

SEXUAL HARASSMENT OF STUDENTS PROHIBITED

The procedure is intended to set forth the requirements of Policy 3205 including the process for a prompt, thorough and equitable investigation of allegations of sexual harassment and the need to take appropriate steps to resolve such situations. If sexual harassment is found to have created a hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at students carried out by other students, employees or third parties involved in district activities. Because students can experience the continuing effects of off-

District investigators must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

District decision-makers must also receive training on any technology to be used during live hearings if the district provides for a hearing. Decision-makers must also receive training on issues of relevance of questions and evidence, including the requirement that questions and

unless (1) such questions and evidence are offered to prove that someone other than the

~~http://www.bellinghampublicschools.org/proc3205/proc3205.html~~

The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures.

If a complainant requests that their 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 Coordinator. The Title IX Coordinator should inform the complainant that honoring the request may limit the d ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.

If the complainant still requests that their name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, the district will need to determine whether it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff and other third parties engaging in district activities, including their

name withheld may limit the ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

Retaliation Prohibited

Title IX and state law prohibit retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the district will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment or provided information as a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

Formal Complaints

Filing of Formal Complaints

Anyone may file a formal complaint of sexual harassment. All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The Title IX Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The Title IX Coordinator may also conclude that the district needs to conduct an investigation based on information in their possession, regardless of the complainant's interest in filing a formal complaint.

The time period for filing a formal complaint to which Title IX does not apply is one year from the date of the occurrence that is the subject matter of the complaint. However, this complaint filing deadline may not be imposed if the complainant was prevented from filing due to: (1) specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or (2) withholding of information that the district was required to provide under Chapter 392-190 WAC or guidelines supplementing that chapter issued by the Office of

SPI .

continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

The complainant and the district may agree to resolve the complaint in lieu of an investigation. If the complaint is resolved to the satisfaction of the parties involved, no further action is necessary.

The decision of the superintendent or designee may be appealed as provided in the Appeal section below.

Formal Complaint Process with Additional Title IX Requirements

The following sections outline the process the district will take to respond to complaints of sexual harassment when state law and Title IX both apply.

Acknowledging a Title IX Formal Complaint

The Title IX Coordinator will receive and investigate all formal, written complaints of sexual harassment or information in their possession that the coordinator believes require further investigation. The coordinator will delegate their authority to participate in this process if such action is necessary to avoid any potential conflict of interest. Upon receipt of a complaint, the coordinator will offer supportive measures to the complainant and may offer such measures to the respondent(s).

The district will acknowledge receipt of the formal complaint by providing the following written notice to the respondent(s) and complainant:

- A. A copy of the district's discrimination complaint procedure in a language the parties can understand.
- B. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Such sufficient detail includes the identities of the parties involved in the reW*ñ 1v3(a)7(l)TJ

A respondent who is accused of sexual harassment under Title IX is presumed not responsible

Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than 30 days after the mailing of a written response, unless the accused is appealing

within 20 calendar days following the filing of the notice of appeal, unless good cause exists for extension of the timeframe.

Appeal Decision

The Discipline Appeal Council will review the written statements of the parties, the investigative report and associated evidence, the decision regarding responsibilities and other material deemed relevant and material. The Discipline Appeal Council will render a written appeal decision within 30 calendar days following the filing of the notice of appeal, unless good cause exists for extension of the timeframe, and will simultaneously provide the

Following an investigation, OSPI will make an independent determination as to whether the district has failed to comply with Chapter 392-190 WAC or the guidelines supplementing that chapter issued by OSPI and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including, but not limited to, referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

Administrative Hearing

A complainant, respondent or the district desiring to appeal the written decision of OSPI may file a written notice of appeal with OSPI within 30 calendar days following the date of receipt of written decision. OSPI will conduct a formal administrative hearing in conformance with the Washington Administrative Procedures Act, Chapter 34.05 RCW.

Other Complaint Options

The following complaint options exist in addition to the procedures described above.

Office for Civil Rights (OCR), U.S. Department of Education

OCR enforces several federal civil rights laws that prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability and age. File complaints with OCR within 180 calendar days of the date of the alleged discrimination.

206-607-

-800-877-

www.ed.gov/ocr

Washington State Human Rights Commission (WSHRC)

WSHRC enforces the Washington Law Against Discrimination (Chapter 49.60 RCW), which prohibits discrimination in employment and in places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.

1-800-233-

-800-300-

www.hum.wa.gov

Investigation Recordkeeping

The district will maintain for a period of seven years records of:

- A. Each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript required by federal law, any disciplinary sanctions imposed on the respondent and any remedies provided to

the complainant designed to restore or preserve equal access to the d
program or activity.

- B. Any appeal and the result therefrom.
- C. Any informal resolution and the result therefrom.
- D. Records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment under Title IX.
- E. All materials used to train Title IX Coordinators, investigators, decision-makers and any person who facilitates an informal resolution process.

Training and Orientation

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this procedure and the corresponding policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of their responsibilities when on notice of sexual harassment, the formal complaint procedures and their roles and responsibilities under the policy and procedure.

Certificated staff will be reminded of their legal responsibility to report suspected child abuse

committee. Based on the review of the committee, the superintendent will prepare a report to the board of directors including, if necessary, any recommended policy changes. The superintendent will consider adopting changes to this procedure if recommended by the committee.

Adopted: January 16, 2016

Revised: November 9, 2022