

## **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 sex-based discrimination and harassment. This commitment extends to all employees, applicants for employment, and others involved in academic, educational, extracurricular, athletic, and other programs or activities of the district, 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.

**Policy: 5011**  
**Section: 5000 - Personnel**

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 sex-based 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 as required by law. 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 ongoing criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sex-based harassment.

Engaging in sex-based discrimination will result in appropriate discipline or other appropriate sanctions against offending staff or third parties involved in district activities. Anyone else who engages in sex-based discrimination on district property or district workspaces 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 discrimination complaint 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 discrimination. 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.

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This policy and the procedure, which includes the complaint process, will be conspicuously posted in each district building in a place accessible to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will be clearly stated and 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.

Additionally, sex-based harassment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientations.

**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:	3205 - Sexual Harassment of Students Prohibited
	3207 - Prohibition of Harassment, Intimidation, and Bullying
	3210 - Nondiscrimination
	3211 - Gender-Inclusive Schools
	3421 - Child Abuse, Neglect, and Exploitation Prevention
	5010 - Nondiscrimination and Affirmative Action

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

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

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