



Interim Report of Seattle Public Schools Task Force for Prevention of and Response to Sexual Harassment and Sexual Assault

Submitted May 19, 2015

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Submitted May 29, 2015

Barbara Nahouraii and Jennifer Mackley, Co-Chairs

Task Force for Prevention of and Response to Sexual Harassment and Sexual Assault May 2015 Interim Report

I. BACKGROUND

The Seattle Public Schools Task Force for Prevention of and Response to Sexual Harassment & Sexual Assault (the “Task Force”) was formed in response to community concerns related to a student’s allegations that her Title IX rights were violated by the District when it failed to adequately respond to her report that she had been sexually assaulted. As a result, the U.S. Office of Civil Rights is conducting an investigation into the District’s Title IX compliance and the District formed the Task Force to address issues raised by the community about the District’s response to and prevention of sexual harassment and sexual assault.

In addition to creating a Task Force, the District also revised its sexual harassment procedure, Superintendent Procedure 3208 SP, (attached hereto as [Exhibit A](#)), and hired an interim Title IX Coordinator. The Title IX Coordinator’s report is jointly submitted with this Interim Task Force report.

Pursuant to the Task Force’s charter (attached hereto as [Exhibit B](#)), the group is reviewing the District’s current policies and practices, exploring best practices from other institutions, recommending new practices to fill any gaps and, where appropriate, proposing plans for their implementation.

The Task Force has been meeting at least once a month since November 2014 and will continue to meet until November 2015, for a total of one year. At that point, we recommend the feasibility of continuing the work of the Task Force be addressed, whether that requires revisiting the charter, recruiting new members, or reconstituting the Task Force.

The Task Force consists of a multi-disciplinary team including 4 principals, 1 teacher, 2 parents, 2 students, 3 sexual assault experts, 2 specialists, 1 classified employee, and 1 district staff person. The members are:

Name	Category	Affiliation with Seattle Public Schools, if applicable
David Bilides	Specialist	Counselor, Jane Addams Middle School
Julie Cox	Principal	North Beach Elementary School
Kelly Davis	Community Expert, Parent	Faculty, University of Washington; Principal or Co-Investigator on sexual violence research projects; Eckstein Middle School Parent.
Anita DeMahy	Classified Employee	Resigned February 24, 2015
Daniel Gross	Teacher	Roosevelt High School
Kelly Kajumulo	Community Expert, Parent	Behavior health researcher in the areas of sexual risk taking and sexual assault; Roosevelt High School Parent
Elise Mackley	Student	Garfield High School
Jennifer Mackley	Parent, Co-Chair	Fairmount Park Elementary School Parent
Rebecca Milliman	Community Expert	Harborview Center for Sexual Assault and Traumatic Stress, Prevention and Education Coordinator

Barbara Nahouraii	Staff Representative, Co-Chair	Interim Title IX Coordinator
Cindy Nash	Principal	Middle College High School
Jennifer Perevodchikov	Parent	Viewlands Elementary School Parent
Derek Sparks	Specialist	Head Football Coach and College and Career Specialist, Garfield High School
Toni Talbert	Principal	Orca K-8 School
Keven Wynkoop	Principal	Ballard High School
Siri Wheeler	Student	Roosevelt High School
Charles Wright	Executive Sponsor	Deputy Superintendent

The Task Force’s charter requires the group to produce two reports: an interim report and a final report. Both reports will contain recommendations that are intended to move the District beyond mere legal compliance with Title IX. The Task Force aims to create institutional change at the District by providing input designed to strengthen policies and procedures in order to prevent and respond to sexual harassment and sexual assault. In addition, the Task Force seeks to shift relational dynamics in schools so that sexual harassment and sexual assault are less likely to occur by giving the District feedback on how to strengthen the District’s prevention programs, provide better support to survivors, and more effectively hold perpetrators accountable.

The focus of the Task Force is on the sexual harassment and sexual assault of students, although many of the group’s recommendations may also apply to any incidents of sexual harassment and sexual assault.

This interim report was submitted to the Superintendent on May 29, 2015. The final report will be submitted to the Superintendent in November 2015.

II. SURVEYS

The Task Force seeks to make informed recommendations. In order to do so, the Task Force elected to use surveys to identify areas where the District is doing well and areas where there are gaps. The Task Force sought to survey students as well as adults and to inquire about school climate, curricula and resources for survivors, among other things.

A. Student Climate Surveys

Understanding students’ knowledge about reporting policies and resources for survivors, their attitudes about prevention, and their perceptions about how the District is addressing the problem of sexual harassment and sexual assault, are critical pieces of information for improving the District’s Title IX efforts.

Moreover, the U.S. Department of Education’s Office of Civil Rights (the “OCR”) encourages schools to develop a method to survey school climate. Specifically, the OCR instructs schools to:

...develop a method appropriate to their institution to survey the campus climate, evaluate whether any discriminatory attitudes pervade the school culture, and determine whether any harassment or other problematic behaviors are occurring, where they happen, which students are responsible, which students are targeted, and how those conditions may be best remedied.¹

The District currently conducts an annual District-wide student climate survey that includes questions on a large range of topics, from the cultural responsiveness of schools to school safety. In addition, certain schools conduct their own individualized climate surveys. Although the current District-wide survey includes questions about non-sexual harassment (such as bullying), it does not include any questions about sexual harassment or sexual assault.

The Task Force submitted questions on sexual harassment and sexual assault this school year to be included in the middle school and high school District-level surveys, as well as one high school's survey. Although those questions were not included in the current academic year's surveys, the Task Force began a dialogue with the Research & Evaluation Department and others about creating a climate survey for the next school year that specifically addresses sexual harassment issues. In addition, the Research & Evaluation Department agreed to compile existing research to support the Task Force until such items can be included in future surveys.

Recommendations:

- 1. The District should include the previously submitted questions as part of its District-wide student climate survey next year.**
- 2. The District should encourage schools to include these sexual harassment and sexual assault questions on any school-specific climate surveys.**
- 3. The surveys should be administered in a format that allows students to complete the survey online at home, in the school library, or in class, so their answers will be confidential and to improve the likelihood that students will answer honestly and sincerely.**
- 4. The results of these surveys should be published on the District's Title IX webpage and made available in print form and relied on by District staff to determine what issues need to be addressed and how to do so.**

B. Staff Surveys

Understanding what curricula are being used across the District to teach skills around preventing sexual harassment and sexual assault, and what support systems are currently available to survivors is crucial to making informed recommendations for improvements to the District's Title IX efforts. In order to get a clearer picture of the status quo, the Task Force, which includes UW research faculty and sexual assault experts, developed an online survey which asked administrators, health teachers, counselors, nurses, coaches, and other support staff about these topics.

¹ See The Title IX Resource Guide, U.S. Department of Education, Office for Civil Rights, 2015, page 16.

The survey (attached as [Exhibit C](#)) was distributed on April 24, 2015. The aggregate data, stripped of any identifying information, will be reviewed by the Task Force.

Recommendations:

A summary of findings will be included in the year-end report along with recommendations based on that data.

III. PRINTED MATERIALS

The District should provide easily accessible and accurate printed material regarding sexual assault and sexual harassment. At a minimum, these materials should include information regarding the definitions of sexual harassment and sexual assault, victim rights under Title IX, information about the process for reporting incidents and contact information for relevant staff.

A. Required Sexual Harassment Notice

The District is required to post age-appropriate information about sexual harassment in all school and administration buildings. Currently there is a notice, approved by the Office of Superintendent of Public Instruction (“OSPI”) during an audit in March 2015, that should be posted in all administrative and school buildings. The notice, (attached hereto as [Exhibit D](#)), was created by District staff based on a model provided by OSPI, (attached hereto as [Exhibit E](#).)

The District-created poster provides essentially the same information as the OSPI one, but there are some key differences. First, the imagery on the District poster is plain, with very little visual appeal. By contrast, the OSPI poster has an arresting image and professional graphic design elements that makes the poster more eye-catching. Second, the District poster contains one prominent SPS logo in the bottom right corner, whereas the OSPI poster has three different OSPI logos across the bottom. Finally, the non-discrimination notice at the bottom of the District poster refers readers to District resources and the notice at the bottom of the OSPI posters refers to OSPI resources.

Recommendations:

- 1. The District should keep the text and logo of its current sexual harassment poster, but use the visual elements of the OSPI poster.**
- 2. The District should update the Title IX webpage by linking a copy of the poster that is actually posted in buildings and thereafter continue to maintain a current hyperlink.**
- 3. A copy of this poster should be distributed to all families with the beginning of school year information packets.**

B. Additional Pamphlets and Flyers

The District should also develop and/or adopt additional pamphlets and flyers on sexual harassment and sexual assault.

Recommendations:

1. The following two pamphlets and one flyer should be developed and adopted as official District documents.
 - [*Information for Teens* pamphlet](#) (for middle school & high school students) Attached as [Exhibit F](#).
 - *Information for Parents and Caregivers pamphlet* (of children aged 0-12) is currently being finalized
 - [*Know Your IX* flier](#) Attached as [Exhibit G](#).
2. The materials should be distributed in the following ways:
 1. Copies of the age appropriate pamphlets should be included in the back to school packets provided to families at the beginning of each school year, starting with the 2015-2016 school year.
 2. Copies of the Know Your IX flyer should be included in the back to school packets and publicly posted in highly accessible areas throughout all school and district buildings by the start of the 2015-2016 school year.
 3. Copies of these materials should be available in relevant school offices (e.g., counseling offices, nurses' offices, main offices, etc.) by the start of the 2015-2016 school year.
 4. Both pamphlets and the flyer should also be on the District's Title IX webpage with hyperlinks to their originating organizations (knowyourix.org and Harborview Center for Sexual Assault and Traumatic Stress).

IV. THE TITLE IX WEBPAGE

The District's Title IX webpage should be accessible and provide comprehensive information regarding sexual assault, sexual harassment, victim rights, and available community resources for survivors. Currently, that is not the case. The Title IX webpage should be improved in the following ways:

It needs to be easy to locate. The District home page needs to have a link to the Title IX page. (Currently, the only way to find it is by using the search function and wading through the results.)

It should be reorganized with menus for related documents, student, family, and survivor's resources, FAQs, and archived "additional information." (Currently it is dense, full of jargon, and the information is not presented in a language or format that is accessible for students and families.)

It should emphasize information about the complaint procedure, Title IX rights, and the resources available to victims. (Currently it emphasizes the steps taken to build an infrastructure for a Title IX program, like creating a Task Force, hiring a coordinator and giving trainings, and the District's Title IX audit history. This information should be moved under an archived "additional information" tab.)

Recommendations:

1. The updates outlined above should be made prior to the start of the 2015-2016 school year.

2. **The Title IX Coordinator should be given dedicated time to develop the content of the new webpage prior to the start of the 2015-2016 school year and time to update the content as needed thereafter.**
3. **A District communications person should be assigned to this project to help with the technical and visual design aspects of updating the webpage.**
4. **As an interim measure the District should develop the FAQs, attached hereto as [Exhibit H](#), and create an easy to find link to it on the District's homepage.**

V. STUDENT SUPPORT

A critical aspect of sexual assault response and prevention is support for students. In every school, there are students who have been sexually harassed or assaulted. A national study showed that 26.6% of 17-year-old girls, and 5.1% of 17-year-old boys report having been victims of sexual assault (Finkelhor, et. al., 2013).² In the Seattle Public Schools, 14% of 10th graders report having been in a situation where someone forced sexual activity (Healthy Youth Survey, 2014).³ All ages and all genders can be affected by sexual assault, and children are vulnerable to abuse by other youth and adults as well. Students are affected by sexual harassment and sexualized bullying in even larger numbers, and these incidents, whether they happen at home or school, often create a hostile and intimidating learning environment.

Likewise, in every school, there are students who are at risk to perpetrate sexual assault and harassment. Some of the risk factors for sexual assault perpetration include: delinquency, empathic deficits, general aggressiveness, alcohol/ drug use, early sexual initiation, adherence to traditional gender roles, and previous victimization or perpetration (CDC, 2015).⁴ There is also research that shows a link between bullying behavior and sexual harassment perpetration.⁵ Elementary schools also see issues with young children exhibiting sexual behavior, which can be a challenge to assess developmentally and respond appropriately.

Both groups of students, those who have experienced sexual harassment and sexual assault and those who have offended, need support, supervision, and treatment. Teachers and other school staff are often first responders when children make disclosures of abuse or have questions. School counselors play a critical role in monitoring, assessing, providing consultation for staff, supporting students and families, referring to counseling and other programs, and reporting incidents of abuse and harassment. Seattle Public Schools has faced significant budget cuts over the last decade and has significantly reduced FTE positions in counseling. Likewise, principals have been assigned the role of School Compliance Officials for Title IX, which requires significant time, sensitivity, and training, on top of all the other responsibilities of running a school and therefore need appropriate support to manage Title IX compliance. The following are general recommendations regarding student support, which will be further discussed and detailed in our final report after receiving data from the proposed Staff Survey.

² <http://www.unh.edu/ccrc/pdf/9248.pdf>

³ <http://www.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Healthy%20Youth%20Survey/SPS%202014%20HYS%20Grade%2010.pdf?sessionid=e2abe9a3fb9ba409a220936dde22f968> (page 28)

⁴ <http://www.cdc.gov/violenceprevention/sexualviolence/riskprotectivefactors.html>

⁵ [http://www.jahonline.org/article/S1054-139X\(11\)00274-6/pdf](http://www.jahonline.org/article/S1054-139X(11)00274-6/pdf)

Recommendations:

1. **Follow the recommended guidelines of the American School Counselors Association and employ a counselor for every 250 students. At the least, employ one full-time counselor at every elementary and K-8 school, and at every grade level in middle and high school. This is a critical need when it comes to preventing and responding appropriately to incidents of sexual harassment and sexual assault, in addition to all the other emotional, psychological, and developmental needs of the students.**
2. **Provide teachers and other school staff support and annual training around sexual harassment and sexual assault, including comprehensive Title IX training. Specific topics and training needs will be brought to light in the Staff Survey created by the Task Force discussed above.**
3. **Designate at least one staff person at each school as a “Safe Person” for issues related to sexual harassment and sexual assault, to provide support, answers and education for students. This staff member would receive specialized training in sexual assault and sexual health.**

VI. PREVENTION

An important aspect of prevention is creating school systems where sexual harassment and sexual assault are reported and responded to, and where all students are supported. It is also important to educate students and parents on how to report and recognize sexual assault and sexual harassment, as the printed materials and website information suggest above. However, these efforts do not go far enough to prevent sexual harassment and sexual assault before they happen in the first place. It is essential to address individual and school-level risk factors that contribute to sexual harassment and sexual assault perpetration. Focusing on effective responses and early interventions assumes that the sexual assault or harassment is already happening. But sexual harassment and sexual assault perpetration can be prevented. In fact, Title IX also requires that schools make comprehensive efforts to prevent sexual assault and gender based discrimination.

Prevention must be comprehensive, and must include ensuring a school environment where sexual harassment and assault are not tolerated. This involves educating students, parents/ caregivers and staff how to treat others with respect and build empathy, build their social and emotional skills, problem solve and cope with strong emotions, respect boundaries, and promote a school climate that promotes gender equality, respect and consent. There are excellent research-based curricula that already exist that can address prevention. Schools have prime opportunities to provide this education; for example, with students in health class when they are already learning about sexual health education.

The following are general recommendations regarding primary prevention, which will be further discussed and detailed in our final report after receiving data from the proposed Staff Survey.

Recommendations:

1. Reinstate health classes as a required core semester-long class in middle schools. Early adolescence is the ideal age for students to receive prevention education, particularly with regard to drug and alcohol education and sexual assault and sexual assault prevention.
2. Provide more central support at the District for Health Education Managers, including increased FTE. These positions are critical to train and support health teachers.
3. Designate the sexual assault prevention series of lessons in the Family Life and Sexual Health ("FLASH") curriculum as one of the mandatory modules to be taught in health classes at all applicable grade levels. (Note: FLASH is the comprehensive sexual health curriculum already approved by the District.)
4. Consider additional ways to expand on the District's current initiatives to develop social and emotional skills among students. Work with sexual assault prevention experts to include sexual assault prevention concepts (such as boundaries and consent) into current curriculum and programming (such as health and social/ emotional curricula).

VII. TITLE IX COORDINATOR

The current designation of one position is not adequate to bolster the District's infrastructure, respond to all the reported sexual harassment and sexual assault cases; coordinate case management and investigations with District staff, outside legal counsel, and the community; and spearhead efforts to prevent sexual harassment and sexual assault. Furthermore, as of June 1, 2015, the Title IX coordinator position will be vacant.

Recommendations:

1. Act on the recommendations made by the outgoing interim Title IX Coordinator (Interim Title IX Coordinator's Report is jointly submitted with this Task Force Report).
2. Establish a permanent Title IX Office/Department devoted to handling sexual harassment and sexual assault Title IX-related concerns as well as other Title IX issues (e.g., athletics).
3. Hire a permanent Title IX Coordinator immediately, a separate case manager, and additional personnel designated to adequately address discrimination issues related to students and staff, including individuals with expertise related to athletics, special education students, civil rights, and employee-employer relations.
4. Allow representative(s) from the Task Force to participate in the hiring process for the new Title IX Coordinator prior to the start of the 2015-16 school year.

VIII. FOLLOW-UP

In order to incorporate feedback on the Interim Report, it is crucial that the Task Force receive input from the Superintendent and the community served by the District.

Recommendations:

- 1. Submit the Interim Report to the School Board immediately and request any responses be sent to the Task Force co-chairs before June 30.**
- 2. Post the Interim Report on the District's website and allow an open comment period of 30 days.**
- 3. Forward all responses from the District and public to the Task Force co-chairs prior to the August 2015 Task Force meeting so the Task Force can incorporate the input in discussions and solutions going forward, particularly in completing its final report and recommendations in November 2015.**

IX. CONCLUSION

The Task Force members believe that if the District follows these recommendations they will help establish a robust, easily accessible program that 1) educates students and adults on how to prevent and respond to sexual harassment and sexual assault, 2) provides support for survivors of sexual harassment and sexual assault and resources to perpetrators to prevent future incidents, 3) establishes processes for effective implementation of programs, and 4) ultimately changes the culture that leads to sexual harassment and sexual assault.

EXHIBIT A - Revised Superintendent Procedure 3208 SP

Introduction

The School Board has established Policy No. 3208, committing the Seattle School District to maintaining a positive and productive environment, free from discrimination, including sexual harassment and sexual assault, for adults and students. The District prohibits sexual harassment and sexual assault of students, employees, and others involved in District activities.

This procedure (1) addresses the requirements of Chapter 28A.640, prohibiting discrimination on the basis of sex, and (2) implements the requirements of WAC 392-190-056 through 392-190-075 and Title IX of the Educational Amendments of 1972 to the Civil Rights Act of 1964, (3) establishes requirements to address sexual harassment; and sexual assault; to provide notices to students, staff, and other affected individuals; and to provide effective oversight of programs to prevent and respond to incidents of sexual harassment and sexual assault.

The District seeks to establish an effective, easily accessible program to educate students and adults on how to prevent and respond to incidents of sexual harassment ~~(including and sexual assault)~~, and provide support for victims of sexual harassment. This program must not merely demonstrate compliance with applicable federal and state laws; it must ~~establish processes~~ exchange the culture that provide for effective implementation of a program leads to sexual harassment and sexual assault, seek to prevent ~~and sexual harassment and sexual assault from occurring,~~ effectively and compassionately respond to incidents of sexual harassment ~~to and sexual assault,~~ and demonstrate the District does not tolerate sexual harassment and sexual assault and actively supports complainants and victims. The goal is to ensure that students and staff are not subjected to a hostile environment on the basis of sex, and to take prompt and effective responsive action to end sexual harassment and sexual assault and prevent its recurrence and, where appropriate, take steps to remedy the effects of sexual harassment and sexual assault on the parties involved and the school environment.

This procedure is informed by guidance provided by the Washington State Office of Superintendent of Public Instruction ("OSPI") in Guidelines for Prohibiting Discrimination in Washington Public Schools, dated February 2012 ("Guidelines"), and by the US Department of Education, in a Dear Colleague Letter ("Letter"), dated April, 2011.¹

This Superintendent Procedure applies to all school district employees, students, volunteers, parents/guardians, and third parties involved in school activities, and specifically applies, but is not limited to, allegations by or on behalf of student(s) that they have been the victim of sexual harassment or sexual assault, whether by adults or other students. This procedure does not apply to complaints of violation of Title IX for equal access to athletic opportunities. Such complaints are covered by Superintendent Procedure 3210SP.A. This procedure also does not apply to complaints of sex discrimination, which is covered by Policy No. 3210. Where the complaint

¹ The Office of Civil Rights has issued additional guidance supplementing the Letter, titled "Questions and Answers on Title IX and Sexual violence", dated April 29, 2014 ("2014 Questions and Answers"). The 2014 Questions and Answers provide more specific guidance in each of the sections of this procedure, and should be referenced for specific guidance in particular situations. It is available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

alleges facts which can be considered as both sexual harassment or sexual assault and a violation of Policy and Procedure No. 3207, regarding prevention of Harassment, Intimidation and Bullying (HIB), the District will respond under both procedures.

The following topics are addressed in this Procedure (page numbers in parentheses):

Definition of Sexual Harassment (page 3)

Staff Responsibilities (page 4)

Title IX Coordinator (page 4)

School Compliance Officials (page 5)

Complaint Procedures (informal and formal) (page 6)

Appeal Procedure (page 9)

Investigative Procedures (page 11)

Remedies and Enforcement (page 11)

Disciplinary Actions (page 14) Prohibition of Retaliation (page 14)

Education and Prevention (page 14) Notices (page 15)

Implementation and Training (page 17)

Annual and Periodic Review (page 18)

I. Attachments

Attachment 1 is the General Notice, which must be posted in all schools.

Attachment 2 is the Notice to Complainants.

Attachment 3 is a list of the primary duties of the School Compliance Official.

Attachment 4 is the Complaint Form.

Attachment 5 is the Non-Discrimination Notice.

Attachment 6 is a list of Frequently Asked Questions (FAQs) regarding sexual harassment.

II. Definitions

Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact ~~(including sexual assault)~~, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's educational experience or employment, or the individual's submission or rejection of such conduct is used as the basis of an educational program or activity decision or employment decision affecting such individual; or
such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's education or employment or creating an intimidating, hostile, or offensive educational or work environment.

Sexual harassment may include conduct or communication that occurs adult to student, student to adult, student to student, adult to adult, ~~male to female, female to male, male to male, Sexual assault and female to female, as well as to or~~ harassment can occur to, by and between ~~transgender~~ individuals of all genders.

~~Sexual assault is considered a form of sexual harassment, and is covered by this procedure.~~

Sexual harassment also includes ~~dating violence and~~ gender-based harassment. The latter may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Examples of sexual harassment include:

- a) Demands for sexual favors in exchange for preferential treatment or something of value;
- b) Stating or implying that a person will lose something if he or she does not submit to a sexual request;
- c) Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- d) 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;
- e) Using derogatory sexual terms for a person;
- f) Inappropriately touching, cornering, or stalking a person in a sexual manner;
- g) Displaying offensive or inappropriate sexual illustrations on school property;
- h) Unwelcome sexual propositions or pressuring a person for sexual favors;
- i) Touching of a sexual nature;
- j) Writing graffiti of a sexual nature;
- k) Displaying or distributing sexually explicit drawings, pictures, or written materials;
- l) Circulating or showing e-mails or web sites of a sexual nature;
- m) Making sexual jokes, suggestive remarks, sexual rumors, or derogatory comments;
- n) Indecent exposure; or
- o) Physical interference with movements, such as blocking or following someone; or,

Sexual assault is defined as any unwanted, non-consensual sexual contact against any individual, by force (against a person's will) or when a person cannot give consent (under the age of consent, intoxicated, developmentally disabled, mentally/physically unable to consent, etc.). It includes acts of physical violence of a sexual nature, including such as rape, sexual assault, sexual battery, and sexual coercion.

Attachment 6 includes additional frequently asked questions about sexual harassment and sexual assault.

III. Staff Responsibilities

All District staff members are responsible for reporting any instances of sexual harassment and sexual assault. Initial reporting may be to either a School Compliance Official or the Title IX Coordinator. When a District staff member has reasonable cause to believe a student has suffered abuse or neglect, he/she must also ensure a report is made to law enforcement and/or Child Protective Services (see RCW 26.44.030).

IV. Title IX Coordinator

The Title IX Coordinator's core responsibilities include tracking the District's response to reports and complaints of sexual harassment, ~~and sexual assault~~, determining the appropriate response and remedial actions, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. Accordingly, the Title IX Coordinator must have knowledge of all Title IX requirements, the District's own policies and procedures on sex discrimination, and of all complaints throughout the District that raise Title IX Issues.

The name and contact information for the Title IX Coordinator shall be available on the District Title IX webpage: ~~http://~~<http://bit.ly/TitleIXCompliance>.

A. Investigation Oversight

The Title IX Coordinator's responsibilities include overseeing the investigation process throughout the District's response to all complaints of sexual harassment, ~~and sexual assault~~. The Title IX Coordinator is charged with ensuring that prompt, comprehensive, and equitable investigations are conducted for any Title IX complaint(s) communicated to the District pursuant to WAC 392-190-065.

B. Training and Development

As set forth in Section XII and XIV, the Title IX Coordinator shall ensure that he or she and all employees designated to serve as School Compliance Officials are provided adequate training ~~annually~~ on what constitutes sexual harassment, ~~including and~~ sexual ~~violence~~ ~~assault~~, and that they understand how the complaint procedures operate. The Title IX Coordinator should be proactive in providing ~~annual~~ professional development to ensure school staff understands their obligations under state and federal laws.

C. Monitoring, Tracking, and Reporting

The Title IX Coordinator shall monitor the District's compliance with state and federal non-discrimination laws, including procedural and reporting requirements.² The Title IX Coordinator shall also be responsible for preparing and posting notices to students and staff, including notices to complainants of investigations, alternative actions, and remedies. See **Attachment 1** and **Attachment 2**.

The Title IX Coordinator shall be responsible for monitoring and coordinating the District's compliance with this Procedure, including compliance with notices and annual reporting. The Title IX Coordinator is also responsible for ensuring that the District submits a timely annual Equity Assurance Report through the Grants form package 447, which includes the

² A partial list is provided in Appendix D of OSPI's current Equity & Civil Rights guidelines, *Prohibiting Discrimination in Washington Public Schools*, at <http://www.k12.wa.us/Equity/ProhibitingDiscrimination.aspx>

name and contact information for the employees designated as the compliance coordinators for state laws (RCW 28A.640 and 28A.642), the Title IX Coordinator, and the Section 504 Coordinators for student and adult compliance.³ These designated employees are OSPTs points of contact to communicate information.

D. No Conflict of Interest

The Title IX Coordinator and School Compliance Officials should not have other job responsibilities that may create a conflict of interest or the appearance of a conflict. If a specific complaint could create such a conflict, the matter shall be referred to the Assistant Superintendent of Human Resources, who should consult with the Legal Department -as appropriate.

V. School Compliance Officials

The Principal of each school shall be the School Compliance Official for that school, unless the Principal delegates those responsibilities in writing to a named staff member. The Title IX Coordinator shall be notified of any such delegation, and it shall not be effective until acknowledged by the Title IX Coordinator.

School Compliance Officials shall be responsible for posting required notices at schools, accepting complaints, promptly reporting any complaints (informal or formal) to Safety & Security, conducting appropriate informal investigations, reporting formal written complaints to the Title IX Coordinator, and implementing any school-based remedies.

Either the School Compliance Official or the student or parents/guardians may convert any informal complaint into a formal complaint at any time, in which case it shall be reported to the Title IX Coordinator for action. **Attachment 3** is a list of the primary duties of the School Compliance Officials.

VI. Complaint Procedures (Informal and Formal)

A complaint can be submitted by anyone. The complaint must describe the specific acts, conditions, or circumstances that are alleged to be ~~discriminatory, and why the complainant believes that discrimination has occurred, sexual harassment or sexual assault~~. See **Attachment 2** for information on the complainant's rights and the procedure to file a complaint. See **Attachment 4** for the Complaint Form.

A. Requirements Applicable to all Complaints

Any school staff member receiving a complaint should contact the appropriate School Compliance Official immediately when they receive a ~~complaint of sexual harassment~~ ~~complaint or sexual assault~~. Any District Office staff member with a harassment complaint should

³ See Section X. OSPI Monitoring and Enforcement, page 67, of *Prohibiting Discrimination in Washington Schools*.

contact the Title IX Coordinator. Upon receipt of the complaint, the School Compliance Official should notify the Title IX Coordinator. If the matter involves only students, and is resolved by school-based measures, no further action is required other than reporting the outcome to the Title IX Coordinator. If a complaint is not resolved by school-based measures, either the complainant, the subject of the complaint, or the School Compliance Official may convert it to a formal complaint by submitting a written report to the Title IX Coordinator. Any complaint involving adults, or where criminal activity is alleged, shall be treated as a formal complaint. The Title IX Coordinator shall be responsible for coordinating the investigation and implementing any required corrective action.

For informal complaints, school-level correction action necessary to eliminate the harassing act, condition, or circumstance must be instituted as soon as possible.

For formal complaints, any corrective action necessary to eliminate the harassing act, condition, or circumstance must be instituted as soon as possible, but no later than 30 calendar days after the Superintendent's mailing of the written response to the complainant and subject of the complaint, unless otherwise agreed to by the complainant.

Per WAC 392-190-081, if a complaint is filed with another local, state or federal agency, any processes for formal complaints under WAC 392-190-65 through -075 (relating to a decision by the Superintendent and appeal to the School Board) will be ~~held in abeyance to~~ put on hold to the extent they cover the same claims. However, even in such situations, the District remains responsible to assure that all appropriate steps are taken to assure the alleged conduct is not repeated and there is no retaliation against either the complainant or the subject of the complaint.

The objective of these procedures is to establish a safe environment for our students and staff, free from sexual harassment and sexual assault, and assure an adequate, reliable, and impartial investigation and resolution of complaints.

B. Notice to Complainants

The School Compliance Official, or the Title IX Coordinator as appropriate, shall promptly provide a written notice to each complainant of their rights under Title IX and this procedure. **Attachment 2** is the Notice to Complainants, which notifies complainants of their right to make a formal complaint, identifies the Title IX Coordinator, describes the steps to be taken to investigate and respond to a complaint, states the right of the complainant to pursue a criminal complaint against the subject of the complaint, describes remedies and services that may be available to the complainant, states the right of both parties to present evidence, notes the prohibition of retaliation against the complainant, the subject of the complaint or witnesses, and states the right of the complainant to have a decision by the Superintendent and appeal to the School Board and OSPI. This notice shall be posted on the District website, at each school, at the John Stafford Center for Educational Excellence ("JSCEE"), and copies shall be available from the Title IX Coordinator and each School Compliance Official.

C. Informal Complaints

Anyone may use informal procedures to report and resolve complaints of sexual harassment ~~and sexual assault~~. Informal reports may be made to any staff member, who should promptly refer the matter to the School Compliance Official or Title IX Coordinator to explain the informal and formal complaint processes and what a complainant can expect. Staff shall also inform the School Compliance Official or the Title IX Coordinator when they receive complaints of sexual harassment ~~and sexual assault~~.

~~Informal remedies may 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 remedies are outlined in Section IX below.

Mediation by a third party should be considered where appropriate for informal complaints, but only with the agreement of both parties involved. Complainants should not be asked to work out problems directly with the subject of the complaint, and mediation is not used in cases of an alleged assault.

Informal complaints may become formal complaints at any time at the request of the complainant, parent, guardian, or because, after consultation with the Title IX Coordinator, a School Compliance Official believes the complaint needs to be more thoroughly investigated. See Section VIII below for additional remedies that may be possible in a particular situation.

D. Formal Complaint Procedures

Anyone may initiate a formal complaint of sexual harassment ~~and sexual assault~~, even if the informal complaint process is being utilized. Such complaints shall be in writing, signed, and addressed to any School Compliance Official or the Title IX Coordinator. If addressed to the School Compliance Official, he/she must then report formal complaints to the Title IX Coordinator.

The Title IX Coordinator shall arrange for an investigation of any formal complaint, and compile a written report of the complaint and results of the investigation.

The Title IX Coordinator shall be responsible for overseeing the conduct of an investigation into a formal complaint, and the response to such complaint. The Title IX Coordinator shall provide a report and recommendation to the Superintendent. The Superintendent must respond to the complaint and to the subject(s) of the complaint in writing within 30 calendar days after the complaint is received by Title IX Coordinator, unless otherwise agreed to by the complainant. The response must either (a) deny the allegations of the complaint, or (b) describe

the reasonable actions the District will take to resolve the ~~harassment~~complaint. Alternatively, the Title IX Coordinator may request an extension of time to complete an investigation from the complainant.

The Superintendent's letter must notify the complainant and subject of the complaint of the right to appeal the decision and include where, by when, and to whom the complainant or subject of the complaint can appeal the Superintendent's decision with the School Board (WAC 392-190-065). Should the decision be appealed to the Board, the response of the Board will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where, by when, and to whom the appeal must be filed.

Student complainants, witnesses, and any subject of a complaint may have a trusted adult with them during any district-initiated investigatory activities. The Title IX Coordinator 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 steps shall be followed regarding formal complaints:

1. 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- ~~and sexual assault~~. The School Compliance Official may draft the complaint based on the verbal report of the complainant, for the complainant to review and sign. Any School Compliance Official who receives a formal complaint shall promptly forward it to the Title IX Coordinator.
2. The Title IX Coordinator shall receive and arrange for investigation of formal complaints of sexual harassment ~~and sexual assault~~.
3. When the investigation is completed, the Title IX Coordinator or his or her designee shall compile a written report of the complaint and the results of the investigation. The usual practice is that the primary findings of the report shall be shared with both the complainant and subject of the complaint before being finalized, to the extent time permits, in order to allow them to comment.
4. If the matter has not been resolved to the complainant's satisfaction, the Superintendent shall take further action on the report.
5. The Superintendent shall respond in writing to the complainant and the subject of the complaint within thirty days of the District receiving a written complaint, stating either:
 - a) That the District denies the allegations contained in the complaint; or
 - b) The reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance; and
 - c) That the response may be appealed to the School Board and provide contact information for such an appeal
6. The District and complainant may agree to extend the deadline for the Superintendent to respond.
7. The Superintendent's decision shall employ a "preponderance of the evidence" standard, i.e., whether the evidence established it is more likely than not that the alleged actions occurred.
8. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than 30 days after the Superintendent's written response, unless the accused is

appealing the imposition of discipline and the ~~D~~District is precluded by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process. In the interim, the District shall take steps to protect the complainant and ensure his/her safety.

9. The Title IX Coordinator shall keep both the complainant and the subject of the complaint informed of the progress of the investigation.

10. At any time the District and the complainant may agree to resolve the complaint in lieu of an investigation.

E. Confidentiality

If the complainant requests confidentiality, the School Compliance Official or Title IX Coordinator should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality. If a complainant insists that his or her name or other identifiable information not be disclosed to the subject of the complaint, the School Compliance Official or Title IX Coordinator should inform the complainant that the District's ability to respond may be limited. The School Compliance Official or Title IX Coordinator also should tell the complainant that Title IX prohibits retaliation, and that school officials will not only take steps to prevent retaliation, but also take strong responsive action if it occurs. Other District employees must report allegations of sexual assault to appropriate officials and cannot promise confidentiality. Any records created or provided as a result of a complaint may be subject to disclosure as a result of a court order or as required by the Public Records Act, RCW 42.56.

VII. Appeal Procedure

A. School Board

If a complainant ~~remains aggrieved~~ or the subject of the complaint ~~is aggrieved~~ feel they have been treated unfairly or unjustly as a result of the action or inaction of the Superintendent in resolving a complaint, they may appeal the action or inaction to the School Board by filing a written notice of appeal with the Secretary of the Board, who shall direct it to the Board Office, by the 10th business day following the date upon which the complainant received the Superintendent's response. The complainant may also appeal at any date after the expiration of the 30 calendar day response period based on the receipt of the complaint by the school district, if the Superintendent's decision has not been issued.

The written notice must include the basis of the appeal and the relief being requested. The Board shall schedule a hearing to commence by the 20th calendar day following the filing of the written notice of appeal, unless the parties agree to a later date. Both parties and the Superintendent shall be allowed to present such witnesses and testimony as the Board deems relevant and material.

Participation by lawyers shall be at the discretion of the Board. If the Board chooses to allow the parties to have their lawyers participate in the proceedings, it must do so equally for all parties. Additionally, any school-imposed restrictions on the ability of lawyers to speak or

otherwise participate in the proceedings should apply equally.

The Board is strongly discouraged from allowing the individuals involved to personally question or cross-examine each other during the hearing.

The Board shall render a written decision by the 1~~e~~0th calendar day following the conclusion of the hearing and shall provide a copy to the complainant and the subject of the complaint. The decision shall state that it may be appealed to the Office of the Superintendent of Public Instruction and provide contact information for making such an appeal.

Both parties must be notified, in writing, about the outcome of both the complaint and any appeal, *i.e.*, whether harassment was found to have occurred. A written determination of the final outcome shall be provided to the complainant and the subject of the complaint at the same time.

B. Appeals to the Superintendent of Public Instruction (OSPI)

If a complainant remains aggrieved as a result of the decision of the Board in resolving a complaint, the complainant may appeal to the Superintendent of Public Instruction by filing a written notice of appeal with the Superintendent of Public Instruction by the 2~~e~~0th calendar day following the date upon which the complainant received written notice of the Board's decision.

The Superintendent of Public Instruction shall schedule a hearing. The notice of appeal must state the areas of disagreement and the relief requested.

Appeals to OSPI are conducted de novo and in compliance with the Washington Administrative Procedures Act. The appellant shall present his or her case and District legal counsel shall defend the decision rendered by the Board.

VIII. Investigative Procedures

Where the District knows, or reasonably should know, about possible sexual harassment or sexual assault it must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. When the Title IX Coordinator learns of specific allegations of sexual harassment ~~(even if they are not conclusively proven)~~ or sexual assault involving identifiable individuals, he or she will ensure that an appropriate investigation of the circumstances is performed.

The key goal of any investigation is to provide an adequate, reliable, and impartial investigation.

An adequate investigation is one which identifies the relevant issues and standards to be applied and reviews the facts (documents and witnesses) relating to those issues and standards.

A reliable investigation is one which is prompt, thorough, and addresses conflicts in evidence. In all cases, the inquiry should be prompt and thorough. The label used to describe the incident (e.g., bullying, hazing, teasing) does not determine how a school district is obligated to respond. Rather

the nature of the conduct itself must be assessed for civil rights implications.

An impartial investigation is one which is conducted by an investigator who is independent - without bias and objective. If the investigator is concerned about his or her ability to be unbiased or impartial, or the perception that he or she will not conduct a fair investigation, the Title IX Coordinator should assign this responsibility to another District administrator, outside investigator, or legal counsel- experienced in investigating Title IX allegations. It is not simply the fact of impartiality that should be considered, but also the appearance of impartiality. Thus, even if an investigator feels he or she is in fact impartial, if there is an appearance of impartiality, another individual should be assigned. The Title IX Coordinator should consult with District legal counsel to make such determinations.

The specific steps taken in an investigation will vary depending on the nature of the allegations, the source of the complaint, the age of any student(s) involved, the size and administrative structure of the school or department, and other factors.

IX. Remedies and Enforcement

If a school knows or reasonably should know about student-on-student harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects, even while an investigation is under way, such as separating the complainant and the subject of the complaint until the investigation is complete. The District must take reasonable, prompt, age-appropriate, and effective action to end the harassment and prevent it from happening again to the target or to others.

The Title IX Coordinator is responsible for assuring that appropriate remedies and enforcement steps are identified and implemented. Prior to making a recommendation to the Superintendent, for formal complaints the Title IX Coordinator shall ensure appropriate remedies and enforcement steps are adopted by consulting with the Assistant Superintendent for Human Resources on complaints involving adults, and with the Assistant Superintendent for Teaching & Learning on complaints involving students. Such consultation shall be documented in each complaint file.

The Title IX Coordinator and applicable School Compliance Official shall take steps to protect the complainant and ensure his or her safety as necessary during school and employment related activities, including taking interim steps before the final outcome of the investigation, to protect staff or students. The District should take these steps promptly once it has notice of a sexual harassment or sexual assault allegation and should provide the complainant with periodic updates on the status of the investigation.

If it is determined that sexual harassment or sexual assault occurred, the Title IX Coordinator and applicable School Compliance Official must continue to take these steps to protect the complainant and ensure his or her safety, as necessary. The District must also take action to eliminate the hostile actions or environment, prevent a recurrence, and address their effects. If the results of the investigation into the complaint are inconclusive, the School Compliance Officer should take steps to protect the complainant and ensure his/her safety.

The Title IX Coordinator and applicable School Compliance Official should also ensure that the complainant is aware of their rights and any available resources, such as victim advocacy, academic support, counseling, disability services, health and mental health services, and the right to report a crime to local law enforcement. In addition to counseling or taking disciplinary action against the harasser, effective corrective action may require affirmative remedies on behalf of the complainant, as well as changes to the District's overall services or policies.

While the investigation is pending, the District should notify the complainant of his or her options to avoid contact with the subject of the complaint and ~~allow~~assist students ~~to change~~in changing academic situations as appropriate. For instance, the school may prohibit the subject of the complaint from having any contact with the complainant pending the results of the school's investigation; or if a student alleges harassment by another student, a school district may need to separate those students until the investigation is complete. If a teacher is the alleged harasser, it may be appropriate ~~for to put the teacher on administrative leave or transfer~~ the student ~~to transfer~~ to another class or school.

When taking steps to separate the complainant and subject of the complaint, a school should do so in an impartial manner, and thus should not, as a matter of course, remove a complainant student from classes while allowing the subject of the complaint to remain. The decision as to how to separate the students should take into account relevant factors, such as the students' respective needs for particular courses, the availability of alternative classes that can meet those needs, the need to assure any improper conduct ceases, and the requirement to avoid retaliation against either the complainant or the subject of the complaint. Priority in the decision should be given to complainant's interests and needs, to avoid punishing, or the appearance of punishing, the complainant.

Typical remedies in informal complaints are described above (see VI.C). Depending on the specific nature of the problem, additional remedies for a student complainant might include, but are not limited to:

- Safety planning with complainant input. Ask complainant what they would like in place to feel safe from the subject of the complaint. Inform all teachers so they can help monitor and enforce a safety plan
- Providing an escort to ensure that the complainant can move safely between classes and activities;
- Ensuring that the complainant and subject of the complaint do not attend the same classes and extracurricular activities;
- If they remain in the same classes, then teachers should be made aware so they can avoid placing the two students in small groups, for example
- Moving the complainant or subject of the complaint to another school within the ~~ed~~District;
- Providing counseling services;

- Providing medical services;
- Providing referrals to outside agencies such as Community Sexual Assault Programs and community advocates
- Providing academic support services, such as tutoring;
- Arranging for the complainant to re-take a course, be given an extension of time to complete a course, or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

When a student sexually harasses another student, the harassing conduct creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the District's program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Indeed, a single or isolated incident of sexual harassment or sexual assault may create a hostile environment if the incident is sufficiently severe. For instance, a single instance of rape is sufficiently severe to create a hostile environment.

The appropriate steps to remedy the situation should be tailored to the specific situation. Depending on the nature and severity of the harassment, counseling, discipline, or further separation of the target and harasser may be necessary. Responsive measures should be designed to minimize the burden on the complainant as much as possible. If the initial response does not stop the harassment and prevent it from happening again, the Title IX Coordinator and/or applicable School Compliance Official may need to take additional, stronger measures. The District must notify the subject of the complaint (and his or her parents/guardians, depending on the age of the complainant) of the outcome of the investigation and of any actions imposed that directly relates to the subject of the complaint and the complainant, such as an order for the subject of the complaint to stay away from the complainant, transfer to different classes or a suspension. In addition, the District may need to develop and publicize new policies or conduct staff and/or student training.

Consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of harassment shall be determined by the Title IX Coordinator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials. Temporary removal of the subject of the complaint from the premises may be implemented as a preventive measure.

X. Disciplinary Actions

The District may use student or adult disciplinary procedures or other separate procedures, such as collective bargaining agreements, to resolve such complaints. Any procedures used to adjudicate complaints of sexual harassment or sexual ~~violence~~assault, including disciplinary procedures, however, must meet the requirement of affording a complainant a prompt and equitable resolution. These requirements are discussed in greater detail below. If the District relies on

disciplinary procedures for compliance, the Title IX Coordinator should review the District's disciplinary procedures to ensure that the procedures comply with the prompt and equitable requirements of this procedure.

XI. Prohibition of Retaliation

It is unlawful for any District student or employee to harass, demote, discipline, or otherwise retaliate against anyone because they filed a harassment ~~complaint~~ or because they participated in a harassment investigation. The District will take reasonable steps to protect complainants and witnesses against retaliation by students, employees, or others. The same prohibition applies to retaliation against the subject of complaints.

XII. Education and Prevention

As described in the Dear Colleague Letter (see footnote 1), in addition to ensuring a prompt, effective, and impartial response to complaints of sexual harassment and sexual assault, the District should take proactive measures to prevent sexual harassment and ~~violence~~ sexual assault. The Title IX Coordinator shall develop and implement preventive education programs and provide a listing of available victim resources, including comprehensive victim services. Prevention must be comprehensive, and includes ensuring a school environment where sexual harassment and assault are not tolerated, as well as educating students and staff how to treat others with respect and build empathy, build their social and emotional skills, problem solve and cope with strong emotions, respect boundaries, and create a school climate that promotes gender equality, respect and consent. The District may consider including these education programs in their (1) orientation programs for new students, faculty, staff, and employees; (2) training for student athletes and coaches; ~~and~~ (3) school assemblies and "back to school nights-"; and (4) basic education for students as part of their coursework.

The Title IX Coordinator will provide education programs aimed at encouraging students to report incidents of sexual harassment and sexual assault to the appropriate school and law enforcement authorities. ~~This is especially true where sexual assaults or other violence are involved.~~ Schools should be aware that victims or third parties may be fearful of or deterred from reporting incidents if alcohol, drugs, or other violations of school rules were involved. As a result, schools should consider whether their disciplinary policies have a chilling effect on victims' or other students' reporting of sexual harassment and sexual assault offenses. For example, the Dear Colleague Letter recommends that schools inform students that the school's primary concern is student safety, that any other rules' violations will be addressed separately from a sexual harassment or sexual assault allegation, and that use of alcohol or drugs never makes the victim at fault for sexual harassment or sexual assault.

The Title IX Coordinator shall develop specific sexual harassment and sexual assault materials that include the District's policies, rules, and resources for students, teachers, coaches, volunteers, parents/guardians, staff and administrators. The District shall include such information in their new employee orientation materials and ~~should include such information~~ in any handbooks that

students, student athletes and members of student activity groups receive, as well as the District's website. These materials should include where and to whom students should go if they are victims of sexual harassment or sexual assault. These materials also should tell students parents/guardians, volunteers, and school employees what to do if they learn of an incident of sexual harassment or sexual assault.

Training Annual training shall be provided on the reporting of sexual harassment and sexual assault and recognitions of warning signals to the School Compliance Officials, Title IX Coordinator, school administrators, school office staff, and Human Resources, Safety and Security and Legal Department staff.

XIII. Notices

Notices of procedures for resolving complaints of sex discrimination, including sexual harassment and sexual assault, should be written in language appropriate to the age of the school's students, easily understood, ~~easily~~ located, and widely distributed. The procedures should be prominently posted on school web sites and around JSCEE; sent electronically to all members of the school community; available at various locations throughout schools; and summarized in or attached to major publications issued by the school, such as student handbooks, Student Rights and Responsibilities, ~~codes~~ of conduct, and other forms for students, parents/guardians, ~~staff~~ and applicants for employment.

The key substantive requirements of notices are that they inform students, parents/guardians and staff who are designated to receive complaints, where detailed procedures may be found, and assurances that the District will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate. The District must inform students, parents/~~guardians~~, employees, and volunteers of the District's discrimination complaint and appeal procedures at least once each year (WAC 392-190-060).

Some examples of ways in which school districts can inform students, parents/guardians, and employees of these procedures include student and parent/guardian handbooks, staff handbooks, Student Rights & Responsibilities, brochures, flyers, and posters.

District and school front office staff must be knowledgeable about the harassment complaint procedures in order to inform parents/guardians, students, and employees as needed. OSPI encourages Districts to have available brochures, flyers, or other information about their discrimination complaint and appeal procedures at the District office and building offices for use by students, parents/guardians, employees, and others.

Posting of notices at schools and district offices: The District's sexual harassment notices must be conspicuously posted in each school administrative office and on staff and student bulletin boards and at other district offices. Materials should be developed for training and awareness of sexual harassment, which should be widely disseminated, and describe: what constitutes sexual harassment or ~~violence~~ sexual assault, what to do if an individual has been the victim of sexual harassment or ~~violence~~ sexual assault, contact information for counseling and victim services, and

XIV. Implementation and Training

Training for employees shall be made available by the Title IX Coordinator, and should include practical information about how to identify and report sexual harassment and ~~violence~~sexual assault. Employee supervisors are responsible to provide this annual training to any employees likely to witness or receive reports of sexual harassment and ~~violence~~sexual assault, including teachers, school law enforcement unit employees, school administrators, school counselors and health personnel, and District attorneys.

~~Orientation~~Annual orientation sessions for staff, students, and regular volunteers shall provide copies of elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment ~~and sexual assault~~. Staff shall be 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 or sexual assault.

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

As part of the information on the recognition and prevention of sexual harassment and sexual assault, staff, volunteers, students, and parents/guardians will be informed that sexual harassment and sexual assault may include, but is not limited to, the examples listed in the above definition of sexual harassment and sexual assault.

A list of Frequently Asked Questions ("FAQs") is included in **Attachment 6**.

XV. Annual Reports and Periodic Review

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: how, where, and when the District provided notices; training and curriculum given to staff ~~and~~ students; and a summary of complaints made in the previous year. The summary of complaints shall indicate, at a minimum, the number of formal and informal complaints, the most common types of sexual harassment and sexual assault experienced and remedies applied, the number of assaults, and the number of appeals. The annual report shall include all incidents, both student and adult.

In every odd numbered year, the District Title IX Coordinator will 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 this policy and procedure following the provisions of

Superintendent Procedure 4110SP. Based on the review of the committee, the Title IX Coordinator shall prepare a report to the Superintendent including, if appropriate, any recommended policy or procedure changes.

Exhibit B

Task Force on Prevention of and Response to Sexual Harassment and Sexual Assault Charter

The Article I: Name

The name of this Task Force is the Seattle Public Schools Task Force on Prevention of and Response to Sexual Harassment and Sexual Assault

Article II: Purpose

Section 1 – District Focus

The District is conducting a comprehensive review of its policy and procedures to prevent and respond to instances of sexual harassment and sexual assault. This includes a complete review of how we comply with the requirements of Title IX of the Education Amendments of 1972 as well as Chapter 28A.640 RCW. The objective of the review is to establish a robust, easily accessible program to prevent and respond to incidents of sexual harassment and sexual assault, which educates students and adults to know how to prevent and respond to as well as provide support for victims of sexual harassment and assault. This program must not merely demonstrate compliance with applicable federal and state laws; it must establish processes that provide for effective implementation of a program to prevent and respond to incidents of sexual harassment and assault, to demonstrate the District does not tolerate sexual harassment or sexual assault and actively supports complainants and victims.

Section 2 - Objectives

As the District conducts this review, the decisions made can benefit from school staff, student and public input, and a task force is the best way to obtain that input. The primary purpose of the Task Force shall be to advise the Superintendent on matters pertaining to sexual harassment and sexual assault within Seattle Public Schools. The task force will be asked to:

- A. Receive periodic briefings and be asked to comment upon and make recommendations for compliance with Title IX and Chapter 28A.640 RCW, as well as Board Policy 3208 and the associated Superintendent Procedure.
- B. Review and provide input on policy and procedures to prevent and respond to instances of sexual harassment and sexual assault.
- C. Review and provide input on program development including program organization and staffing.
- D. Review and provide input on program implementation including (a) posting of required notices; (b) training of staff; (c) curriculum for students; (d) response to complaints, including investigations; (e) appeals; (f) identification and implementation of responses and remedies; and (g) reporting.
- E. Review and provide input on internal controls, program monitoring and oversight.

F. Review and providing input on other matters relating to sexual harassment and sexual assault as requested by the Superintendent.

G. Provide regular comments and recommendations to staff regarding conduct of the District's activities to prevent and respond to incidents of sexual harassment and sexual assault with a semi-annual and final written report, including recommendations to the Superintendent. Minority reports of one or more task force members are allowed.

Article III: Membership

Section 1 – Broad Representation

The Task Force will strive to be inclusive of the broad spectrum of ethnic, racial and educational programs found within the Seattle Public Schools including Basic Education and Special Programs. In addition to regular voting members, the task force will also contain a number of non-voting technical expertise members. In seeking membership for the task force, the District will work with the Seattle Council Parent, Teacher, Student Association (SCPTSA) and other stakeholders.

Section 2 – Regular Members

The specific voting membership of the task force will be comprised of a minimum of fourteen (14) positions that reflect the diversity in Seattle Schools, to include at least the following:

- A. Two (2) teachers
- B. Two (2) principals
- C. Two (2) classified employees
- D. Two (2) parents
- E. Two (2) students
- F. Two (2) specialists (counselor, nurse, coach, etc.)
- G. Two (2) individuals with expertise in prevention and response to sexual harassment and sexual assault in the Public school or college environment
- H. One (1) District staff Co-Chairperson

One of the members shall be selected to serve as Co-Chair with the District staff Co-Chair.

Section 2 - Public Notice

Appointments will be advertised to:

District website

Seattle Council of PTSAs (to forward to all PTAs)

SEA, PASS and Local 609

All principals (to forward to all site councils and building leadership teams)

District stakeholder contact lists, as appropriate

Other individuals who have expressed interest in the Task Force

Section 3 – Appointment of Members

All members of shall be appointed by the Superintendent based upon the applications received.

Section 4 – Length of Appointment/Service

The term of service for members shall be for a period of one year. The year of service shall be defined as October 2014 to October 2015.

Section 5 – Attendance Requirement

Members not attending for three consecutive regular meetings, without an excused absence as approved by the co-chairs of the task force, will not be considered in good standing and may be replaced.

Article IV: Responsibilities

Section 1 – General Responsibilities

The Task Force is a resource to the Superintendent of Schools on the topic of sexual harassment and sexual assault. The Task Force's primary responsibility will be to serve as an advisory committee and sounding board to receive and respond to data, information and proposals surrounding program development, implementation and monitoring. As such, the term "advisory" is intended to generally mean 1) inquiring, 2) informing, 3) suggesting, 4) recommending, and 5) evaluating.

Section 2 – Limitations

The Task Force, since it is advisory only, may not dictate or work outside of current School Board policy limitations.

Section 3- Ethics

Members shall not have any direct or indirect financial interest, except a remote interest, in any contract for services or activity financed from School District funds relating to compliance with Title IX, Chapter 28A.640 RCW or other civil rights laws or school board policies. Members shall decline to vote on or participate in official District business in which the individual has a remote interest as defined by state statute, as amended from time to time.

Section 4- Indemnification

The District, in accordance with approved School Board policy, shall indemnify task force members acting in good faith in the course of their responsibilities.

Article V: Executive Sponsor and Staff Support

Section 1 – Leadership

The task force shall be led by the Executive Sponsor. The Executive Sponsor shall be Deputy Superintendent Charles Wright.

Section 2 – Lead Staff Support

The Executive Sponsor shall identify one lead staff individual to work directly with the task force to assure that meeting preparation and appropriate data/document support is being provided. The lead staff individual shall attend all task force meetings and chair the meetings. The Lead Staff Individual shall:

A. Work closely with the Executive Sponsor and Task Force co-chair to plan each meeting and establish an agenda and notify the members of the purpose, time and place of each meeting.

B. Provide background information on District structure, terminology, prior practices, etc.

C. Chair the task force meetings, call the meetings to order, maintain order, and see that the meeting is properly adjourned

a. Work with the Task Force co-chair to see that minutes taken by SPS staff are prepared, read and approved

b. See that business is ordered, considered and disposed of properly

c. Serve as impartial, conscientious arbiters of discussion and debate, and insist on the fairness in the action and debate of the members

d. Facilitate development and use of group norms

e. Act as a resource person by making available specialized information about the schools, educational programs, innovative ideas, and available resources

f. Assist in identifying district and community resources which can aid in supporting program development, implementation and monitoring

g. Serve as a communication link between task force, the administration and staff of the internal school community

Article VI: Roles of Task Force Members

Regular Task Force members shall:

a. Act as a committee member according to established procedures by making suggestions and providing input representative of the views of parents, citizens, and community organizations of the school community

b. Participate regularly in task force meetings

c. Become knowledgeable about the various school education program(s), applicable Title IX rules and programs, related laws and data

d. Maintain active participation in task force following established group norms

Article VII: Subcommittees

Section 1 – 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.

Section 2 – 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 Superintendent of Schools.

Article VIII: Meetings

Section 1 – Schedule of Meetings

The task force shall meet as often as necessary to perform its duties, but no less than monthly during the academic school year.

Section 2 – Quorum Requirement

A quorum of regular members (8 of 14) must be present to conduct business which results in any form of formal recommendation by the task force. For those matters deemed ‘critical’ for which a quorum is not present, the co-chairs of the task force shall have the authority to electronically poll all members not in attendance in a timely basis in order to assure that a more inclusive recommendation is accomplished.

Section 3 – Group Norms

A set of group norms (group standards and code of conduct) will be initially developed and approved by a majority vote. These norms will be reviewed on a quarterly basis and will be modified as appropriate and reaffirmed by majority.

Section 4 – Open Public Meetings Act and Records Retention

Task Forces do not have authority to take action on behalf of the school board, and are not subject to the Open Public Meetings Act and are not required to keep minutes. However, meetings should be open to the public and a record of the actions of the task force will be kept.

Section 5 – 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 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.

SPS strives to protect all of our students and we will continue to work with all staff, families, students and the community to make improvements.

EXHIBIT C

Sexual Assault and Harassment Prevention, Response, and Policy Key Informant Survey

Note: not all respondents will get all of these questions; questions will be given according to position

Basic Information:

1. What grade level(s) do you work with?
 - ☐ Elementary
 - ☐ Middle school
 - ☐ High school
2. What is your role at the school?
 - ☐ Principal
 - ☐ Assistant/Vice-principal
 - ☐ Teacher
 - ☐ Nurse
 - ☐ Counselor
 - ☐ Other _____

Primary Prevention Questions:

1. Do you teach curriculum to students that addresses violence prevention, sexual health, or social emotional skill development?
 - ☐ Yes
 - ☐ No (*skip to question 4*)
2. What curriculum do you teach (if yes to any item, a new box can open to ask about fidelity, i.e. which lessons are they actually teaching)
 - ☐ FLASH
 - ☐ Safe Dates
 - ☐ Fourth R
 - ☐ Olweus
 - ☐ Second Step
 - ☐ Steps to Respect
 - ☐ Let's Get Real
 - ☐ Mentors in Violence Prevention (MVP)
 - ☐ Coaching Boys into Men
 - ☐ Men Can Stop Rape
 - ☐ Expect Respect
 - ☐ Love is Not Abuse
 - ☐ Where We Live (for Parents)
 - ☐ We Can Stop Abuse (for Persons with Developmental Disabilities)

- ☐ Other Social/ Emotional Curriculum? _____
 - ☐ Other Violence Prevention Curriculum? _____
 - ☐ Other Sexual Health Curriculum? _____
3. What kind of formal training have you had to teach the curriculum above? _____
 4. Does your school make efforts to achieve gender equity and fairness?
 - ☐ yes. please explain: _____
 - ☐ somewhat. please explain: _____
 - ☐ no
 5. Are there “hot spots” at your school (spaces in the building where students experience higher rates of sexual harassment and sexual assault?)
 - ☐ yes
 - ☐ no (*skip to question 8*)
 6. Has there been any effort at the school to address these hot spots?
 - ☐ Yes
 - ☐ No (*skip to question 8*)
 7. What efforts has your school made to address “hot spots” (spaces in the building where students experience higher rates of sexual harassment and sexual assault?) _____
 8. What is your comfort level intervening in sexual harassment cases involving phones, social media, online, etc.?
 - ☐ very comfortable
 - ☐ somewhat comfortable
 - ☐ not sure
 - ☐ somewhat uncomfortable
 - ☐ very uncomfortable
 9. What is your comfort level speaking up when you hear sexist or inappropriately sexual comments among students?
 - ☐ very comfortable
 - ☐ somewhat comfortable
 - ☐ not sure
 - ☐ somewhat uncomfortable
 - ☐ very uncomfortable
 10. What is your comfort level intervening when you see sexual harassment happen at school?
 - ☐ very comfortable
 - ☐ somewhat comfortable
 - ☐ not sure
 - ☐ somewhat uncomfortable
 - ☐ very uncomfortable
 11. What is your comfort level talking about sexual assault prevention?
 - ☐ very comfortable
 - ☐ somewhat comfortable

- ☐ not sure
- ☐ somewhat uncomfortable
- ☐ very uncomfortable

12. Is sexual assault prevention formally addressed in (if any item is checked, can ask for more info)

- ☐ School day (any academic or elective classes)
- ☐ Extracurricular activities (clubs or athletics)
- ☐ Special education (or other programs for students with disabilities)
- ☐ School-Home partnership (is there a role for parents in prevention?)
- ☐ Community partners (community centers, other partners)
- ☐ Medical services (Teen health centers, School Nurses)
- ☐ Transportation (are bus drivers included in discussions or training?)

13. What is your school's most common approach to dealing with the perpetrators (aggressors, harassers, bullies, offenders)? (rank order 1-4)

- ☐ Punishment (e.g. suspension, expulsion)
- ☐ Community response/ restorative justice
- ☐ Offering Support and Services
- ☐ Ignoring them

14.	Have you received training in any of these areas?	Would you like more training in any of these areas?
Title IX and Sexual Assault Laws	Yes/no	Yes/no
How to intervene in sexist and inappropriately sexual comments	Yes/no	Yes/no
How to support sexual assault survivors	Yes/no	Yes/no
How to intervene with people who sexually harass others	Yes/no	Yes/no
How to address "hot spots" in the school	Yes/no	Yes/no
Positive discipline	Yes/no	Yes/no
Mandated reporting	Yes/no	Yes/no
How to teach sexual health education	Yes/no	Yes/no
How to teach sexual violence prevention	Yes/no	Yes/no
How to change school climate and social norms	Yes/no	Yes/no
Other_____	Yes/no	Yes/no
Other_____	Yes/no	Yes/no

15. What style of training would you prefer? (rank order 1-4)

- ☐ Online text-based modules
- ☐ Online videos
- ☐ In-person training from an expert
- ☐ In person training led by a trained peer

Safe Spaces/Victim support questions

16. Do you believe students feel comfortable asking for help from faculty or staff if they are being sexually harassed or if they have been sexually assaulted?

- ☐ very comfortable
- ☐ somewhat comfortable
- ☐ not sure
- ☐ somewhat uncomfortable
- ☐ very uncomfortable

17. Who are they likely to turn to: *(this could be a check all that apply, or we could offer a 5 pt not at all likely to very likely scale for each option)*

- ☐ any trusted Teacher
- ☐ Health teacher
- ☐ Athletic coach
- ☐ Activity advisor (band director, robotics club sponsor, etc.)
- ☐ School counselor
- ☐ School nurse or health center staff
- ☐ Other _____

If no, why not? *(we could offer some drop down boxes or just leave this open ended)*

- ☐ They are worried they won't be believed
- ☐ They don't want to cause problems for any other students
- ☐ They don't think the faculty/staff can do anything about it
- ☐ They are afraid their peers will find out about their complaints
- ☐ They aren't sure if what they are experiencing is really harassment
- ☐ They don't think it will help
- ☐ Other _____

18. Does your school do any of the following to let students know where they can access support if they are a victim of sexual assault or harassment?

	Already do this	Should do this	This won't help
Information provided in health classes			
Information provided in other classes by teachers			
Information posted visibly in the nurse's office or health center			
Assemblies			
Flyers posted on walls at school			
Information posted on the school website			
Information posted on the district website			
Stories/information in the school newspaper or on the radio/video station			
Information provided by coaches/club			

advisors			
Brochures or flyers distributed to students at school			
Mail or email sent home to families			
Other _____			

Policy Questions

19. Have you read Superintendent Procedure 3208SP regarding sexual harassment and sexual assault?

- ☐ Yes (go to question 20)
☐ No (go to question 21)

If yes,

20. How clear are the procedures outlined in 3208SP?

- ☐ very clear
☐ somewhat clear
☐ not sure
☐ somewhat unclear
☐ very unclear

21. Are you aware of the District complaint process for sexual harassment or sexual assault?

- ☐ Yes (go to question 22)
☐ No (go to question 23)

If yes,

22. How clear is the District complaint process?

- ☐ very clear
☐ somewhat clear
☐ not sure
☐ somewhat unclear
☐ very unclear

23. Do you know who your Title IX school compliance official is?

- ☐ Yes
☐ No

24. Do you know who the Title IX Officer for the District is?

- ☐ Yes
☐ No

25. Have you received training regarding Title IX from the District? *(we don't need to repeat this question we can link this question to the table above so that a-d are asked if they stated that they had gotten training in Title IX)*

- ☐ Yes
☐ No

If yes,

a) How much did the training improve your knowledge of the ways **to IDENTIFY** sexual harassment/assault incidents related to your school?

- ☐ No improvement
- ☐ Slight improvement
- ☐ Some improvement
- ☐ Much improvement
- ☐ Huge improvement

If yes,

b) How much did the training improve your knowledge of the ways **to RESPOND to** sexual harassment/assault incidents related to your school?

- ☐ No improvement
- ☐ Slight improvement
- ☐ Some improvement
- ☐ Much improvement
- ☐ Huge improvement

If yes,

c) How much did the training improve your knowledge of the ways **to REPORT** sexual harassment/assault incidents related to your school?

- ☐ No improvement
- ☐ Slight improvement
- ☐ Some improvement
- ☐ Much improvement
- ☐ Huge improvement

If yes,

d) How much did the training improve your knowledge of the ways **to PREVENT** sexual harassment/assault incidents related to your school?

- ☐ No improvement
- ☐ Slight improvement
- ☐ Some improvement
- ☐ Much improvement
- ☐ Huge improvement

Affected by Sexual Harassment?

STUDENTS AND STAFF ARE PROTECTED AGAINST SEXUAL HARASSMENT BY ANYONE IN ANY SCHOOL PROGRAM OR ACTIVITY, INCLUDING ON THE SCHOOL BUS AND ON OR OFF CAMPUS.

What is Sexual Harassment?

Sexual Harassment is unwelcome behavior or communication that is sexual in nature when:

- A student or employee is led to believe that he or she must submit to unwelcome sexual conduct or communications in order to gain something in return, such as a grade, a promotion, a place on a sports team, or any educational or employment decision, or
- The conduct substantially interferes with a student's educational performance, or creates an intimidating or hostile educational or employment environment.

EXAMPLES OF SEXUAL HARASSMENT

- Pressuring a person for sexual favors
- Unwelcome touching of a sexual nature
- Writing graffiti of a sexual nature
- Distributing sexually explicit texts, emails, or pictures
- Making sexual jokes, rumors, or suggestive remarks
- Physical violence, including rape and sexual assault

How do I report Sexual Harassment?

You can report Sexual Harassment to any school staff member, or to any of the following designated officials:

- Your School Compliance Official: the Principal or designee of your school
- The Title IX Coordinator: Barbara Nahourail, 206-252-0367, Title.IX@seattleschools.org
- OSPI Equity and Civil Rights Office: 360-725-6162, equity@k12.wa.us
- US Department of Education Office for Civil Rights: 206-607-1600, OCR.Seattle@ed.gov

You have rights!! For a statement describing the rights and responsibilities of victims of sexual harassment or those who are the subject of complaints, contact your school office or go to the district's Title IX webpage (link below). For more information about SPS's Sexual Harassment policy and procedures, go to your school office or visit the Title IX webpage: <http://bit.ly/TitleIXCompliance>.



SPS may not discriminate on the basis of sex, race, color, creed, religion, national origin, sex, age, disability, marital status, sexual orientation, gender identity and expression, veteran or military status, or the use of a service animal by a person with a disability, and must provide equal access to all designated youth groups. For questions or complaints, please contact your school principal, or the SPS Title IX Office at 206-252-0027 or Title.IX@seattleschools.org.

EXHIBIT E - Office of Superintendent of Public Instruction Sexual Harassment Notice



Affected by Sexual Harassment?

Know your rights.

Students and staff are protected against sexual harassment by anyone in any school program or activity, including on the school campus, on the school bus, or off-campus, such as a school-sponsored field trip.

What is sexual harassment?

Sexual harassment is unwelcome behavior or communication that is sexual in nature when:

- ◆ A student or employee is led to believe that he or she must submit to unwelcome sexual conduct or communications in order to gain something in return, such as a grade, a promotion, a place on a sports team, or any educational or employment decision, or
- ◆ The conduct substantially interferes with a student's educational performance, or creates an intimidating or hostile educational or employment environment.

How do I report sexual harassment?

You can report sexual harassment to any school staff member or to the district's Title IX Officer:



For a copy of your district's Sexual Harassment policy and procedure, contact your school or district office.

Examples of Sexual Harassment:

- ◆ Pressuring a person for sexual favors
- ◆ Unwelcome touching of a sexual nature
- ◆ Writing graffiti of a sexual nature
- ◆ Distributing sexually explicit texts, e-mails, or pictures
- ◆ Making sexual jokes, rumors, or suggestive remarks
- ◆ Physical violence, including rape and sexual assault



OSPI Equity and Civil Rights Office
360.725.6162
equity@k12.wa.us
www.k12.wa.us/equity



OSPI and school districts may not discriminate on the basis of sex, race, color, creed, religion, national origin, sex, age, disability, marital status, sexual orientation, gender identity and expression, veteran or military status, or the use of a service animal by a person with a disability, and must provide equal access to all designated youth groups. For questions or complaints, please contact your school district, or OSPI's Equity and Civil Rights Office at P.O. Box 47200, Olympia, WA 98504 or at (360) 725-6162.

EXHIBIT F - Information for teen-aged students

What is Sexual Assault?

Sexual assault is sexual activity that is forced or done without a person's consent. A sexual assault could also be any type of sexual contact that is unwanted or illegal. It is a violation of a person's body or boundaries.

SEX SHOULD ALWAYS BE:

- ▶ A person's choice. A choice made with a clear head.
- ▶ Optional.
- ▶ With consent (A clear "yes").
- ▶ Respectful of each person's boundaries.

Consent means agreement to engage in sexual activity. Consent can be with words or body language. Consenting for one thing does not mean consenting to everything.

Not sure if someone is consenting? Ask them! Check in with them. Are they ok with this? You can ask if you can do something with them. Or you can ask what they want to do.

The Blame Game

Let's be clear. Sexual assault is never the survivor's fault. It is always the fault of the person who chooses to take advantage of someone who did not consent, or who was not able to give consent.

Sometimes people may try to blame the person who was assaulted. They may say, "They should not have been drinking." Or "They should not have been flirting." However, there is only ONE person to blame for sexual assault: the offender. No one owes anyone sex. Everyone has the right to feel safe when they are with another person.

THE GOOD NEWS IS: Most people are good, safe people who would not harm another person. It's important for these people to speak up against sexual assault, and always support survivors.

You may hear both terms *survivor* and *victim* to mean "a person who was sexually assaulted." But it is really up to the person how (or if) they want to be labeled.

What Does the Law Actually Say?

Here are some basic legal definitions for Washington State. In these definitions, "sex" includes oral, anal, and vaginal sex. For more laws and exact definitions, look up "sexual offenses" under your state's laws.

RAPE: Forcing someone to have sex is rape. Having sex with someone who expresses (verbally or non-verbally) a lack of consent is also rape. Consent means agreement. Having sex with a person who is unable to give consent is also rape. People who are physically or mentally incapacitated (due to being drunk, on drugs, ill, asleep, or unconscious) are not able to consent to sex.

INCEST: Sex or sexual touch between close family members.

VOYEURISM: Viewing, taking pictures or video of a person without their consent and where they think they should have privacy.

LAWS INVOLVING AGE DIFFERENCES: Having sexual contact with a person who is much younger is illegal. In these cases, it doesn't matter if there was consent. The older person is always at fault.

See back page for these laws. ▶

There are many reasons why a sexual assault case might never make it to court. Whatever happens, there is always help for the survivor.

Why are these illegal?

Our laws include these age differences because the older people in these situations often have more life experience, power, and knowledge. They can use that to pressure someone who is younger (or who has less power) into sexual activity.

LAWS

RAPE OF A CHILD (STATUTORY RAPE): When an older person has sex with a younger person. The older person is always at fault. Even if there is no force or coercion used, it is still illegal if:

- ▶ The younger person is under 12, and the older person is at least 2 years older
- ▶ The younger person is 12 or 13, and the older person is at least 3 years older
- ▶ The younger person is 14 or 15, and the older person is at least 4 years older

CHILD MOLESTATION: When an older person sexually touches a younger person. The older person is always at fault. It is illegal if:

- ▶ The younger person is under 14, and the older person is at least 3 years older
- ▶ The younger person is 14 or 15, and the older person is at least 4 years older

SEXUAL MISCONDUCT: When a person in a position of power or authority (such as a coach, boss, youth counselor, etc.) has sex or sexually touches a youth who they supervise. This is illegal if:

- ▶ The younger person is 16 or 17, and the older person is more than 5 years older and in a supervisory position.
- ▶ The younger person is an enrolled student under age 21, and the older person is a school employee

What if the younger person thinks it's okay? Or their parents think it is okay?

It does not matter. Our law says it is still illegal. Even when there was no coercion or force used.

Common Reactions

It is normal to have different reactions after a sexual assault. The reactions will vary depending on the person and their experiences. Some common reactions people have after a trauma include:

- ▶ Feeling sad, anxious, or agitated about bad things that have happened
- ▶ Feeling unsure about talking with police, prosecutors, or Child Protective Services
- ▶ Worrying about how this is affecting the family
- ▶ Having a hard time being happy or doing things that are important or fun

Our advice for recovery:

Get **SUPPORT** from others and get effective **HELP**.

THE GOOD NEWS IS: PEOPLE CAN, AND DO, RECOVER.

- ▶ Get support from others: Friends, parents, and other trusted adults
- ▶ Get a medical exam: An exam is a good option to make sure your body is okay. Get medications to prevent STDs and pregnancy. Evidence can be collected if you want.
- ▶ Talk to a counselor: Discuss concerns. Ask questions. Figure out next steps.

How Can Counseling Help?

- ▶ Get help to problem solve issues that are coming up.
- ▶ Learn new skills to manage bad feelings and memories.
- ▶ Get help with talking to police or prosecutors, or Child Protective Services. Get answers to legal questions.
- ▶ Talk about things you want to get back to doing. Once you've achieved them, you can be done. This kind of counseling is usually short term.
- ▶ We want to help you get back on track and moving forward!

CALL US. WE CAN HELP.

UW Medicine
HARBORVIEW
MEDICAL CENTER

206-744-1600

Harborview Center for Sexual Assault and Traumatic Stress
Offices in Seattle, Redmond, Bellevue, and Shoreline
Services include: medical exams, crisis help, and counseling

www.hcsats.org

KNOW YOUR IX

Nine things you should know about your Title IX rights
and your schools' Title IX responsibilities

Title IX is a landmark federal civil rights law that prohibits sex discrimination in education.

Title IX is not just about sports; it also addresses sexual harassment, gender-based discrimination, and sexual violence.

Title IX does not apply to female students only.

Male and gender non-conforming students are protected from any sex-based discrimination, harassment or violence.

Schools must be proactive in ensuring that your campus is free of sex discrimination.

Schools must have an established procedure for handling complaints of sex discrimination, sexual harassment, and sexual violence.

Schools must take immediate action to ensure a complainant-victim can continue their education free of ongoing sex discrimination, sexual harassment or sexual violence.

Schools may not retaliate against someone filing a complaint and must keep a complainant-victim safe from other retaliatory harassment or behavior.

Schools can issue a no contact directive under Title IX to prevent the accused student from approaching or interacting with you.

In cases of sexual violence, schools are prohibited from encouraging or allowing mediation of the complaint.

However, they may still offer such an alternative process for less severe complaints.

Schools cannot discourage you from continuing your education since you have a right to education under Title IX.

You have a right to remain on campus and have every educational program and opportunity available to you.

If your school isn't respecting your rights, you have options.
Learn more and get involved at
knowyourIX.org

IX

Sexual Harassment/Sexual Assault

1. How do I know if I've been sexually assaulted?

Generally, sexual assault is any unwanted, non-consensual sexual contact against any individual by another. Sexual assault can occur either forcibly (against a person's will) or when a person cannot give consent (under the age of consent, intoxicated, developmentally disabled, mentally/physically unable to consent, etc.).

For more information on determining whether a sexual assault has occurred, please visit the Rape Abuse & Incest National Network's (RAINN) information page entitled ["Was I Raped?"](#)

2. How do I know if I've been sexually harassed?

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, or verbal/physical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment, student status or participation in school activities.
- Such conduct is sufficiently severe or pervasive that it substantially interferes with an individual's education, employment, or participation in School activities; or
- Such conduct is intentionally directed towards a specific individual and unreasonably interferes with that individual's education, employment, or participation in school activities.

Examples of sexual harassment include displays of sexually suggestive materials or content, sexual jokes or innuendos, sexual touching, unwelcome flirting or advances, pressuring you for sex, repeated requests for dates, persistent email or social network communications, requiring sexual favors in exchange for a grade, a favor or some other benefit, sexual contact, sexual assault.

3. What is SPS's policy regarding sexual harassment?

Sexual harassment is a form of unlawful discrimination and is prohibited by SPS policy: For more information, please see ([Seattle Public Schools Sexual Harassment Policy No. 3208](#)).

4. What should I do if I think I've been sexually harassed or victimized?

Contact the Title IX Coordinator at (206) 252-0367, by email at titleIX@seattleschools.org, or you may also fill out a [complaint form](#) and send it by fax to the Title IX Coordinator at (206) 743-3064.

If you believe you are a victim of sexual violence, please contact the Safety and Security Office (206) 252-0707, and the Police (911).

5. Are women the only victims of sexual harassment or sexual violence?

No, both females and males can be victims of sexual harassment and/or sexual violence. For more information regarding sexual assaults on males please visit the RAINN's information page regarding [Male Sexual Assault](#).

6. Is it possible to be sexually harassed/assaulted by someone of the same gender?

Yes. If you have been subjected to unwanted sexual contact or sexual harassment, your gender and the gender of the alleged perpetrator are irrelevant. Such conduct is prohibited by Title IX and SPS policy.

7. If I think I've been victimized and I don't feel safe, what can I do?

Find a safe place away from the assailant and call the police.

The Title IX Coordinator also can coordinate other assistance including no contact orders, escort services, relocation of the individuals involved, and reassignment of schedules if the victim and the accused have similar schedules.

8. The definition of sexual assault says it can occur either forcibly (against a person's will) or when a person cannot give consent. What does "when a person cannot give consent" mean?

In certain situations, a person does not have the capacity to agree to participate in consensual sex. Examples include individuals who are under the age of consent, intoxicated, developmentally disabled, mentally/physically unable to consent, etc. Anyone engaging in sexual contact with someone who is unable to give consent may be committing sexual assault.

9. If an incident of sexual violence occurs off-campus, can SPS investigate?

Yes, if the incident has sufficient ties to SPS (if it occurs at a SPS event, if it involves a SPS student, or staff member, etc.) then SPS can investigate and provide resolution.

10. If an incident occurred at a party and I was drinking, will I get in trouble?

SPS's priority is to prevent sexual harassment and sexual violence. While the specifics of the situation will be considered, SPS's primary focus will be to address the sexual harassment or violence. SPS does not want the involvement of alcohol or drugs to prevent the reporting of such serious misconduct. Also, the use of alcohol or drugs will not excuse sexual violence or harassment.

11. Someone has filed a complaint against me, what do I do?

Do not contact the accuser through any means – in person, by phone, by mail, by social media or electronic communication or through someone else. Familiarize yourself with SPS's procedure for investigating complaints of sexual harassment ([Superintendent Procedure 3208SP, Attachment 2](#)) so that you know what to expect. If you have questions about the complaint or investigation process, contact the Title IX Coordinator. If you need support, contact _____.

Reporting

1. To whom should I report that I've been sexually harassed/assaulted?

Sexual harassment and acts of sexual violence should be reported to the Title IX Coordinator and/or to Safety and Security.

2. I've already gone to the police, so why do I need to go to the Title IX Coordinator or my School Compliance Official?

Sexual harassment and sexual violence are potential crimes but they also are violations of Title IX and SPS policy. Sometimes, specific conduct may not constitute a crime, but it still constitutes a violation of Title IX and SPS policy. SPS is committed to addressing and preventing sexual harassment and sexual violence, regardless of whether such activity constitutes a crime.

3. If I reported being sexually harassed or sexually assaulted to my School Compliance Official or the Title IX Coordinator, do I still need to go to the police?

Yes. If you believe you have been sexually assaulted or a victim of any other crime, then you should contact the police (911).

4. Will my complaint remain confidential?

The privacy of the parties is a priority to SPS. However, sometimes, limited information must be disclosed in order to fully investigate a complaint. If you are concerned about confidentiality, discuss this issue with the Title IX Coordinator.

5. What if I want to remain anonymous?

Your confidentiality will be protected to the maximum extent possible, but anonymity may not be possible.

6. Do I have to identify the accused?

Yes, in order to conduct a thorough investigation, the accused must be identified.

7. I'm concerned that reporting might make matters worse. Should I still file a complaint?

Yes. If you have concerns for your safety, SPS can provide escort services and take other steps to assist you. In addition, SPS has a strong retaliation policy that is aggressively enforced if a complainant or a witness is retaliated against for participating in a Title IX investigation.

8. My friend told me he or she was assaulted. What can I do to help?

Be supportive – listen to what she or he has to say then encourage your friend to report the incident to the police or to the Title IX Coordinator. You should also consider reporting the incident yourself. You may also suggest that they contact _____.

9. Do I have to report to SPS? Is there someone outside SPS I can report to?

You also can report to the [Department of Education's Office of Civil Rights](#). However, SPS is committed to addressing and preventing sexual harassment and sexual violence, and SPS is best able to do that when it is made aware of possible violations.

Title IX Coordinator

1. What is a Title IX Coordinator?

The Title IX Coordinator is the SPS official responsible for ensuring that SPS complies with Title IX, including responding to and investigating all complaints of gender discrimination (including sexual harassment and sexual violence) at SPS.

2. Who is the Title IX Coordinator?

_____, Seattle Public Schools Title IX Coordinator
206-742-3064 titleIX@seattleschools.org

3. Isn't Title IX just about Athletics?

No, not entirely. Title IX addresses discrimination based on sex/gender. Title IX considers sexual harassment and sexual assault as a form of sex/gender discrimination and it requires that all incidents of sexual harassment and sexual assault be viewed as discrimination and be investigated.