



Students - Series 3000

Sexual Harassment/Student Policy - 3214

A. Statement of Policy

The Mukilteo School District is committed to a positive and productive learning environment free of sexual harassment.

The District prohibits harassment of its students, whether committed by a permanent or substitute employee, contractor, parent, volunteer, vendor, other student or Board member. The District will not tolerate sexual harassment between members of the same or opposite sex as it undermines the integrity of the educational environment.

Furthermore, the District prohibits any overt or covert retaliation against any student because he or she has made a report of alleged sexual harassment, or against any student who has or will be called to testify, assist or participate in the investigation of a report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or adverse pressure. Retaliation is a violation of federal and state laws and regulations prohibiting harassment.

B. Definitions

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:
 - i. submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education;
 - ii. 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
 - iii. the conduct or communication has the purpose or effect of substantially interfering with an individual's educational performance, or of creating an intimidating, hostile or offensive educational environment.

An "*intimidating, hostile or offensive educational environment*" is defined as an environment in which:

- i. unwelcome sexually-oriented jokes, innuendoes, obscenities, pictures/posters or any action with sexual connotation that makes a student feel uncomfortable, or
- ii. any physical or verbal harassing behavior in the school that affects learning and is directed toward an individual based on that individual's gender.

Examples of sexual harassment include, but are not limited to:

- unwelcome sexual advances, unwelcome sexual gestures, verbal abuse, sexually-oriented jokes, innuendo, obscenities or use of disparaging terms for a male or female.
- unwelcome display of sexually suggestive objects, pictures, cartoons or posters.
- unwelcome sexually suggestive letters, notes, invitations or electronic transmissions.
- unwelcome physical conduct such as impeding or blocking natural movement, unwelcome touching, assault and attempted rape or rape.
- hazing, pranks or other intimidating behavior directed toward an individual because of the individual's gender.
- requests for sexual favors in exchange for a different grade or avoiding adverse educational action.
- sexting, specifically sending, transmitting, possession or displaying of text messages and pictures of an explicit sexual nature, including but not limited to posts to social networking sites.

Many behaviors that do not rise to the level of sexual harassment may still be prohibited by other District policies or building, classroom, or program rules.

C. Complaint Process

The District will take all complaints of harassment seriously and will act to investigate all complaints. Any student who believes that he or she has been subjected to sexual harassment in the educational environment is encouraged to bring his or her complaint to the immediate attention of his or her principal, assistant principal, counselor, or teacher for assistance in resolving the matter. At this first level of intervention at the school, most harassment complaints can be resolved satisfactorily.

If a student believes that his or her complaint of harassment has not been resolved satisfactorily at the school level, the student will be referred to the District's Title IX Officer (Executive Director of Human Resources) to initiate a formal complaint.

D. Disciplinary Actions

The District will take such disciplinary action, as it deems necessary and appropriate, to end harassment and to prevent its reoccurrence up to and including suspension and or expulsion/discharge of any student or employee. Such disciplinary action will be consistent with relevant collective bargaining agreements, student handbooks, District policy, and state and federal law.

Allegations of criminal acts will be reported to law enforcement and/or Child Protective Services.

E. False Accusations

False and frivolous charges refer to cases where the complainant is using a harassment complaint to accomplish some end other than stopping harassment. It does not refer to charges made in good faith that cannot be proven. Due to the seriousness of the consequences for the accused, any complaint which after investigation is found to be fabricated, will result in disciplinary action.

F. Dissemination and Discussion of Policy

A copy of this policy shall be:

1. Provided to each District permanent or substitute employee, student, and volunteer,
2. Posted in each school building and facility, and
3. Included in District publications that set forth rules, regulations, and standards of conducts for the District.

The Title IX Officer (Executive Director of Human Resources) will ensure that each school develops a process for discussing this policy with students and employees.

G. Internal Review

The Title IX officer shall conduct an annual review of the utilization and implementation of this policy to review its effectiveness. This review will be forwarded to the Superintendent and/or his/her designee. The Title IX officer shall recommend any changes in the District policy and/or procedures to the Superintendent.

The Board of Directors hereby authorizes the Superintendent to develop and implement procedures for this policy.

Cross References:

Board Policy 2314 Electronic Resources
Board Policy 3200 Student Rights and Responsibilities
Board Policy 3210 Nondiscrimination
Board Policy 3240 Student Conduct

Legal References:

RCW 28A.640 Sexual equality
RCW 28A.642 Discrimination prohibition
WAC 392-190 Equal educational opportunity — unlawful discrimination prohibited
Title IX Educational Amendments of 1972
RCW 49.60 Discrimination-Human Rights Commission

Adoption Date: June 13, 2011



Mukilteo School District

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Sexual Harassment/Student Policy - Procedures - 3214-P

Informal Complaint Process

Any student may use informal procedures to report and resolve complaints of harassment in the educational environment. Informal reports may be made to any building staff member or administrator. Building staff shall inform an appropriate administrator when they receive a complaint of harassment. Informal remedies may include an opportunity for the complainant to explain to the alleged harasser that his/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 discipline of the harasser if warranted by the circumstances.

If a student believes that an adult staff member is harassing him/her, the student should report the harassment to an administrator and the complaint will be investigated as a formal complaint.

Informal complaints may become formal complaints at the request of the student or parent/guardian of the student or because the District believes the complaint needs to be more thoroughly investigated.

Formal Complaint Process

Involved students, parents and/or guardians of involved students may initiate a formal complaint of harassment regardless of whether the informal complaint process has been utilized.

- The first step of the formal complaint process is for the student and/or parent/guardian to present the allegations orally and/or in writing to the student's building administrator. The facts presented to the administrator must include:
 - i. who committed the alleged harassment,
 - ii. specific behaviors or actions, verbal or physical, that occurred,
 - iii. the dates and times of the alleged harassment,
 - iv. names of any and all witnesses,
 - v. any action taken to stop the harassment and
 - vi. any other relevant details.

Building administrators shall inform the Executive Director of Human Resources when they receive a complaint of harassment. The building administrator may investigate the complaint at the building level and seek resolution of the matter to the student and/or parent/guardian's satisfaction. Documentation of the formal complaint and its resolution shall be forwarded to the Executive Director of Human Resources.

- If resolution of the formal complaint cannot occur at the building level, the student or parent/guardian will be referred to the Executive Director of Human Resources to file a formal written complaint. Once the Executive Director of Human Resources has received the student's written complaint, a thorough investigation will occur. When the investigation is completed, a report of the complaint and the results of the investigation will be written, to include recommendations for appropriate corrective and/or disciplinary action. The report shall be forwarded to the Superintendent for review, as appropriate.
- The Superintendent or designee shall respond in writing to the complainant within twenty calendar days of receipt of the report summarizing the results of the investigation and what, if any, further action the District will take to resolve the complaint.

Nothing in Policy 3214 or these procedures should be construed to prevent any individual who believes that he or she has been subjected to harassment from filing a complaint with any other agency or entity with jurisdiction to review such matters.

The complaint and investigation will be handled in a confidential matter to the extent reasonably possible.

June 13, 2011