ESD 112 will take these steps every time a complaint, alleging sexual harassment comes to the attention of ESD 112, 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, program 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 ongoing criminal investigation. A criminal investigation does not relieve ESD 112 of its independent obligation to investigate and resolve 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 ESD 112 activities. Anyone else who engages in sexual harassment on ESD 112 property that ESD 112 occupies or at ESD 112 program activities will have his/her access to ESD 112 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. ESD 112 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.

### **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 time lines and delineate staff responsibilities under this policy.

Any ESD 112 employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the ESD 112 Compliance Officer. All staff are also responsible for directing complainants to the formal complaint process.

Reports of discrimination and discriminatory harassment will be referred to ESD 112's Title IX/Civil Rights Compliance Officer. Reports of disability discrimination or harassment will be referred to ESD 112's Section 504 Officer.

### **Notice and Training**

The Superintendent will develop procedures to provide age-appropriate information and education to ESD 112 staff, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment.

#### *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*

Adoption Date: **6-28-17**