

Procedure – Sexual Harassment of Students Prohibited

This procedure applies to sexual harassment (including sexual violence) targeted at students carried out by other students, employees or third parties involved in school district activities. Because students may experience the continuing effects of off-campus harassment in the educational setting, the district will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640 RCW, and Chapter 392-190 WAC.

Notice

- Information about the district's sexual harassment policy and procedure will be understandable and conspicuously posted in each school building. The policy and procedure will also be reprinted in each student and parent handbook.

Staff Responsibilities

- In the event of an alleged sexual assault, the school principal will immediately inform: 1) law enforcement and/or Child Protective Services, and 2) the district Title IX Officer and/or Civil Rights Coordinator so that the district may appropriately respond to the incident consistent with its own procedures.
- The principal will notify the targeted student(s) and their parents/guardians of their right to file a sexual harassment complaint.

Confidentiality

- If a complainant requests that his or her name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the Title IX Officer and/or Civil Rights Coordinator for evaluation.
- The district Title IX Officer or Civil Rights Coordinator will inform the complainant that honoring the request will limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.
- If the complainant continues to request that his or her name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, the district will determine whether it can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the person who reported the sexual harassment. In most instances, the district will need to investigate the reported harassment.

Retaliation

State and federal law and district policy prohibit retaliation against any individual who files a sexual harassment complaint or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the district will take steps to prevent retaliation against the person who made the complaint, was the subject of the harassment, or those who participated in the investigation. The district will investigate all allegations of retaliation and take appropriate actions against those found to have retaliated.

Informal Complaint Process

Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any administrator or certificated staff member. Staff must immediately notify the building principal.

At the student's option, attempts will be made to resolve complaints of sexual harassment informally, expeditiously and at the closest point of administrative responsibility to the alleged offense. The principal will be responsible for investigation and resolution of informal complaints. The principal may seek assistance or guidance from the district's Title IX Officer or Civil Rights Coordinator. The principal must notify the complainant of his/her right to file a formal complaint under this policy and procedure. The notice shall be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

During the course of the informal complaint process, the building principal will take prompt and effective steps to end any harassment and to correct any discriminatory effects on the complainant. If an investigation is needed to determine what occurred, the district will take interim measures to protect the complainant until the investigation is completed (e.g., allowing the complainant to change academic or extracurricular activities or break times to avoid contact with the alleged perpetrator).

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;
- A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant;
- Developing a safety plan for the complainant;
- Separating students; or
- Providing staff and/or student training

Informal complaints may become formal complaints at the request of the complainant, parent/guardian, or because the school and/or district believes the complaint needs to be further investigated.

The principal will inform the complainant and his or her parent/guardian how to report any subsequent problems. The district will promptly respond and appropriately address continuing or new problems.

Formal Complaint Process

A. The district's Title IX Officer or designee shall be responsible for monitoring and coordinating the district's compliance with WAC 392-190 and related procedures and ensuring that all complaints communicated to the district are promptly investigated and resolved.

The District's Title IX Officer is:

Scott Niemann
Olympia School District
111 Bethel Street NE
Olympia, WA 98506
sniemann@osd.wednet.edu
Phone: 360-596-6185

The Title IX Officer or designee will receive and investigate formal complaints. School or district administrators who receive a formal complaint of sexual harassment will promptly notify the Title IX Officer and forward a copy of the complaint.

B. The allegations of discriminatory harassment shall:

1. be written;
2. be signed by the complainant;
3. describe the specific acts, conditions, or circumstances alleged to violate the district's policies or obligations with regard to sexual harassment; and
4. be filed with the Title IX Officer within one (1) year after the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under WAC 392-190 or related guidelines.

C. Upon receipt of the complaint, the district's Title IX Officer or designee will provide the complainant a copy of Procedure 3205P in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. The district will promptly and thoroughly investigate the complaint. Following completion of the investigation, the Title IX Officer shall provide the Superintendent or designee with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a written report.

D. The superintendent or designee shall respond in writing to the complainant within thirty (30) calendar days after the district received the written complaint by the district, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. At the time the district responds to the complainant, the district will send a copy of the response to the Office of the Superintendent of Public Instruction.

E. The response by the superintendent or designee will include:

1. A summary of the results of the investigation;
2. Whether the district failed to comply with WAC 392-190 or related guidelines;
3. If the district failed to comply with WAC 392-190 or related guidelines, the corrective measures deemed necessary to correct the noncompliance any corrective measures the district will take, including remedies for the complainant (e.g., sources of counseling, advocacy and academic support), and notice of potential sanctions for the perpetrator(s) (e.g., discipline); and
4. Notice of the complainant's right to appeal under WAC 392-190-005, including where and with whom the appeal should be filed.

The district's response to the complaint will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI.

F. Corrective measures necessary to correct any noncompliance shall be instituted as expeditiously as possible, but no later than thirty (30) calendar days after the district's written response to the complainant, unless otherwise agreed to by the complainant.

G. A complainant may appeal the superintendent or designee's decision to a hearing officer designated by the district to hear the appeal by filing a written notice of appeal with the superintendent on or before the tenth (10th) calendar day from the date the complainant received the superintendent or designee's response. The hearing officer shall not have been involved in the initial complaint or investigation.

- H. Upon receipt of an appeal, the hearing officer shall provide a written appeal decision to the complainant in a timely manner, not to exceed thirty (30) calendar days from the date the district received the appeal, unless otherwise agreed to by the complainant. The appeal decision will include notice of the complainant's right to file a complaint with the superintendent of public instruction under WAC 392-190-075. The appeal decision will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI. The decision of the hearing officer will include notice of the complainant's right to file a complaint with the Office of the Superintendent of Public Instruction. The district will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction.
- I. In the event a complainant disagrees with the appeal decision of the hearing officer or if the district fails to comply with the procedures in WAC 392-190-065 or 392-190-070, the complainant may file a complaint with the Office of the Superintendent of Public Instruction under WAC 392-190-075. A complaint must be received by the Office Superintendent of Public Instruction within twenty (20) calendar days after the complainant received the hearing officer's written appeal decision.

Mediation of Complaints

- A. The district may offer mediation, at its expense, to resolve a complaint at any time during the complaint procedure. Mediation:
1. Must be voluntary;
 2. Requires the agreement of the district and the complainant;
 3. May be terminated by either party during the mediation process;
 4. Cannot be used to deny or delay a complainant's right to utilize the complaint procedure; and
 5. Be conducted by a qualified and impartial mediator, who is not an employee of the district and who has no personal or professional conflict of interest.
- B. If the parties resolve the complaint through mediation, the parties may execute a legally binding agreement that:
1. Sets forth the resolution;
 2. States that all discussions that occurred during the mediation process will remain confidential and not be used as evidence in any future complaint, due process hearing, or civil proceeding; and
 3. Is signed by both the complainant and a district representative.
- C. The complainant and district may agree to extend the complaint timelines to pursue mediation

Training and Orientation

A fixed component of all student and staff orientation sessions will introduce the elements of this policy. Students and staff will be provided information on recognizing and preventing sexual harassment and the process to report any sexual harassment.

Certificated staff will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may 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; or
- Displaying offensive or inappropriate sexual illustrations on school property.

Date Established: *April 18, 2016*

Classification: Priority

Revised Dates: 05.10.2019