

Sex Discrimination and Sexual Harassment of Students Prohibited

ESD 112 is committed to a positive and productive education free from sex 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, on ESD 112 transportation, or at a class or training held elsewhere.

ESD prohibits sex discrimination by students, employees or third parties involved in ESD activities. ESD also prohibits sex discrimination in the policies, procedures, and practices of ESD program and activities.

Definitions

For purposes of this policy, "sex discrimination" includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, gender expression, and "sexual harassment."

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 an ESD 112 employee or student. ESD 112 prohibits sexual harassment of students by other students, employees, or third parties involved in school district activities.

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 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 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.

Investigation and Response

If ESD 112 knows, or reasonably should know, that sexual harassment has created a hostile environment or sex discrimination has occurred, 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.

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 employees 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, employees, 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 their access to ESD 112 property and activities restricted, as appropriate.

The Superintendent will develop and ensure implementation of procedures for receiving, investigating, and resolving complaints or reports of sex discrimination, and will include reasonable and prompt timelines.

Retaliation and False Allegations

It is a violation of this policy to engage in retaliation, as defined in federal and state laws. Retaliation by an employee or student against another student, or against a complainant or a witness 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 or sex discrimination. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

Employee 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 other ESD 112 employees.

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

Notice

ESD 112's website will include a statement that the ESD prohibits sex discrimination and sexual harassment in any education program or activity that it operates, as required by Title IX and other applicable laws. It will also state that questions about Title IX and Civil Rights, how to locate the ESD's policy and grievance procedure, and how to report sex discrimination or make a complaint may be directed to the ESD's Title IX Coordinator or Civil Rights Officer. The Title IX Coordinator's and Civil Rights Officer'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 posted in ESD facilities and included in student, parent and employee handbooks. Such notices will identify the ESD's Title IX Coordinator and Civil Rights Compliance Officer and provide contact information, including the coordinator's and compliance officer's email addresses.

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

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