

PROHIBITION AGAINST SEXUAL HARASSMENT

A. STATEMENT OF POLICY

It is the policy of the Bainbridge Island School District to maintain a learning and working environment that is free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship and the educational environment.

The district will not tolerate any form of sexual harassment. The district prohibits sexual harassment in any form by employees, students, volunteers, parents, or guardians.

B. SEXUAL HARASSMENT DEFINED

1. Sexual harassment does not refer to casual conversations or compliments of a socially acceptable nature. It refers to behavior that is unwelcome, has the purpose or effect of substantially interfering with an individual's educational or work performance, or creating an intimidating, hostile, or offensive educational or work environment. Sexual harassment consists of:
 - a. Unwelcome sexual advances; or
 - b. Requests for sexual favors; or
 - c. Sexually-motivated physical contact; or
 - d. Other verbal or physical conduct or communication of a sexual nature if:
 - submission to that conduct or communication is made a term or condition, either explicitly or implicitly of obtaining an education or employment;
 - submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or
 - that conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or creating an intimidating, hostile, or offensive educational or work environment.
2. Such conduct, whether committed in the educational environment of district workplace by students, employees, volunteers, parents or guardians, is specifically prohibited. Sexual harassment can occur adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male and female to female and may include, but is not limited to:
 - sexually suggestive looks or gestures;
 - pressure for dates or sexual activity;

- unnecessary brushes or touches;
- offensive sexual graffiti, pictures, or photographs;
- disparaging remarks about one's gender or sexually demeaning terms for women or men;
- deliberate and unwelcome touching, cornering, pinching, or pulling on clothing;
- sexual jokes or teasing;
- attempts to kiss or fondle;
- hazing, pranks, or other intimidating behavior directed toward an individual because of the individual's gender;
- requests for sexual favors in exchange for grades, promotions, or salary increases.

C. COMPLAINT PROCESS

1. Informal: Any individual who believes he or she has been sexually harassed is encouraged to directly inform any alleged harasser that the behavior is offensive, unwelcome, and must stop.

If directly informing the alleged harasser does not result in elimination of the offensive, unwelcome behavior, or if an individual selects not to directly inform the alleged harasser, the individual is strongly encouraged to report orally or in writing the allegations to the district.

The district will take all complaints of sexual harassment seriously and will act to investigate all complaints. All staff are responsible for receiving informal complaints and reports of sexual harassment and informing appropriate district personnel of the complaint or report for investigation and resolution. Any student, employee, volunteer, parent, or guardian who believes that he or she has been subjected to sexual harassment in the educational environment or in connection with his or her district employment, is strongly encouraged to bring his or her complaint to the immediate attention of his or her principal, supervisor, manager, Title IX/Affirmative Action Officer, or the superintendent. The Title IX/Affirmative Action Officer may also receive formal reports or complaints of sexual harassment, as set forth in Section C.2., below.

All such complaints will be promptly and fairly investigated and, where appropriate, immediate corrective action will be taken.

Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement, Child Protective Services or Adult Protective Services.

2. Formal: Formal complaints shall be handled in the manner specified in Procedure 3700 (Procedure for Resolving Equal Employment/Educational Opportunity Complaints/Grievances, including sexual harassment and harassment).

D. DISCIPLINARY ACTIONS

1. Employees: The district will take such disciplinary action as it deems necessary and appropriate designed to end sexual harassment and to prevent its reoccurrence, up to and including discharge and/or suspension. Such disciplinary action will be consistent with any applicable collective bargaining agreement, district policy, and state and federal law.
2. Students: Any student of the district who harasses another student through verbal or physical conduct of a sexual nature shall be subject to disciplinary action pursuant to this policy and the district's student discipline policy.
3. Others: 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.

E. FALSE ACCUSATIONS

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 disciplinary action.

F. REMEDIES

The district will take prompt and effective reasonable corrective measures designed to eliminate sexual harassment and prevent its reoccurrence. When deemed appropriate by the district, the district shall provide support and/or assistance for individuals who have been subjected to sexual harassment in the district's educational or work environment.

G. NON-RETALIATION

No person shall be retaliated against for making a report of sexual harassment or for providing testimony or assisting in the investigation of such a report. The district will take appropriate actions to protect involved persons from retaliation.

H. SEXUAL HARASSMENT AS SEXUAL ABUSE

Under certain circumstances, sexual harassment may constitute sexual abuse. Nothing in this policy will prohibit the district from taking appropriate action to protect victims of alleged sexual abuse.

I. DISSEMINATION AND DISCUSSION OF POLICY

A copy of this policy shall be provided to each district employee and volunteer coach, and posted in each school building and facility in areas reasonably accessible to staff and students.

Information regarding the provisions of the sexual harassment policy will be distributed to students, parents, and volunteers in school or district publications that set forth rules, regulations, procedures, and standards of conduct for the school or district, including student and volunteer handbooks/information.

The Title IX/Affirmative Action Officer will ensure that each school develops a process for discussing the district's sexual harassment policy with employees, volunteers, parents, and students.

J. INTERNAL REVIEW

The Title IX/Affirmative Action Officer shall conduct an annual review of the utilization and efficacy of the district's sexual harassment policy and administrative procedures governing formal complaints of sexual harassment. The Title IX/Affirmative Action Officer shall recommend any changes in district policy and/or procedure to the superintendent.

Legal References:	RCW	Chapter 26.44	Child Abuse
		Chapter 28A.640	Sexual Equality
		Chapter 49.60	Washington Law Against Discrimination
	WAC	392-190	Equal Educational Opportunity—Sex Discrimination Prohibited
		392-200	School Personnel—Employment Discrimination
	Title VII of the Civil Rights Act of 1964		Law Against Discrimination
	Title IX		Education Amendments of 1972