

Sex Discrimination and Sex-Based Harassment of Students Prohibited

ESD 112 is committed to a positive and productive education free from sex discrimination, including sex-based harassment. This commitment extends to all students involved in any of its programs, whether that program or activity is in an ESD 112 facility, on ESD 112 transportation, or at a class or training held elsewhere.

ESD 112 has jurisdiction over complaints of sex discrimination, including sex-based harassment, pursuant to the Federal law Title IX of the Education Amendments of 1972 (Title IX) and Washington State laws, including Chapter 28A.640 RCW and Chapter 392-190 WAC.

This policy is developed to meet ESD 112's obligations under Title IX and aligned with Washington State laws and regulations that define sex discrimination. ESD 112 prohibits sex discrimination of students by other students, employees, or third parties involved in ESD 112 programs and activities. Sex discrimination that does not fall under this policy may be addressed under other district policies and procedures.

ESD prohibits sex discrimination by students, employees or third parties involved in ESD activities. ESD also prohibits sex discrimination in the policies, procedures, and practices of ESD program and activities.

For purposes of this policy, "sex discrimination" includes discrimination on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, gender expression, and "sex-based harassment."

Definitions

"Sex-based harassment" means sexual harassment and other harassment on the basis of sex stereotypes, sex characteristics, sexual orientation, gender identity, gender expression, pregnancy or related conditions, and marital status.

The term "sexual harassment" includes the following:

- *Quid pro quo* harassment;
- Hostile environment harassment;
- Specific offenses of sexual assault, dating violence, domestic violence, or stalking.

The term "sexual harassment" also includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

- Submission to that conduct or communication is a condition of obtaining an education, or a factor in decisions affecting that individual's education; or
- The conduct or communication has the purpose or effect of substantially interfering with an individual's educational performance or of creating an intimidating, hostile or offensive educational environment.

Sex-based harassment may include conduct or communication that involves 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. ESD 112 will address all sex-based harassment in its programs and activities.

Investigation and Response

If ESD 112 knows, or reasonably should know, that sex discrimination has occurred, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that sex-based harassment has created a hostile environment, ESD 112 will take prompt and effective steps reasonably calculated to end the sex-based harassment, eliminate the hostile environment, prevent its recurrence and as appropriate, remedy its effects. ESD 112 will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sex discrimination that come to the attention of ESD 112. ESD 112 will take these steps every time a complaint alleging sex discrimination comes to its attention.

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, program employees 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 ESD 112 of its independent obligation to investigate and resolve sex-based harassment.

Engaging in sex-based harassment will result in appropriate discipline or other appropriate sanctions against offending students, employees, or other third parties involved in ESD 112 activities. Anyone else who engages in sex-based harassment on ESD 112 property that ESD 112 occupies or at ESD 112 program activities will have their access to ESD 112 property and activities restricted, as appropriate.

The Superintendent will develop and ensure implementation of procedures for receiving, investigating, and resolving complaints or reports of sex discrimination, and will include reasonable and prompt timelines.

Retaliation and False Allegations

It is a violation of this policy to engage in retaliation, as defined in federal and state laws. Retaliation by a student against another student, or against a complainant or a witness is prohibited and will result in appropriate discipline. ESD 112 will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sex discrimination. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline. No party, witness, or others participating in the grievance process will be disciplined based solely on a determination of whether sex discrimination or sex-based harassment occurred.

Employee Responsibilities and Training

The Superintendent will develop and implement a procedure that identifies the roles, responsibilities and training requirements of the Title IX Coordinator and other ESD 112 employees.

The Superintendent will also develop materials to provide age-appropriate information and education to ESD 112 employees, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment.

Notice

ESD 112's website will include a statement that the district prohibits sex discrimination and sex-based harassment in any education program or activity that it operates, as required by Title IX and other applicable laws. It will also state that questions about Title IX and Civil Rights, how to locate the ESD's policy and grievance procedure, and how to report sex

discrimination or make a complaint may be directed to the ESD's Title IX Coordinator or Civil Rights Officer. The Title IX Coordinator's and Civil Rights Officer's contact information will also be provided, including their name or title, office address, email address, and telephone number.

This policy and procedure, which includes the complaint process, will be posted in ESD facilities and included in student, parent and employee handbooks. Such notices will identify the ESD's Title IX Coordinator and Civil Rights Compliance Officer and provide contact information, including the coordinator's and compliance officer's email addresses.

Legal References:

20 U.S.C. 1681-1688

WAC 392-190-058 Sexual harassment

RCW 28A.640.020 Regulations, guidelines to eliminate discrimination – Scope – Sexual harassment policies

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