

	SEXUAL HARASSMENT OF STUDENTS PROHIBITED	Policy No. 3208 September 3, 2024 Page 1 of 4
---	---	--

The Seattle School District is committed to a positive and productive educational environment free from discrimination and discriminatory harassment, including sexual harassment. The district prioritizes the safety and wellbeing of all students at school and while participating in school activities.

The district prohibits sexual harassment of students while participating in academic, educational, extracurricular, athletic, and other programs or activities of the school.

The district prohibits sexual harassment of students by other students, employees, or third parties involved in school district activities, such as contractors or members of community-based organizations. This policy and accompanying Superintendent Procedures apply when the affected individual is a student.

When concerns relate to sexual harassment toward staff, see Board Policy No. 5011, Sexual Harassment of Staff Prohibited.

Definitions

For purposes of this policy and the accompanying procedures:

“Complainant” refers to a student who is reported to be the victim of conduct that could constitute sexual harassment. Another person or staff member may report concerns on behalf of a complainant.

“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 educational environment. A “hostile environment” has been created for a student when sexual harassment is sufficiently serious to interfere with or limit the student’s ability to participate in or benefit from the school’s program.

The term “sexual harassment” may include:

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communication that creates an intimidating, hostile, or offensive environment or interferes with an individual's educational performance;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied condition of obtaining an educational benefit;
- sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

Further definitions can be found in the corresponding Superintendent Procedures 3208SP.A and 3208SP.B.

Staff Authority & Responsibilities

The Superintendent shall designate a staff member to serve as the district's Title IX Coordinator for this policy. The Superintendent is directed to develop procedures governing the sexual harassment complaint resolution process and any other procedures required by law and this policy. The procedures must include a clear and accessible process for reporting sexual harassment and describe available supportive measures that are consistent with state and federal law.

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

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.

District/school staff, including employees, contractors, and agents, shall not provide a recommendation of employment for an employee, contractor, or agent that the district/school, or the individual acting on behalf of the district/school, knows or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law.

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 educational 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 student safety and wellbeing.

If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence, and as appropriate, remedy its effects. The district will take these steps every time a complaint alleging sexual harassment comes to the attention of the district.

In accordance with mandated staff reporting obligations as detailed in Board Policy No. 3421, Child Abuse, Neglect and Exploitation Prevention, allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Regardless of whether the misconduct is reported to law enforcement, school staff will promptly investigate to determine what occurred and take appropriate steps to resolve the situation, to the extent that such investigation does not interfere with an ongoing criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sexual harassment.

Respondents found to have engaged in sexual harassment will receive discipline or other appropriate sanctions or restrictions.

Retaliation

The district will proactively ensure the safety and wellbeing of any person who has engaged in protected activity. "Protected activity" includes making a report of sexual harassment or being a witness regarding a sexual harassment complaint or investigation. The district prohibits retaliation against any person who has engaged in protected activity (See also Board Policy No. 5245, Anti-Retaliation).

While it is a violation of this policy to knowingly report false allegations of sexual harassment, and persons found to knowingly report or corroborate false allegations may be subject to appropriate discipline, 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.

Education, Training & Awareness

The Superintendent will develop procedures to provide age-appropriate information to district staff, students, parents, and volunteers regarding this policy. These procedures will include a plan for implementing programs and trainings designed to enhance the recognition and prevention of sexual harassment. The district will support schools in taking proactive steps to prevent sexual harassment from occurring, which could include efforts to improve school climate, student engagement, and education of students, staff, and parents (See also Board Policy No. 2125, Sexual Health Education).

Notice of this policy and accompanying procedures will be conspicuously posted in each district building in a place available to staff, students, parents, volunteers, and visitors. The policy will be reproduced in each student, staff, volunteer, and parent handbook that is developed by the district. Such notices will identify the District's Title IX coordinator and provide contact information, including the coordinator's email address.

The district will develop age-appropriate, accessible online and printed materials that explain this policy, students' rights, and the process for reporting concerns of sexual harassment. In addition, schools will foster and maintain safe spaces for students to learn about these materials and available community resources.

Policy Review

The Superintendent, or their designee, will annually review the use and efficacy of this policy and related procedures. The annual review will include input from students and/or community members from organizations associated with responses to sexual harassment. The Superintendent will regularly provide reporting consistent with progress monitoring requirements established by the Board and will develop systems to evaluate the effectiveness of district practices under this policy.

Adopted: December 2011

Revised: September 2024 (per Policy No. 1310); August 2023 (per Policy No. 1310); May 2022

Cross References: Policy Nos. 2125; 3207; 3210; 3211; 3240; 3241; D09.00; 4070; 4311; 5006; 5011; 5253; 5245

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

Previous Policies: D49.00

Legal References: WAC 392-190-057 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: *Basic Rules of Seattle Public Schools*; *WSSDA Policy & Legal News*, August 2020; December 2010; April 2008; April 2002