

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 change 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):

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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
- ~~n) 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~~ 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://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 OSPI's 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 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 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 violenceassault, 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

how to file a complaint. **Attachment 1** is the General Notice in English. Additional translations are available on the District's Title IX website: <http://bit.ly/TitleIXCompliance>.

Yearly notice: Each school district must, once each year or more often as deemed necessary, publish notice in a manner which that is reasonably calculated to inform all students, students' parents/guardians, and employees of the name, office address and telephone number of the Title IX Coordinator.

Reference to the District's sexual harassment and sexual assault policy must be included in any publication of the District or of a school that sets forth the rules, regulations, procedures, and standards of conduct for the school or school district. The policy must be conspicuously posted on the District website and notice of its contents provided to each employee, volunteer, and student.

Notice to complainants: A copy is available as **Attachment 2**.

Non-discrimination notice: Schools also are required to publish a notice of nondiscrimination, stating that the District does not discriminate on the basis of sex in its education programs and activities, and that Title IX prohibits discrimination in such a manner. The notice must state that inquiries concerning the application of Title IX may be referred to the Title IX Coordinator or to the Department of Education Office of Civil Rights. It should include the name or title, office address, telephone number, and e-mail address for the recipient's designated Title IX Coordinator.

The Title IX Coordinator shall assure that the following statement appears on the District website:

Seattle Public Schools does not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal and provides equal access to the Boy Scouts and other designated youth groups. The following employee(s) have been designated to handle questions and complaints of alleged discrimination: [Name and/or Title], [Address], [Phone Number]. See Attachment 5
[Name and/or Title], [Address], [Phone Number]. (See Attachment 5.)

The notice must be widely distributed to students, parents/guardians of elementary and secondary students, employees, applicants for employment, and other relevant persons. The notice should be available and easily accessible on an ongoing basis on the District website and at various locations throughout school facilities and district offices, as well as printed publications of general distribution, and in publications to parents/guardians about school policies.

This statement must be included in any publication that is disseminated on an annual or periodic basis to students, parents/guardians, participants, applicants, employees, or stakeholders. This includes district publications as well as building publications. Some examples include employment application forms, staff and student handbooks, school calendars, and district web sites.

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~~istrict 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.

Affected by

Sexual Harassment or Sexual Assault?

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.

What is Sexual Assault?

Sexual assault is any unwanted, non-consensual sexual contact against any individual.

- by force (against a person's will) or coercion
- when a person cannot give consent (under the age of consent, intoxicated, developmentally disabled, mentally/physically unable to consent, etc.)

How do I report Sexual Harassment and Sexual Assault?

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 Nahouraii~~, 206-252-0367, Title.IX@seattleschools.org
- OSPI Equity and Civil Rights Office: 360-725-6162, equity@kll.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 sexual assault or those who are the subject of complaints, contact your school office or go to the District's Title IX webpage: <http://bit.ly/flitleIXCompliance>. ~~You can find more information about SPS's policy and procedures on Sexual Harassment and Sexual Assault at your school office and the District's Title IX webpage.~~

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**

SEXUAL ASSAULT

- Acts of physical violence, including rape, sexual battery, and sexual ~~assault~~ coercion.

~~SEXUAL ASSAULT~~

ATTACHMENT 2

Notice

To Complainants of Sexual Harassment and Sexual Assault

December 4, 2014

This notice describes your rights if you make a complaint that you are a victim of sexual harassment- or sexual assault. Our goal is to provide you with the information you need to protect yourself and assure that you have a full and fair opportunity to express your concerns and that the school district takes prompt, appropriate steps to remedy the situation.

This notice provides a brief summary of your rights under federal law, known as "Title IX". There are several subjects covered by this notice:

- Who you can contact
- The process that will be followed for either an informal complaint or a formal complaint
- Examples of short term and long term remedies
- Your right to confidentiality
- Protection against retaliation
- Available resources: School Board policies and procedures, the District's Title IX webpage, community and District services

What is Sexual Harassment?

Sexual Harassment occurs when:

- Submitting to the harasser's sexual demands is a stated or implied condition of obtaining an education or work opportunity or other benefit;
- Submission to or rejection of sexual demands is a factor in an academic, work, or other school related decision affecting an individual; or
- Unwelcome sexual or gender-directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile, or offensive environment;

Sexual harassment can occur adult to adult, student to student, student to adult, adult to student, male to female, female to male, male to male, female to female, and ~~to and between transgender~~ individuals of all genders. Examples are included in Superintendent Procedure 3208. See below for a link to that document.

Who can I contact?

The normal contact for submitting a complaint is the School Compliance Official for your school. This is the school principal, unless the principal delegates that responsibility to another staff member. If the principal has designated someone else the School Compliance Official, it will be listed on the notices posted on bulletin boards around the school.

You may also file a complaint with the Title IX Coordinator, who oversees all Title IX complaints and investigations, by contacting: ~~Barbara Nahouraii~~, 206-252-0367, Title.IX@seattleschools.org.

In addition, you can make a complaint to the federal Department of Education, Office for Civil Rights, by contacting 206-607-1600 or OCR.Seattle@ed.gov.

You also have the right at any time to report a crime to local law enforcement.

What is the process for making complaints? How are they handled?

Many complaints are made at the school level and handled informally. Whoever receives the complaint should refer it to the School Compliance Official, who will: conduct an initial assessment of the facts; speak to the complainant, the subject of the complaint, and any witnesses; and collect any documents that are needed.

The School Compliance Official should also take interim steps to assure the complainant is protected from any further incidents. This can be accomplished through various means, such as separating the individuals involved.

In most instances the situation is addressed at the school level. Each situation will be tailored to its specific facts. Common remedies include:

- A statement to the subject of the complaint that the conduct is not appropriate and could lead to discipline if proven or repeated;
- An opportunity for the complainant to explain to the subject of the complaint that his or her conduct is unwelcome, offensive, or inappropriate, either in writing or face-to-face;
- Or a general public statement from an administrator in a building reviewing the District harassment policy without identifying the complainant.

How does an informal complaint become a formal complaint?

Any complaint which is made in writing, or involves an adult as the complainant or the subject of the complaint, will be treated as a formal complaint. In addition, at any time the complainant, the subject of the complaint, or the School Compliance Official can convert an informal complaint to a formal complaint by submitting a written complaint to the Title IX Coordinator.

Formal complaints and any complaints involving a teacher/adult are addressed by the Title IX Coordinator.

How are formal complaints handled?

Formal complaints are addressed by conducting an investigation of the matter. This will include interviewing the complainant, the subject of the complaint, and witnesses, as well as collecting

documents and any other evidence. A written report will be prepared, and the Superintendent will provide a written response to the complainant and the subject of the complaint within 30 days of the written complaint being submitted.

Both the complainant and the subject will be kept informed of the progress of the investigation and the timing of its conclusion, and an equal opportunity to provide information to the investigator.

What remedies are available?

The District will take appropriate steps to protect the complainant and ensure his or her safety, including taking interim steps before the final outcome of the investigation to protect staff or students.

If the District determines that sexual harassment or sexual assault occurred, the District must continue to take appropriate steps to protect the complainant and ensure his or her safety, as necessary. The District must also take action to eliminate the hostile environment, prevent its recurrence, and address its effects.

Other resources may also be available, such as victim advocacy, academic support, counseling, disability services, and health and mental health services. You can learn more about these resources from the U.S. Department of Education Office for Civil Rights:

<http://www2.ed.gov/about/officeslist/ocr/sexharassresources.html> and [Harborview Center for Sexual Assault and Traumatic Stress](http://depts.washington.edu/hcsats/) <http://depts.washington.edu/hcsats/>

While the investigation is pending, you can request the District to take steps to avoid contact with the alleged perpetrator and allow students to change academic situations as appropriate. For instance, the school may prohibit the alleged perpetrator 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 teacher is the alleged harasser, it may be appropriate to place him/her on administrative leave rather than transferring the student ~~to transfer~~ to another class or school.

When taking steps to separate the complainant and subject of the complaint, the District will 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.

Typical longer term remedies depend on the specific nature of the problem, and must be tailored to the specific situation. Remedies for a student complainant might include, but are not limited to:

- Providing an escort to ensure that the complainant can move safely between

- classes and activities;
- Ensuring that the complainant and alleged perpetrator do not attend the same classes;
- Moving the complainant or alleged perpetrator to another school within the district;
- Providing counseling services;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Arranging for the complainant to re-take 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.

What if I am unsatisfied with the District's response? Can I appeal?

If you are dissatisfied with the response of the Superintendent, you can appeal to the School Board. That should be done within 10 days after receiving the response, by sending a signed written statement to the school Board office at:

Seattle School District
Attn: Board of Directors MS 11-010
PO Box 34165
Seattle, WA 98124-1165

The appeal process is described in the Superintendent Procedure (See below). ~~Iny~~**If you** are not satisfied with the Board's decision, you may appeal to the Superintendent of Public Instruction. That process is described in the Superintendent Procedure.

Can my complaint be kept confidential?

If you request confidentiality, the School Compliance Official or Title IX Coordinator, as applicable, should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If you insist that your name or other identifiable information not be disclosed to the subject of the complaint, you should understand that the District's ability to respond to your complaint may be limited.

Will I be protected against retaliation?

It is unlawful for anyone in the District to harass, demote, discipline, or otherwise retaliate against anyone because they filed a discrimination complaint or because they participated in a discrimination investigation. Employees and students are prohibited from retaliation. 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.

Where can I go for additional information?

School Board Policy 3208, Sexual Harassment, is available at:

[http://district.seattleschools.org/modules/groups/homepagefiles/ems/1583136/File!Policies/Board series30 00/3208.pdf?sessionId=15bd53dc39d3c7e8a1a3fd5d833b5ced](http://district.seattleschools.org/modules/groups/homepagefiles/ems/1583136/File!Policies/Board%20series30%2000/3208.pdf?sessionId=15bd53dc39d3c7e8a1a3fd5d833b5ced)

Superintendent Procedure 3208 implements the policy and is available at:

[http://district.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Policies/Board /series30 00/3208SP_sig.pdf?sessionId=15bd53dc39d3c7e8a1 a3fd5d833b5ced](http://district.seattleschools.org/modules/groups/homepagefiles/cms/1583136/File/Policies/Board%20series30%2000/3208SP_sig.pdf?sessionId=15bd53dc39d3c7e8a1a3fd5d833b5ced)

Additional information is available on the District Title IX website, at

<http://bit.ly/titleIXCompliance>

ATTACHMENT 3

Primary Duties of the School Compliance Official

1. Assure Notices are posted in the administrative area and on staff and student bulletin boards. The Notice is available at: <http://bit.ly/TitleIXCompliance>
2. When a complaint is received:
 - a. Take immediate steps to prevent the complaint of activity from continuing or recurring
 - b. Provide the complainant with a copy of the "Notice to Complainants", available at <http://bit.ly/TitleIXCompliance>
 - c. Take steps to learn what happened, interview witnesses, assemble documents, and perform an initial assessment whether sexual harassment occurred.
 - d. If the complaint is informal (i.e., not in writing, does not involve an assault, and does not involve an adult as the complainant or subject and neither the students involved nor their parents/guardians have asked for a formal investigation), you can deal with it as a school-based action, i.e. you can take appropriate steps to remedy the situation.
 - e. If the complaint starts as a formal complaint, or any party asks that it be treated as such, or puts it in writing, refer the matter to the Title IX Coordinator: ~~Barbara Nahourai~~, 206- 252-0367, - Title.IX@seattleschools.org.
 - f. Report both the initial incident and your ~~findings~~ and response to the Title IX Coordinator.
 - g. Provide support to and take direction from the Title IX Coordinator, as appropriate.
3. For further information, consult the Title IX website, at <http://bit.ly/TitleIXCompliance>.

ATTACHMENT 4

Seattle Public Schools Sexual Harassment & Sexual Assault Formal Complaint Form

PURPOSE:

If you believe that you or an SPS student or staff member has been sexually harassed or sexually assaulted, please complete this form, sign it and submit it to the Title IX Coordinator.

The Title IX Coordinator is ~~Barbara Nahouraii~~.

_____ . Contact information is:

Phone: 206-252-0367 and Email: Title.IX@seattleschools.org

Human Resources Seattle Public Schools

MS 33-157

P.O. Box 34165

Seattle, WA 98124-1165

DEFINITION:

Sexual Harassment occurs when submitting to the harasser's sexual demands is a stated or implied condition of obtaining a work or educational opportunity or other benefit; or submission to or rejection of sexual demands is a factor in a work, school, or other SPS-related decision affecting an individual; or unwelcome sexual or gender directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile or offensive environment. This conduct may take many forms, including making unwelcome, offensive or inappropriate sexually suggestive comments, gestures or jokes; standing too close, inappropriate touching, cornering, or stalking a person; or displaying offensive or inappropriate sexual illustrations on school property.

Sexual assault is 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, such as rape, sexual assault, sexual battery, and sexual coercion.

INSTRUCTIONS:

Please complete all sections of this form. Be as specific as possible when discussing the incidents. Include the date(s), the incident(s) that occurred, the name(s) of the person(s) involved, and the name(s) of those who may have witnessed the incident(s). Your complaint is not limited to the space provided. You are encouraged to attach additional materials, which may assist in the investigation process.

If you have any questions regarding the complaint process and/or complaint form, please call the Title IX Coordinator. Deliver the original of this Complaint form to any school principal or the Title IX Coordinator. The information will be confidential, but please indicate if you want the complaint to be

| made anonymously.

I. Personal Information (PLEASE PRINT):

Your Name: _____

Phone Numbers: (Home) _____ (Work/Cell) _____

Email: _____

Home Address: _____
Street City Zip

- Employee
- Volunteer
- Parent/Guardian on behalf of student
- Other ~~Adult~~

II. Type of Complaint.

In addition to a complaint for sexual harassment or sexual assault, please check all categories that apply:

Retaliation

Bullying

Discrimination based on:

- Age Ancestry Color Disability
- Economic Status Gender Gender Identity Marital Status
- Physical Appearance Pregnancy Race Religion
- Sexual Orientation Veteran Status

III. Date Discrimination/Harassment/Assault/Retaliation/Bullying allegedly took place:

Earliest _____ Latest _____ Continuing Action

IV. Person(s) allegedly discriminating/harassing/assaulting/retaliating/bullying:

Name: _____

School/Department: _____

Name: _____

School/Department: _____

Name: _____

School/Department: _____

V. Your Complaint:

Please describe your complaint against the named person(s) in Section IV. Specifically, how were you or your child sexually harassed or sexually assaulted? Describe the behavior, comments, or incidents that caused you to file your complaint. Attach additional pages, if necessary.

VI. Please identify all ~~District Management staff~~ District staff to whom you have reported your concerns:

Reported to (Name): _____ Date: _____

Describe how concerns were reported:

Results:

Reported to (Name): _____ Date: _____

Describe how concerns were reported:

Results:

Reported to (Name): _____ Date: _____

Describe how concerns were reported:

Results:

VII. Person(s) who have knowledge of the events described in Section V:

(These people either witnessed incident(s) or have knowledge of events. Please attach additional names if needed.)

Name: _____ Relationship to you _____
colleague, student, teacher, etc.

Phone Number: _____ E-mail: _____

Name: _____ Relationship to you _____
colleague, student, teacher, etc.

Phone Number: _____ E-mail: _____

|

VIII. Corrective Action Desired:

How you would like the District to resolve your complaint?

OTHER INFORMATION

The Title IX Coordinator or an investigator retained by them will conduct an investigation of the circumstances involving your complaint, and will interview you and the person(s) named by you in your complaint, to attempt resolution. The District may, at its discretion, contact others in the course of its investigation.

If you request that your identity remain anonymous, this may prevent the District from conducting an effective investigation, and impact the District's ability to resolve your complaint.

It is both illegal and against District policy for anyone to retaliate against you for filing your complaint. Please contact the Title IX Coordinator immediately if you or any witness experience any retaliation or negative repercussions from filing your complaint. In the same manner, retaliation is prohibited against the subject of complaints.

In addition to filing this complaint, you have the right to file a similar complaint with an external agency, such as local law enforcement agencies, the Washington State Office of Superintendent of Public Instruction (OSPI) or the federal Department of Education, Office of Civil Rights. Basic information regarding the process and your rights is available on the District website at <http://bit.ly/fitleIXCompliance>.

| Please deliver this complaint to any ~~school principal~~ School Compliance Official or the District Title IX Coordinator.

AFFIRMATION

I affirm that the information and documentation I have provided with regard to this complaint is true and accurate to the best of my knowledge. I acknowledge that knowingly providing false information or information that I do not believe to be true in this complaint form or during the investigation may subject me to disciplinary action.

Signature: _____ Date: _____

To be filled out by District Representative

Date received: _____ By Title IX Coordinator (name): _____

Assigned to _____ on _____ for investigation.

Signed: _____

ATTACHMENT 5

The District is committed to nondiscrimination in all its education and employment activities. Specifically, the District prohibits discrimination based on sex (gender); race; creed; color; religion; ancestry; national origin; age; economic status; sexual orientation including gender expression or identity; pregnancy; marital status; physical appearance; the presence of any sensory, mental, or physical disability; honorably-discharged veteran or military status; or the use of a trained dog guide or service animal by a person with a disability.

The following employees have been designated to handle questions and complaints of alleged discrimination:

Student 504: Carole Rusimovic, 206.252.0118, crusimovic@seattleschools.org

Adult 504: Brent Jones, 206-252-0025, bjones@seattleschools.org

Title IX Compliance Officer. ~~Barbara Nahouraii~~, 206-252-0367, Title.IX@seattleschools.org

ATTACHMENT 6

Frequently Asked Questions (~~taken~~adapted from OSPI Guidelines)

1. What is sexual harassment?

Sexual harassment is a form of prohibited sex discrimination. Under WAC 392-190-056, sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

- (a) Submission to that conduct or communication is made a term or condition (explicitly or implicitly) of obtaining an education or employment;
- (b) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or
- (c) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

Sexual harassment can take different forms depending on the harasser and the nature of the conduct. ~~Sexual harassment~~The conduct may be adult to student, student to adult, student to student, adult to adult. Sexual harassment and sexual assault can be carried out by school employees, students, and non-employee third parties, such as a visiting speaker. Both males and females can be targets of sexual harassment and sexual assault, and the harasser and the target can be of the same sex.

2. What are some examples of sexual harassment?

Sexual harassment can occur in any school program or activity and can take place in school facilities, on a school bus, or at off-campus locations, such as a school-sponsored field trip or training program at another location. The conduct can be verbal, nonverbal, or physical and can include, but is not limited to:

- Demands for sexual favors in exchange for preferential treatment or something of value;
- Stating or implying that a person will lose something if he or she does not submit to a sexual request;
- Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- 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;
- Using derogatory sexual terms for a person;
- Standing too close, inappropriately touching, cornering or stalking a person; making sexual propositions or pressuring a person for sexual favors.
- Touching of a sexual nature.
- Writing graffiti of a sexual nature.
- Displaying or distributing sexually explicit drawings, pictures, or written materials.
- Circulating or showing e-mails or web sites of a sexual nature.

- Making sexual jokes, suggestive remarks, sexual rumors, or derogatory comments.
- Physical interference with movements, such as blocking or following someone.

3. What are some examples of sexual assault?

- Acts of physical violence including rape, sexual battery, and sexual coercion.

3.4. When does sexual harassment create a hostile environment?

~~Hostile~~ A hostile environment ~~harassment occurs~~ is created when unwelcome conduct of a sexual nature is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment. A hostile environment can be created by a school employee, another student, or even someone visiting the school, such as a student or employee from another school. Whether a hostile environment has been created depends on the particular circumstances of the incident(s). The conduct does not necessarily have to be repetitive. If sufficiently severe, single or isolated incidents can create a hostile environment.

4.5. What is quid pro quo sexual harassment?

Quid pro quo sexual harassment occurs when submission to or rejection of unwelcome sexual advances, requests for sexual favors, or other sexual conduct is made a term or condition of obtaining an education or employment, or is used as a factor in decisions affecting that person's education or employment (WAC 392-190-056). This can include requests for sexual conduct in exchange for a job, benefits, grades, assignments, or honors. This may be based on a single incident or a series of incidents. Quid pro quo sexual harassment can be perpetrated by a teacher or administrator to a student, an administrator to a teacher, or a student in a position of responsibility to another student.

5.6. Is it sexual harassment or sexual assault if a teacher hugs a student?

Not all physical contact is sexual in nature. It is important to recognize that the prohibition of sexual harassment or sexual assault does not extend to legitimate nonsexual touching or conduct. For example, an athletic coach hugging a student who made a goal or a kindergarten teacher's consoling hug for a child with a skinned knee would not be considered sexual harassment or sexual assault unless it is unwelcome and occurs under inappropriate circumstances. Similarly, one student's demonstration of a sports maneuver or technique requiring contact with another student would not be considered sexual harassment or sexual assault. However, in some circumstances, nonsexual conduct may take on sexual connotations and may rise to the level of sexual harassment or sexual assault. A teacher repeatedly hugging and putting his or her arms around a student under inappropriate circumstances or when unwanted could create a hostile environment.

6.7. What is the responsibility of a school employee who witnesses or receives a report of possible sexual harassment or sexual assault?

Any staff member who witnesses or receives a report of possible sexual harassment or sexual assault should immediately report the incident to a school administrator or school district compliance official. ~~School districts~~The District must follow ~~their~~its sexual harassment and sexual assault policy and procedure and must take prompt and effective action to determine what happened. ~~School districts~~The District should ensure that employees clearly understand the extent of their responsibilities for reporting sexual harassment and sexual assault.

7.8. ___ What steps should a school district take to end sexual harassment and sexual assault and prevent it from recurring?

If a school district determines that sexual harassment or sexual assault has occurred, the district must take reasonable, prompt, age-appropriate, and effective action to end the harassment, prevent it from recurring, and prevent any retaliation against the person who made the complaint or was the subject of the sexual harassment or sexual assault. The appropriate steps should be tailored to the specific situation. The school district may need to develop and publicize new policies or conduct staff and/or student training. Depending on the nature and severity of the sexual harassment or the sexual assault, counseling, discipline, further separation of the target/victim and harasser, or notification of law enforcement may be necessary. Responsive measures should be designed to minimize the burden on the target/victim as much as possible. If the school district's initial response does not stop the sexual harassment and prevent it from happening again, the district must take additional, stronger measures.