

SEXUAL HARASSMENT PROCEDURES

Informal Complaint Process: Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member, although staff shall always inform complainants of their right to, and the process for, filing a formal complaint. Staff shall also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. Staff shall also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct. Informal remedies 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 program/department reviewing the NWESD 189 sexual harassment policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant, parent/guardian, or because the NWESD 189 believes the complaint needs to be more thoroughly investigated. Confidentiality will be protected, if requested, to the extent reasonable. However, if the complaint is escalated to a formal complaint process, confidentiality is not possible.

Formal Complaint Process: Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. Potential complainants who wish to have the NWESD 189 hold their identity confidential shall be informed that the NWESD 189 may face due process requirements that will make available all of the information that the NWESD 189 has to the accused. The NWESD 189 will, however, fully implement the anti-retaliation provisions of this policy to protect complainants and witnesses. Student complainants and witnesses may have a trusted adult with them during any NWESD 189-initiated investigatory activities. The Superintendent, or designated compliance officer (hereinafter referred to as the compliance officer), may conclude that the NWESD 189 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 process shall be followed:

Level 1

The first step in the complaint procedure is a presentation by the complainant to their immediate supervisor, site administrator (for students), the Title IX Coordinator, who is not involved in the alleged harassment. The complaint should be made within sixty (60) days of the occurrence. The complainant shall define the nature of the complaint in writing, including the desired outcome. The supervisor receiving the complaint shall provide a verbal and written response within seven (7) working days of the receipt of the complaint. The supervisor shall notify the Superintendent in writing when a complaint has been made. The Superintendent shall receive a copy of the written complaint and response.

Level II

If the complainant is not satisfied with the disposition of his/her complaint at Level 1, or if no decision has been rendered within seven (7) working days, the complainant may forward his/her complaint in writing to the Superintendent's designee/Title IX Coordinator. The written complaint shall contain the following elements:

- 1) a description of the events in question and the date(s) of occurrence;
- 2) the name(s) of the individual(s) involved;
- 3) a specific statement that the sexual harassment policy has been violated; and
- 4) the desired remedy.

The complainant shall sign and date the written complaint. In order to proceed to Level II, the complainant must have submitted the complaint in writing to the Superintendent's designee within seven (7) working days following receipt at the level/decision (or fourteen (14) days from the filing of the Level I complaint if no decision is rendered).

The Superintendent's designee shall investigate the complaint and, if deemed appropriate, convene a meeting with the complainant or others deemed necessary to develop facts pertinent to the complaint. Within seven (7) working days of the receipt of the written complaint, the complainant will be informed in writing of the decision.

Level III

If the complaint is not resolved to the satisfaction of the complainant at Level II, he/she may sign, date, and resubmit the written complaint and the written response to the Superintendent. In addition, the complainant shall provide a written statement indicating why she/he does not find the remedy to be satisfactory. The complainant must initiate Level III within seven (7) working days following the receipt of the Superintendent's designee's response. The Superintendent shall investigate the complaint, and if deemed appropriate, convene a meeting with the complainant within seven (7) working days after receiving the complaint. The Superintendent shall respond in writing to the complaint within fourteen (14) working days following the receipt of the complaint.

Whenever the NWESD 189's complaint procedure is used, the following should be kept in mind:

- 1) The Affirmative Action Officer is available to everyone, including the person accused of harassment, for advice any time after the complainant and the supervisor attempt to resolve the complaint.
- 2) Persons who file a complaint shall be free from restraint, interference, coercion, discrimination, and reprisal in seeking resolution of their complaint. Furthermore, persons acting as witnesses to a complaint shall be free from restraint, interference, coercion, discrimination, and reprisal.
- 3) Any time limits stipulated in the complaint procedure may be extended for stated periods of time by mutual written agreement between the complainant and the appropriate NWESD 189 representative at the step being extended.

- 4) If a complainant fails to comply with the delineated time lines within the complaint procedure, the NWESD 189 shall consider the complaint withdrawn/resolved. This withdrawal applies only to the NWESD 189 complaint process and does not preclude the person's right to pursue the complaint through the procedures of other agencies.
- 5) If a NWESD 189 representative fails to comply with any time limitation in the complaint procedure, the complainant may immediately proceed to the next level of the complaint procedure.

If a student remains aggrieved by the Superintendent's response, he or she may pursue the complaint as one of sexual discrimination pursuant to Policy 3210, *Nondiscrimination*.

A fixed component of all NWESD 189 orientation sessions for staff, students, and regular volunteers shall introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff shall be fully 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. Regular volunteers shall receive the portions of this component of orientation relevant to their rights and 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 NWESD 189 policies and rules at student orientation sessions and on other appropriate occasions, which may include parents. Parents/guardians shall be provided with copies of this policy and procedure and appropriate materials on the recognition and prevention of sexual harassment.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students, and parents/guardians will be informed that sexual harassment may include, but is not limited to:

1. Demands for sexual favors in exchange for preferential treatment or something of value.
2. Stating or implying that a person will lose something if he or she does not submit to a sexual request.
3. Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does.
4. 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.
5. Using derogatory sexual terms for a person.
6. Standing too close and/or inappropriately touching, cornering, or stalking a person.

7. Displaying or creating offensive or inappropriate sexual illustrations on school property.

A person has the right to pursue external procedures available through the Washington State Human Rights Commissioner, Equal Employment Opportunity Commission, Equal Employment Opportunity Commission, or any other appropriate outside agency. If a person initiates a complaint through an external agency (e.g., Washington State Human Rights Commission, Equal Employment Opportunity Commission), the NWESD 189 processing of the complaint will be discontinued to allow for the external investigation. If the complainant initiates a complaint with an outside agency, the NWESD 189 will cooperate fully with the outside agency.

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