

	SEXUAL HARASSMENT OF DISTRICT STAFF PROHIBITED	Policy No. 5011 August 22, 2023 Page 1 of 4
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The Seattle School District is committed to a positive and productive working environment free from discrimination and discriminatory harassment, including sexual harassment. The district is committed to the safety of staff at work. This commitment extends to all employees involved in academic, educational, extracurricular, athletic, and other programs or activities of the school and/or district.

The district prohibits sexual harassment of district employees by students, employees, or third parties involved in school district activities, such as contractors or members of community-based organizations. This policy applies when the affected individual is a staff member.

Where concerns relate to sexual harassment toward student(s), see Board Policy No. 3208, Sexual Harassment of Students Prohibited.

Definitions

For purposes of this policy and the accompanying procedure:

“Complainant” refers to a staff member who is reported to be the victim of conduct that could constitute sexual harassment.

“Respondent” refers to an individual who is reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means unwelcome conduct or communication of a sexual nature that results in a hostile work environment. A "hostile work environment" for an employee is created where the unwelcome conduct is sufficiently severe, persistent, or pervasive to create a work environment that a reasonable person would consider to be intimidating, hostile, or abusive.

Under federal and state law, the term "sexual harassment" in a workplace environment includes:

- acts of sexual violence;

- unwelcome sexual or gender-directed conduct or communications that creates an intimidating, hostile, or offensive environment or interferes with an individual's performance in the workplace as a staff member;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission to the demand is a stated or implied condition of obtaining a work opportunity or other benefit;
- sexual demands where submission or rejection is a factor in a work or other school-related decision affecting an individual.

Further definitions can be found in the corresponding Superintendent Procedure 5011SP.

Staff Authority & Responsibilities

The Superintendent is authorized to designate a staff member to serve as the district's Title IX Coordinator for this policy and to develop procedures governing the sexual harassment complaint resolution process and any other procedures as required by law and this policy.

Any district employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the district's Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.

A formal complaint filed by or on behalf of a student complainant against an employee respondent will be investigated under the definitions, requirements, and procedures of Board Policy No. 3208, Sexual Harassment of Students Prohibited, and Superintendent Procedures 3208SP.A and 3208SP.B.

Reports of discrimination and discriminatory harassment will be referred to the district's Title IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

Investigation, Response and Resolution

The district is committed to resolving reports or complaints regarding sexual harassment, and will take prompt, equitable, and remedial action within its authority on reports or complaints alleging sexual harassment that come to the attention of the district. If the district knows, or reasonably should know, that sexual harassment may have created a hostile work environment, the district will take prompt and effective action to determine what occurred and will take appropriate steps to resolve the situation.

The district will offer complainants appropriate, individualized supportive measures that are designed to ensure the employee's safety and wellbeing.

The Superintendent will develop and implement procedures with respect to receiving and resolving reports alleging sexual harassment toward staff. The procedures will include reasonable and prompt timelines and delineate staff responsibilities under this policy.

When the target of harassment or assault is a staff member it is their choice on whether to report it. An employee may report to the Labor & Employee Relations Team within the Human Resources Department, the Title IX Office, or their supervisor to pursue a formal complaint. The district is still required to address concerns of harassment once they are made aware, even where a targeted employee does not want to file a formal complaint.

If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end sexual harassment, eliminate the hostile environment, prevent its occurrence and, as appropriate, remedy its effects.

Engaging in sexual harassment will result in appropriate discipline or other appropriate corrective action against offending staff or third parties involved in school district activities. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

Retaliation

Making a report of sexual harassment or being a witness regarding a sexual harassment complaint or investigation constitutes protected activity. The district prohibits retaliation against any person who has engaged in protected activity. (See also Board Policy No. 5245, Anti-Retaliation.)

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations may be subject to appropriate discipline. However, nothing in this policy is intended to discourage or prevent good faith reports of sexual harassment.

The district will follow its complaint resolution process to address reports alleging retaliation. If, based on an investigation, the district determines that retaliatory behavior in violation of this policy has occurred, the district will take prompt and effective steps reasonably calculated to end retaliatory behavior; prevent its occurrence; and, as appropriate, remedy the effects of identified retaliatory conduct.

Staff Notice and Training Requirements

The Superintendent will develop procedures to provide information and education to district staff and volunteers regarding this policy and the recognition and prevention of

sexual harassment in the workplace. Sexual harassment recognition and prevention and the elements of this policy will be included in staff and regular volunteer orientation.

This policy and the procedure, which includes the complaint resolution process, will be posted in each district building in a place available to staff, volunteers, and visitors. Information about the policy and procedure will be clearly stated and conspicuously posted throughout each school building, provided to each employee, and reproduced in each staff, volunteer, and parent handbook where one exists. Such notices will identify the district's Title IX Coordinator and provide contact information, including the email address where the Title IX Coordinator can be contacted.

The Superintendent, or their designee will annually review the use and efficacy of this policy and related procedures.

Adopted: May 2022

Revised: August 2023 (per Policy No. 1310)

Cross References: Policy Nos. 3208; 5006; 5010; 5011; 5240

Related Superintendent Procedure: 3207SP; 3208SP.A; 3208SP.B; 5011SP

Previous Policies: 3208; D49.00

Legal References: WAC 392-190-058 Sexual harassment policy; RCW 28A.640.020 Regulations, guidelines to eliminate discrimination – Scope – Sexual harassment policies; 20 U.S.C. §§ 1681-1688; 34 C.F.R. § 106

Management Resources: *WSSDA Policy & Legal News*, June 2022