

Policy 3208 Annual Report to  
Seattle Public Schools Superintendent and Board of Directors

To: Board of Directors Operations Committee  
From: Tina Meade, Director of Investigations & Compliance  
Date: August 26, 2019

I. Introduction

Seattle Public Schools (District) is dedicated to fostering an environment free from discrimination, including discrimination on the basis of sex or gender. This encompasses a prohibition against sexual harassment. Consequently, upon notice the District must take prompt, equitable, and remedial action within its authority when the District receives reports, complaints, and grievances, either informally or formally, which allege acts of sexual harassment. Federal and state laws, as well as School Board Policies 3207, 3208, 3210, 5010, and 5207, along with the implementing Superintendent Procedures 3207SP.A, 3208SP, 3210SP.B, 5010SP, and 5207SP provide the basis for the District's administrative complaint and resolution processes regarding reports of general harassment, sexual harassment, and discrimination for students, parents, and staff, respectively.

Additionally, regarding incidents of sexual harassment specifically, Board Policy 3208 requires the Superintendent to make an annual report to the Board of Directors, and states in pertinent part, "The Superintendent shall 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, shall be included in the report." With respect to the annual report, Superintendent Procedure 3208SP.B states further:

The Title IX Coordinator shall prepare an annual report to the Superintendent at the conclusion of each school year. The annual report shall include a discussion of all instances of sexual harassment in which students were alleged to have been subjected to sexual harassment:

1. When, where, and how the District disseminated information required by this procedure;
2. Any relevant training and curriculum given to staff or students; and
3. A summary of formal complaints made in the previous year. This summary shall indicate at a minimum, the number of formal complaints, the most common types of harassment experienced, the number of incidents of sexual violence, the most common types of remedies applied, and the number of appeals.

Therefore, in accordance with Board Policy 3208, the Director of Investigations & Compliance, the District's designated Title IX Coordinator, is submitting this report to the District's Operations Committee for review and further referral to the Superintendent and Board of Directors.

## II. District Dissemination of Information Regarding Prohibitions Against Discrimination on the Basis of Sex and Sexual Harassment

### A. Pre-Service Professional Development for the 2018-2019 School Year

On August 1, 2018, the Student Civil Rights Compliance Officer provided a three-hour training to school administrators who are new to the District. The training was attended by 40 administrators and covered the following content: the role of the Office of Student Civil Rights (OSCR); Harassment, Intimidation, and Bullying; Sexual Harassment/Title IX; and Investigative Skills training based on a sexual harassment scenario. Administrators that attended were provided with an online Sexual Discrimination and Sexual Harassment “Tool Kit,” which included relevant policies and procedures, sexual harassment information, tips and samples, and resources for interim and remedial measures.

OSCR recognizes that additional work needs to be done in the area of professional development to reach a larger number of District staff regarding the obligation to respond, report, and – depending upon a staff member’s job responsibilities – investigate incidents of sex discrimination and sexual harassment. Moreover, during the 2018-2019 Consolidated Program Review (CPR) of civil rights compliance conducted by the Office of Superintendent of Public Instruction (OSPI), there were findings against the District with respect to proper annual notification to students, parents, and staff regarding the sexual harassment complaint process. To remedy this finding, the District has included information for students and parents in the “First Day” electronic packet and within the Students Rights & Responsibilities (SRRs) document. A copy of that new document for the “First Day” packet is attached to this report.

With respect to annual notification to District employees regarding the complaint process to address reports or allegations of sexual harassment, further collaborative work is being done with the District’s Human Resources division to provide annual notification that also complies with various collective bargaining agreements. This work corresponds to a reorganization of investigators from Human Resources’ Labor & Employee Relations staff and the Office of Student Civil Rights (see Section V., below).

## III. Incident Reporting and Investigation Information

As stated above, the Title IX annual report to the Superintendent must include information regarding incidents of sexual harassment, which occurred over the course of the school year and must include specific information about formal complaints filed. Superintendent Procedure 3208SP incorporates by reference the discrimination complaint process detailed in 3210SP.B and 5010SP. These procedures state a formal complaint, “shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions, or circumstances alleged to have occurred that constitute discrimination.” However, per information from OSPI, a formal complaint does not have to be signed by the complainant. Therefore, District staff are in the

process of revising 3210SP.B and 5010SP to denote that a written complaint does not have to be signed to be considered a formal complaint.

Individuals can use the general discrimination complaint form developed by the District in September 2016 (see [https://www.seattleschools.org/UserFiles/Servers/Server\\_543/File/District/Departments/OSCR/Complaint/SPS%20Discrimination%20Complaint%20Form%20ACC%2009122016.pdf](https://www.seattleschools.org/UserFiles/Servers/Server_543/File/District/Departments/OSCR/Complaint/SPS%20Discrimination%20Complaint%20Form%20ACC%2009122016.pdf)) to file a formal complaint of sexual harassment. That said, there is no prescribed document or form that a complainant must use to file a formal complaint of discrimination, including a complaint of sexual harassment, so long as the written document submitted by a complainant contains the minimum information detailed above.

The information detailed below is a comparison between the 2016-2017, 2017-2018, and 2018-2019 academic years for sexual harassment incidents where students were the alleged victim<sup>1</sup> reported to the Office of Student Civil Rights, as follows<sup>2</sup>.

Academic Year	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>
Total number of incidents reported	100	196	180
Informal complaints	93	194	178
Formal complaints	7	2	2

In accordance with 3208SP, a summary of the two (2) formal complaints submitted pursuant to Policy 3208 during the 2018-2019 academic year is as follows:

- Types of sexual harassment reported through a formal complaint:
  - Unwelcome comments and gestures of a sexual nature directed at a targeted student from another student: 1 complaint; at a K-8 school.
  - Alleged sexual assault: 1 complaint; at a high school.
- Number of formal complaints reporting sexual violence, where “sexual violence” for purposes of this report is defined as rape, attempted rape, and inappropriate touching of an individual’s sexual body parts<sup>3</sup>: 1; on campus sexual assault (i.e. groping) at a high school.

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<sup>1</sup> For this report from the Title IX Coordinator, all of the alleged victims are students. Superintendent Procedure 3208SP directs the Assistant Superintendent of Human Resources to make a separate report to the Superintendent and Board of Directors regarding reported incidents of sexual harassment where the alleged victim is a district staff member.

<sup>2</sup> Charts, tables, and graphics are not included so as to ensure the report is accessible when posted to the District’s public-facing webpage.

<sup>3</sup> The National Institute of Justice (NIJ) in the U.S. Department of Justice defines sexual violence as, “a specific constellation of crimes including sexual harassment, sexual assault, and rape.” As this report is specifically reporting incidents of sexual harassment, using the NIJ definition of sexual violence would encompass all formal complaints submitted to the District under Policy 3208. This does not seem to accurately reflect the specific information sought by the Superintendent, as articulated in 3208SP. However, further clarification of the definition of sexual violence for purposes of the annual report will be addressed by the Title IX ad hoc committee as a possible revision to the 3208SP procedure.

- There have been no appeals of the findings for formal complaints of sexual harassment submitted to date.

While these were not considered formal complaints, during the 2018-2019 school year there were four reported incidents alleging significant sexual misconduct by a staff member toward a student. Specifically, there were two separate reports of a high school staff member allegedly engaging in a sexual relationship with a high school student. The third and fourth reports alleged that hourly coaches touched students inappropriately (i.e. groping of sexual body parts or touching with possible sexual motivation). For these reports, District staff properly complied with reporting provisions to local law enforcement upon receipt of the disclosure. Two of these four reports garnered significant media attention. To maintain the privacy and confidentiality of the involved parties and ensure the integrity of the criminal justice adjudicative process, this annual report does not include any details from the respective investigations and is only being included in this report based on the significance of these four incidents.

With respect to addressing reports of sexual harassment/ sexual assault, the most common types of remedies applied for both formal and information complaints consisted of the following:

- Safety Plans for all students involved
- “No Contact” contracts or review of behavior expectations
- Alterations to student schedules
- Modification to student school day (i.e. early release, late start)
- IEP team meeting
- Individualized corrective action for alleged aggressor, up to and including emergency removal and suspension or school transfer
- Training for staff

The following data is a specific breakdown of the reported incidents to OSCR of sexual harassment toward students, and the comparison between the 2016-2017, 2017-2018, and 2018-2019 school years.

Overall number of incidents of alleged sexual harassment reported by school type in each academic year

	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>
Elementary School	41	73	63
Middle School	14	47	45
K8 School	15	24	15
High School	27	49	47
Alternative School/Program	3	3	9
<u>Pre-Kindergarten</u>	<u>0</u>	<u>0</u>	<u>1</u>
Total	100	196	180

Sexual harassment incidents reported by region, school type in each academic year

	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>
<b>Northwest</b>	<b>15</b>	<b>43</b>	<b>39</b>
<i>Elementary</i>	3	16	6
<i>Middle</i>	3	7	15
<i>K8</i>	3	5	2
<i>High</i>	6	15	16
	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>
<b>Northeast</b>	<b>15</b>	<b>43</b>	<b>30</b>
<i>Elementary</i>	3	16	18
<i>Middle</i>	3	7	4
<i>K8</i>	3	5	1
<i>High</i>	6	15	6
<i>Pre-Kindergarten</i>	0	0	1
	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>
<b>Central</b>	<b>15</b>	<b>43</b>	<b>46</b>
<i>Elementary</i>	3	16	16
<i>Middle</i>	3	7	12
<i>K8</i>	3	5	2
<i>High</i>	6	15	11
<i>Alternative</i>	0	0	5
	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>
<b>Southwest</b>	<b>15</b>	<b>43</b>	<b>36</b>
<i>Elementary</i>	3	16	11
<i>Middle</i>	3	7	10
<i>K8</i>	3	5	4
<i>High</i>	6	15	11
	<u>2016-2017</u>	<u>2017-2018</u>	<u>2018-2019</u>
<b>Southeast</b>	<b>15</b>	<b>43</b>	<b>29</b>
<i>Elementary</i>	3	16	12
<i>Middle</i>	3	7	4
<i>K8</i>	3	5	6
<i>High</i>	6	15	3
<i>Alternative</i>	0	0	4

Further breakdown of the incidents by region and school to include student demographic information has not been included in this report in order to maintain confidentiality and privacy of either an alleged victim, alleged aggressor, or both. That is, since some schools only reported one incident, by providing demographic information of the students involved in the reported incident, it may be possible to determine the specific identity of the parties involved, thereby violating student privacy. That said, it will be the work of the Title IX *ad hoc* committee to

compile and conduct a more comprehensive analysis of the student demographic information of reported sexual harassment incidents for the purposes of determining appropriate strategies for the prevention or intervention of sexual harassment and sexual violence (see Section IV., below).

#### IV. Use and Efficacy of Policy and Procedures; Periodic Review

Superintendent Procedure 3208SP states the following with respect to conducting a periodic review of the District's sexual harassment policy and procedure:

In every odd numbered year, the Title IX Coordinator shall convene an *ad hoc* committee composed of representatives of certificated and classified staff, volunteers, students, and parents/guardians to review the use and efficacy of Policy No. 3208 and this procedure. Superintendent Procedure 4110SP shall be followed in the development and operations of the ad hoc committee. Based on the review of the committee, the Title IX Coordinator shall prepare a report to the Superintendent including, if appropriate, any recommended policy of procedure changes.

In March 2019, the District convened the 2019 Title IX Task Force in compliance with the above provision from 3208SP. The 2019 Title IX Task Force is scheduled to meet from March 2019 through April 2020. Membership to the task force occurred through a selection process, as detailed in the task force charge (attached).

As detailed in the charge, the task force will review and make recommendations to the Superintendent and School Board in the following specific areas:

- A. Review and provide input on current practices including: (a) posting of required notices; (b) training of staff on responding to reports of alleged sexual misconduct; (c) response to complaints, including investigations; (d) identification and implementation of support responses and remedies; (e) data tracking of reported incidents; (f) prevention curricula for students; (g) outreach program for parents/guardians and community members. The work in this area will include a review of reported incidents of sexual misconduct received by the District from the 2015-2016 academic year to the current academic year.
- B. Review and provide input on the District's educational activities for students regarding the awareness and prevention of sexual misconduct and sexual harassment.
- C. Based on the reviews detailed above, develop recommendations to the Superintendent for any policy and procedure revisions.

#### V. Reorganization of Central Office Based Investigators

In April 2019 a reorganization of all central office-based investigators occurred. Specifically, the two investigators from Human Resources were combined with the three investigators from the Office of Student Civil Rights to create an "Investigations Unit." The goal of this re-organization is to provide more efficiency in the complaint resolution and investigative process for the District. To that end, all five investigators are being trained to address both civil rights and

employee misconduct concerns, which will, therefore, include addressing and resolving complaints of alleged sexual harassment for both students and employees. Overseeing this work is the Director of Investigations & Compliance, who is also the District's designated Title IX Coordinator. In addition, one of the Investigators is being designated as a Title IX Specialist and has received training from the national Association of Title IX Administrators (ATIXA) in conducting investigations of alleged sexual harassment and sexual assault.

**Title: Task Force to Review Board Policy 3208 and Superintendent Procedure 3208SP  
(Short Title: 2019 Title IX Task Force)**

**Charge and Description**

**I. Charge**

Board Policy 3208 commits Seattle Public Schools (District) to a positive and productive education and work environment free from discrimination, including sexual harassment. The corresponding Superintendent Procedure, 3208SP, details the formal and informal procedures that incorporate the requirements of RCW 28A.640, WAC 392-190-056 through 392-190-075, and Title IX of the Education Amendments of 1972. Pursuant to Superintendent Procedure 3208SP, the Deputy Superintendent, as delegated by the Superintendent, is convening a task force (“2019 Title IX Task Force”) during the 2019 calendar year to review the use and efficacy of Board Policy 3208 and Superintendent Procedure 3208SP, as well as other tasks as detailed below in the scope of work. Based on the work of the committee, staff from the Office of Student Civil Rights shall prepare a report to the Superintendent including, if appropriate, any recommended policy and procedure changes.

**II. Scope of Work**

The 2019 Title IX Task Force will complete a review of the District’s current practices to ensure the District complies with the requirements of Title IX of the Education Amendments of 1972, Chapter 28A.640 RCW, and U.S. Department of Education, Office for Civil Rights guidance. The primary purpose of the 2019 Title IX Task Force will be to make recommendations to the Board of Directors and Superintendent for any revision to current policy, procedure, and practice of the District on matters pertaining to sexual harassment, sexual misconduct, and sexual assault within schools, programs, and activities of the District.

The objective of the review is to inform current practices to ensure the District has comprehensive and accessible programs in the following areas: a) a procedure and protocol to effectively respond to reported incidents of alleged sexual harassment, including sexual assault/violence and sexual misconduct, that complies with state, and federal regulations, which also considers developmentally appropriate supports and due process rights for all parties involved; and b) a developmentally appropriate educational and outreach component for the prevention of sexually harassing or sexual misconduct behaviors. This review should ensure that these programs do not merely demonstrate compliance with applicable federal and state laws, but also demonstrate the District’s commitment to safe and civil education and work environments.

The 2019 Title IX Task Force’s work will be anchored in and build on our commitments as set forth in state and federal law; Board policy and Superintendent Procedure; U.S. Department of Education, Office for Civil Rights guidance; work product from prior advisory committees; and additional outreach as needed and determined by the Task Force. Student input shall be incorporated into the discussion through a combination of surveys and in-person engagement. Additional parent, community, and stakeholder group input may be gathered prior to, during, and following programmatic decisions and activities. The 2019 Title IX Task Force will consider and develop recommendations based on historical and current practices, student data, and will evaluate innovative and creative approaches to meet the needs of students for the future.



**The 2019 Title IX Task Force will review and make recommendations in the following specific areas:**

- A. Review and provide input on current practices including: (a) posting of required notices; (b) training of staff on responding to reports of alleged sexual misconduct; (c) response to complaints, including investigations; (d) identification and implementation of support responses and remedies; (e) data tracking of reported incidents; (f) prevention curricula for students; (g) outreach program for parents/guardians and community members. The work in this area will include a review of reported incidents of sexual misconduct received by the District from the 2015-2016 academic year to the current academic year.
- B. Review and provide input on the District's educational activities for students regarding the awareness and prevention of sexual misconduct and sexual harassment.
- C. Based on the reviews detailed above, develop recommendations to the Superintendent for any policy and procedure revisions.

Work from the 2019 Title IX Task Force will be presented as recommendations and opinions to the Superintendent and School Board by means of communication from the Office of Student Civil Rights (OSCR) throughout the period of time the Task Force convenes. The 2019 Title IX Task Force will publish meeting agendas and non-confidential meeting minutes on the website. A final report will include a review of all projects and activities, as well as all recommendations of the 2019 Title IX Task Force. The 2019 Title IX Task Force will not serve for the purpose of decision-making. Any decisions regarding policy and procedures shall remain with the Superintendent and School Board.

**III. Policy Considerations and Guidance**

Guiding anchor documents include:

- Board Policy 0030 (Ensuring Educational and Racial Equity)
- Policy 3208 and Procedure 3208 SP (Sexual harassment)
- Policy 3210 and Procedure 3210 SP (Nondiscrimination, Acts of Hostility and Defamation)
- Policy 5253 and Procedure 5253 SP (Maintaining Professional Staff/ Student Boundaries)
- U.S. Department of Education, Office for Civil Rights, "Title IX Resource Guide"
- U.S. Department of Justice, Civil Rights Division, "Title IX Legal Manual"

**IV. Membership**

**A. Number**

The 2019 Title IX Task Force will strive to be inclusive of the broad spectrum of ethnic, racial, and geographic diversity found within the Seattle Public Schools. In addition to regular voting members, the task force will also contain a number of non-voting members, including staff from the District's Office of Student Civil Rights,

who will co-facilitate the task force meetings, and individuals with technical expertise. The 2019 Title IX Task Force will consist of 15 members appointed by the Deputy Superintendent or designee based on a review of applicants by a selection committee. The selection committee will work intentionally to balance this task force to ensure we have enough expertise to effectively conduct the review of District policy, procedure, and practices.

## **B. Qualifications and Selection Criteria**

The goal is to be selective of applicants to ensure there is a balance of perspectives and backgrounds. This task force will be representative of our Seattle Public Schools, students and families. The voting membership of the task force will be comprised of parents/guardians, staff representatives, and community organization members from across the District and city of Seattle. Non-voting membership of the task force will include staff from the Office of Student Civil Rights and technical experts.

### **Parent/Family Members**

Parent/family members who have a student currently attending Seattle Public Schools.

### **Staff Representatives**

Staff representatives may include, but not be limited to: certificated teachers, building administrators, Educational Staff Associates and central office staff/administrators.

### **Community Organization Representatives**

Community representatives may hold positions in educational, service, government or not-for-profit organizations/associations with an interest in and knowledge of matters related to sexual harassment, sexual misconduct, and sexual assault/violence. A representative of the organization should be nominated by the executive director or senior manager of the organization.

Appointments to the task force will be made so that collectively the group will represent the diverse population of Seattle Public Schools in terms of ethnicity, language, race, gender, sexual orientation, socio-economic status, type of family (two parents, single-parent, foster care/kinship, etc.), geographic location within the city, and school level (pK-12).

## **C. Selection Process**

1. Nominations are due by **February 28, 2019**
2. Nominations reviewed by the selection committee: **between March 4 – March 8, 2019.**
3. Members of the selection committee will be appointed by the Deputy Superintendent with intention to invite and include:
  - Parent and Community Representative(s)
    - Seattle Parent Teacher Student Association (SPTSA) President or designee;

- Community Based Organization Representative (King County Sexual Assault Resource Center; Harborview Center for Traumatic Stress & Sexual Assault, etc.);
  - School Board Member
  - District Staff:
    - Title IX Coordinator
    - Student Civil Rights Compliance Officer
    - Representative from Coordinated Health and/or Student Support Services
    - Representative from Special Education Department
    - Representative from School Operations Division
    - Representative from General Counsel's Office
    - School building leaders to represent elementary and secondary levels
4. Selection committee will work in accordance with a specific rubric to recommend appointees and alternates to the Deputy Superintendent
  5. Invited appointees notified by email, no later than **March 15, 2019** with an orientation meeting scheduled to occur on **March 28, 2019**. Further task force meetings will be scheduled in collaboration with the task force members.
  6. Invited appointees to accept or decline a seat on the task force by **March 22, 2019**.
  7. Remaining seats will be filled by alternates
  8. Membership will be posted on the District website

**No one may serve on the task force who has a financial interest in the outcome of the recommendations made by the task force.**

#### **D. Manner of Notification of Nomination Process**

The District shall provide public notice to individuals and organizations that may reasonably be interested in serving on the 2019 Title IX Task Force. Notice shall include the following activities:

1. District Website;
2. Publishing in the School Leader Communicator with direction to share with BLTs and PTSAs;
3. Direct written notice to active community organizations which may have an interest in participation;
4. Direct written notice to all Parent Teacher Student Associations (PTSAs) at all school sites;
5. Known subject matter experts; and,
6. News release to news outlets, including community and ethnic newspapers

#### **E. Discussion of Consideration & Efforts**

Members will be selected and appointed in accordance with School Board Policy 4110: Family & Community Advisory and Oversight Committees, and the corresponding Superintendent Procedure 4110SP.

## **F. Duration of Task Force and Terms of Office**

1. The 2019 Title IX Task Force is established to run for one full year and may extend due to needs and progress of the work.
2. Initial term of office is set at one calendar year, April 2019 - April 2020.

## **V. Sub-Committees**

The task force may, from time-to-time, create sub-committees as necessary to carry out specific work of the task force. These sub-committees should be task-specific and have a limited duration of existence. It is the recommendation of staff from the Office of Student Civil Rights that the 2019 Title IX Task Force create a sub-committee to directly solicit input from current District students.

### **A. Size and Selection of Sub-Committee Members**

Sub-committees shall be restricted in size to between three (3) and five (5) current members in order to expedite the task(s) at hand. Sub-committee members will be sought from the regular task force membership and shall be appointed by the co-chairs of the task force or the Deputy Superintendent.

## **VI. Task Force Operations**

### **A. Staffing**

The 2019 Title IX Task Force will operate fully on the work of its members and volunteers. District resources may be used for the following activities at the discretion of the Deputy Superintendent for the following tasks:

- Scheduling meetings;
- Distributing agendas, handouts and posting on website; and
- Preparing and distributing minutes and posting on website.

### **B. Orientation**

An orientation session will be held to begin the work of the newly-appointed members. Implicit Bias Training (video review) is a requirement before the orientation session.

### **C. Responsibilities: Attendance and Student Information Confidentiality**

Task Force members will be expected to attend the initial orientation and monthly meetings (dates and times to be determined by members during the initial orientation). Missing three consecutive meetings will result in automatic removal from committee participation. Additionally, since task force members will have access to potentially personally-identifiable student information when reviewing reported incidents of sexual misconduct, any disclosure of confidential student information will be grounds for immediate removal from the task force.

#### **D. Open Public Meetings Act and Records Retention**

District task forces do not have authority to take action on behalf of the school board and are, therefore, not subject to Washington's Open Public Meetings Act and are not required to keep minutes. For the 2019 Title IX Task Force, most meetings will be open to the public and a record of the actions of the task force will be kept as meeting minutes. Meeting minutes will be posted on the District's website. Meetings will be closed to the public, however, when members of the task force will be discussing reported incidents of sexual harassment or misconduct, as the discussion could include personally-identifiable student information. Notice of closed meeting will be included on the agenda posted on the website.

#### **E. Consensus Model Voting**

When asked to provide a measure of committee opinion on specific topics, suggestions, or proposals put before the task force, the Regular task force members will use a voting methodology that shall identify the degree of consensus for each topic using the metrics:

4 = strongly agree 3 = agree 2 = disagree 1 = strongly disagree

This model of voting will allow the Board of Director and Superintendent to understand if there is a divergence in opinion and whether and how to seek additional information to inform district decisions, programming, and recommendations to the school community. Minority opinion reports to the Superintendent by one or more task force members will be allowed.