

## **SEXUAL HARASSMENT OF DISTRICT STAFF PROHIBITED**

The NWESD 189 is committed to a positive and productive working environment free from discrimination, including sexual harassment. The NWESD 189 prohibits sexual harassment of employees and other persons by students, other employees, or third parties involved in NWESD 189 activities.

### **Definitions**

For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur student to adult, adult to adult or can be carried out by a group of students or adults.

Under federal and state law, the term “sexual harassment” includes:

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

### **Investigation and Response**

The NWESD 189 will promptly investigate any reports, complaints, and grievances alleging that sexual harassment has created a hostile work environment, whether it comes to the attention of the NWESD 189 formally or informally. If an investigation reveals that sexual harassment has created a hostile work environment, the NWESD 189 will take prompt, effective, remedial, and equitable action within its authority. Allegations of criminal misconduct will be reported to law enforcement; suspected child abuse will be reported to law enforcement or Child Protective Services. Persons found to have been subjected to sexual harassment will have any adverse consequences of the harassment reviewed and remedied, as appropriate.

Engaging in sexual harassment will result in appropriate discipline (up to and including discharge/expulsion) or other appropriate sanctions against offending students, staff, and/or third parties involved in NWESD 189 activities. Anyone else who engages in sexual harassment on NWESD 189 property or at NWESD 189 sponsored activities will have his/her access to NWESD 189 property and activities restricted, as appropriate.

### **Retaliation and False Allegations**

Retaliation against any person who makes, or is a witness in, a sexual harassment complaint is prohibited. The NWESD 189 will take appropriate actions to protect involved persons from 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 will be subject to appropriate discipline.

### **Staff Responsibilities**

The Superintendent will develop and implement formal and informal procedures for receiving, investigating, and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt timelines and delineate staff responsibilities under this policy. Any staff witnessing or receiving informal complaints and reports of sexual harassment are responsible for informing appropriate NWESD 189 personnel, including the Compliance Officer, of the complaint or report. All staff are also responsible for directing complainants to the formal complaint process.

This policy applies to sexual harassment (including sexual violence) targeted at NWESD 189 employees carried out by a student, employee, or a third party involved in NWESD 189 activities. A formal complaint filed by an employee or filed by or on behalf of a student complainant against an employee respondent will be investigated under the definitions, requirements, and procedures of Policy 3205 and Procedure 3205P.

Reports of discrimination and discriminatory harassment will be referred to the NWESD 189's Compliance Officer. Reports of disability discrimination or harassment will be also referred to the NWESD 189's Compliance Officer.

### **Notice and Training**

The Superintendent will develop procedures to provide information and education to NWESD 189 staff, parents/guardians, and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum, sexual harassment recognition and prevention and the elements of this policy will be included in staff and regular volunteer orientation. This policy and the related procedure, which includes the complaint process, will be conspicuously posted at each NWESD 189 program building and work site in a place available to staff, parents, volunteers, and visitors. It will be provided to each employee and will be reproduced in each staff, volunteer, and parent/guardian handbook. Such notices will identify the NWESD 189 Compliance Officer and contact information, including the Compliance Officer's email address.

### **Policy Review**

The Superintendent will report to the Board, as appropriate, regarding the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, will be included in these report(s). The Superintendent is encouraged to involve staff, volunteers, and parents/guardians in the review process, as appropriate.

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Reference:  
 RCW 28A.310.220  
 RCW 28A.640.020  
 WAC 392-190-056-058  
 29 CFR 1604.11

Cross-Reference:  
 Policy 3207  
 Policy 3210  
 Policy 3240  
 Policy 3421  
 Policy 5010