



## Mukilteo School District

### Personnel - Series 5000

#### Sexual Harassment/Employee Policy - 5025

##### A. Statement of Policy

The Mukilteo School District is committed to a positive and productive working environment free of sexual harassment. The District prohibits sexual harassment of its employees, whether committed by another permanent or substitute employee, contractor, parent, volunteer, vendor, 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 workplace environment.

Furthermore, the District prohibits any overt or covert retaliation against any employee because he or she has made a report of alleged sexual harassment, or against any employee 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 sexual harassment.

##### B. Definitions

*Sexual harassment* is defined as:

1. unwelcome sexual advances or
2. requests for sexual favors or
3. 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 employment;
  - ii. 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
  - iii. 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 working environment.

An "*intimidating, hostile or offensive working 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 employee feel uncomfortable, or

- ii. any physical or verbal harassing behavior in the workplace that affects an employee's job performance 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 or invitations.
- 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 an employment benefit or advantage or avoiding adverse employment action.

#### C. Complaint Process

The District will take all complaints of sexual harassment seriously and will act to investigate all complaints. Any employee who believes that he or she has been subjected to sexual harassment in the workplace environment is encouraged to bring his or her complaint to the immediate attention of his or her supervisor for assistance in resolving the matter. At this initial level of intervention, most sexual harassment complaints can be resolved satisfactorily.

If an employee believes that his or her complaint of sexual harassment has not been resolved satisfactorily at the school level, the employee will be referred to the 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 sexual 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, as appropriate.

#### E. False Accusations

False and frivolous charges refer to cases where the complainant is using a sexual harassment complaint to accomplish some end other than stopping sexual 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 that 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 annually to each District permanent or substitute employee, contractor and volunteer,
2. posted in each school building and facility, and
3. included in appropriate District publications that set forth rules, regulations, and standards of conducts for the District.

The Title IX Officer (Director of Human Resources) will ensure that each school and/or other employee departments develop a process for discussing the District's sexual harassment policy with 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.

Adoption Date: September 28, 1998



# **Mukilteo School District**

## **Personnel - Series 5000**

### **Sexual Harassment/Employee Policy - Procedures – 5025-P**

#### **Informal Complaint Process**

Any employee may use informal procedures to report and resolve complaints of sexual harassment in the workplace environment. Informal reports may be made to a building administrator or supervisor. Building administrators and supervisors shall inform the Director of Human Resources when they receive a complaint of sexual 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.

Documentation of the informal complaint and its resolution shall be forwarded to the Director of Human Resources. Informal complaints may become formal complaints at the request of the complainant 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 regardless of whether the informal complaint process has been utilized.

- The first step of the formal complaint process is for the employee to present the allegations orally and/or in writing to the employee's building administrator or supervisor. The facts presented 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 and supervisors shall inform the Director of Human Resources when they receive a complaint of sexual harassment. The building administrator or supervisor may investigate the complaint at the building/department level and seek resolution of the matter to the employee's satisfaction. Documentation of the formal complaint and its resolution shall be forwarded to the Director of Human Resources.

- If resolution of the formal complaint cannot occur at the building/department level, the employee will be referred to the Director of Human Resources to file a formal written complaint. Once the Director of Human Resources has received the employee's written complaint, a thorough investigation will occur. When the investigation is completed, the Director of Human Resources will compile a written report of the complaint and the results of the investigation. The report will 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 5025 or these regulations should be construed to prevent any individual who believes that he or she has been subjected to sexual 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.

October 5, 1998

October 23, 2001