

## **SEXUAL HARASSMENT/INTIMIDATION**

The Griffin School District is committed to a positive and productive working and learning environment free of discrimination. Discrimination adversely affects morale and interferes with employee and student ability to work and learn. The District prohibits sexual harassment or intimidation of its employees or students whether committed by a co-worker, supervisor, subordinate, contractor, volunteer or students, and finds such behavior just cause for disciplinary action. Whereas sexual harassment substantially compromises the attainment of educational excellence, the District will not tolerate such behavior between members of the same or opposite sex.

Furthermore, the District prohibits retaliation against any employee or student because he or she has made a report of alleged sexual harassment, or against any employee or student who has testified, assisted, or participated in the investigation of a report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or adverse pressure. Retaliation is itself a violation of federal and state regulations prohibiting discrimination and will lead to disciplinary action against the offender.

This policy applies to individuals attending any events on District property, whether or not District-sponsored, and to any school-sponsored events, regardless of location.

### **Definitions**

Sexual harassment is generally defined as unwelcome sexual advances, requests for favors and other verbal, physical and/or visual contact of a sexual nature when:

- submission is made either explicitly or implicitly a term or condition of an individual's employment or education;
- 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
- that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or of creating an intimidating, hostile or offensive employment or educational environment.

An "intimidating, hostile or offensive employment or educational environment" means an environment in which:

- unwelcome sexually-oriented jokes, innuendoes, obscenities, pictures/posters or any action with sexual connotation makes a student or employee feel uncomfortable, or

- any aggressive, harassing behavior in the workplace or school that affects his/her working or learning, whether or not sexual in connotation, is directed toward an individual based on his/her sex.

The following are examples of sexual harassment or intimidation:

- sexual advances which are unwanted (this may include situations which began as reciprocal attractions, but later ceased to be reciprocal).
- sexual gestures, verbal abuse, sexually-oriented jokes, innuendo or obscenities.
- displaying of sexually suggestive objects, pictures, cartoons, or posters.
- sexually suggestive letters, notes or invitations.
- employment or educational benefits affected in exchange for sexual favors.
- physical conduct such as assault, attempted rape, impeding or blocking movement, or unwelcome touching.
- hazing or daring to perform in unsafe work or learning practices. particularly directed toward students or employees in nontraditional settings.

### **Prevention**

It is the policy of this District to provide regular inservice education and training about sexual harassment and intimidation for employees and students including:

- definitions of sexual harassment and intimidation, and overview of relevant state and federal laws.
- identification of harassing behaviors by students, and/or staff.
- age-specific prevention techniques.
- coping techniques for self and others.
- training in positive, age-appropriate communication alternatives to harassment.
- grievance procedures available to employees and students.

Sexual harassment prevention shall be included in staff and student orientation.

### **Reporting**

Students or employees who believe they may have been harassed or intimidated should contact a counselor, the Title IX Coordinator, the Equal Employment Opportunity Officer, or the first level supervisor who is not involved in the alleged harassment. Persons who feel they are being harassed or intimidated should take the following steps:

- inform the individual that his/her behavior is unwelcome, offensive or inappropriate. Do NOT assume or hope that the problem will go away.
- notify a counselor, the Title IX coordinator or an administrator right away. Early reporting assists any investigation.
- request a copy of the District's sexual harassment policy so that reporting processes are clear.
- keep notes. Keep a record of dates, times, places, witnesses and descriptions of each incident. Save all notes or records in a safe place.

Complainants are permitted and encouraged to have a friend or advisor present with them during any stage of the investigation of the report.

All employees and students have a responsibility to maintain a positive work and learning environment by reporting all incidents or rumors of harassment or intimidation involving themselves or others. Students and staff are encouraged to use the reporting procedure set forth in this policy.

Once a report has been filed with an administrator, Title IX Coordinator or EEO Officer, a confidential and expeditious investigation shall begin following the procedures as outlined in the **Investigation and Action Procedure** listed below with strict observance of the specific protections provided above.

### **Confidentiality**

A report of sexual harassment or intimidation and the investigation are to be kept in strictest confidentiality for the protection of all parties involved.

The parties right to privacy will be protected. The District has a compelling interest to provide educational programs in an environment free from sexual discrimination. Sexual discrimination includes sexual harassment. Therefore, the District's obligation to investigate and take corrective action may supersede an individual's right to privacy.

### **Investigation and Action Procedure**

- a) After receiving a report or grievance, the title IX Coordinator shall conduct an

investigation and make written recommendation within thirty (30) days to the Superintendent. In determining whether alleged conduct constitutes sexual harassment, the Coordinator will consider the facts of the allegation, case law, state and federal laws and regulations, and the District's policy prohibiting sexual harassment and intimidation.

- b) On receipt of a recommendation from the Coordinator that probable cause exists to credit the allegations of sexual harassment or intimidation, the Superintendent may take action based on the report/recommendation or the Superintendent may conduct his or her own investigation into the charges. The Superintendent may appoint an outside investigator to conduct the investigation.
- c) Such investigation must be completed within thirty (30) days of receipt by the Superintendent of the recommendation from the Coordinator.
- d) Pending such an investigation, the Superintendent may take any action necessary to protect the alleged victim, other employees, or students consistent with requirements of applicable regulations and statutes, if any.
- e) Consistent with the requirements of applicable regulations or statutes, the Superintendent may take such action deemed necessary and appropriate after the completion of the investigation.
- f) The final disposition of the case will be by action or the Board.

### **Retaliation**

Griffin School District will not tolerate any form of retaliation against persons who file complaints of sexual harassment nor against those who come forward as witnesses or who provide information and assistance during an investigation.

Retaliation can come from a variety of sources, including the harasser, work group members, or managers and supervisors. Retaliation can range from very blatant activity, such as putting the victim in a physically dangerous work situation, to ignoring subtle activity such as avoiding the victim, withholding work-related information, and providing inferior job opportunities.

Any employee who retaliates against anyone as a result of a sexual harassment complaint or investigation, whether he/she is an alleged victim, alleged harasser, witness during an investigation, or a person offering information related to an investigation shall be subject to corrective and/or disciplinary action up to and including dismissal.

**Support Services**

A plan will be developed to provide students and staff who are victims of harassment with counseling and other support services to help them cope with the effects of harassment or intimidation.

**Sanctions**

A substantiated charge against an employee of the District shall subject the employee to disciplinary action in accordance with any appropriate employee contract, up to and including discharge. A substantiated charge against a student shall subject that student to student disciplinary action including suspension or expulsion, consistent with the District's student discipline policy,

**Notification**

Notice of the existence of this policy shall be posted in prominent locations in the District buildings. Notice shall also be included in student, parent and staff handbooks annually.

Cross References:	Board Policy	3210	Nondiscrimination
		3240	Student Conduct
		3421	Child Abuse and Neglect
		5010	Nondiscrimination
		5281	Disciplinary Action and Discharge
Legal References:	RCW	28A.640.020	Regulations, guidelines to eliminate discrimination--Scope
	WAC	392-190-056 - 058	Sexual harassment

**Adoption: November 17, 1999**

## **Sexual Harassment**

**Informal Complaint Process:** Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member, although staff shall always inform complainants of their right to and the process for filing a formal complaint. Staff shall also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. Staff shall also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct. Informal remedies include an opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face; a statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or a general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant, parent, guardian, or because the district believes the complaint needs to be more thoroughly investigated.

**Formal Complaint Process:** Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. Potential complainants who wish to have the district hold their identity confidential shall be informed that the district will almost assuredly face due process requirements that will make available all of the information that the district has to the accused. The district will, however, fully implement the anti-retaliation provisions of this policy to protect complainants and witnesses. Student complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The superintendent or designated compliance officer (hereinafter referred to as the compliance officer) may conclude that the district needs to conduct an investigation based on information in his or her possession regardless of the complainant's interest in filing a formal complaint. The following process shall be followed:

- A. The compliance officer shall receive and investigate all formal, written complaints of sexual harassment, or information in the compliance officer's possession that the officer believes requires further investigation.
- B. All formal complaints shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The compliance officer may draft the complaint based on the report of the complainant, for the complainant to review and sign.
- C. When the investigation is completed the compliance officer shall compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the superintendent shall take further action on the report.

- D. The superintendent shall respond in writing to the complainant and the accused within thirty days stating:
1. That the district does not have adequate evidence to conclude that harassment occurred:
  2. Corrective actions that the district intends to take; and/or
  3. That the investigation is incomplete to date and will be continuing.
- E. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty days after the superintendent's written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

If a student remains aggrieved by the superintendent's response, he or she may pursue the complaint as one of sexual discrimination pursuant to Policy 3210, Nondiscrimination. Similarly staff may pursue complaints further through the appropriate collective bargaining agreement process or anti-discrimination policy.

A fixed component of all district orientation sessions for staff, students and regular volunteers shall introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff shall be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure. Certificated staff shall be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers shall get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents. Parents shall be provided with copies of this policy and procedure and appropriate materials on the recognition and prevention of sexual harassment.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

1. Demands for sexual favors in exchange for preferential treatment or something of value;

2. Stating or implying that a person will lose something if he or she does not submit to a sexual request;
3. Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
4. Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
5. Using derogatory sexual terms for a person;
6. Standing too close, inappropriately touching, cornering or stalking a person; or
7. Displaying offensive or inappropriate sexual illustrations on school property.

There shall be an annual internal review of the Sexual Harassment Policy and Procedures conducted by the Title IX official and presented in writing to the Superintendent. This review will be conducted to ensure that all steps called for in the Policy 6590 and Procedure 6590P are being consistently maintained and followed by the principals, counselor, and staff of the district.