

Title IX:

I. Introduction

The School Board has established Policies No. 3206 and 3207, committing the Kennewick School District to maintaining a positive and productive environment, free from discrimination, including sexual harassment, for adults and students.

The District prohibits sexual harassment of students, employees, and others involved in District activities.

This procedure:

1. Addresses the requirements of Chapter 28A.640, prohibiting discrimination on the basis of sex, and
2. Implements the requirements of WAC 392-190-056 through 392-190-075 and Title IX of the Educational Amendments of 1972 to the Civil Rights Act of 1964,
3. Establishes requirements to address sexual harassment; provide notices to students, staff, and other affected individuals; and to provide effective oversight of programs to prevent and respond to incidents of sexual harassment.

Kennewick School District policies apply to all school district employees, volunteers, parents/guardians, and third parties involved in school activities, and specifically applies, but is not limited to, allegations by or on behalf of student(s) that they have been the victim of sexual harassment, whether by adults or other students. The district shall provide equal educational opportunity and treatment for all students in all aspects of the academic and activity programs, without discrimination based on race, religion, creed, color, national origin, age, honorably – discharged veteran or military status, sex, sexual orientation, gender expression or identity, marital status, the presence of an sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability. The district will provide equal access to school facilities to the Boy Scouts of America and all other designated youth groups listed in Title 36 of the United States Code as a patriotic society. District programs will be free from sexual harassment.

Such complaints are covered by Policy 3210 – Nondiscrimination. Policy and Procedure No. 3207, addresses the prevention of Harassment, Intimidation and Bullying (HIB), A complaint form to report harassment is found in 3207 R-F1. Policy 5013 addresses the staff requirements around the prohibited sexual harassment. The district is committed to a positive and productive working environment free from discrimination, including sexual harassment, This commitment extends to all employees and other persons involved in academic, educational, extracurricular, athletic and other programs or activities of the school. Whether that program or activity is in a school facility, on school transportation, or at a class or school training held elsewhere. A complaint form can be found in KSD policies 5013 R-F-1

II. Definitions

Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact (including sexual assault), or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

- Sexual harassment may include conduct or communication that occurs 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, as well as to or between transgender individuals.
- Sexual assault is considered a form of sexual harassment, and is covered by this procedure. Sexual harassment also includes dating violence and gender-based harassment. The latter may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Examples of sexual harassment include:

- a. Demands for sexual favors in exchange for preferential treatment or something of value;
- b. Stating or implying that a person will lose something if he or she does not submit to a sexual request;
- c. Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- d. 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;
- e. Using derogatory sexual terms for a person;
- f. Inappropriately touching, cornering, or stalking a person in a sexual manner;
- g. Displaying offensive or inappropriate sexual illustrations on school property;
- h. Unwelcome sexual propositions or pressuring a person for sexual favors;
- i. Touching of a sexual nature;
- j. Writing graffiti of a sexual nature;
- k. Displaying or distributing sexually explicit drawings, pictures, or written materials;
- l. Circulating or showing e-mails or web sites of a sexual nature;
- m. Making sexual jokes, suggestive remarks, sexual rumors, or derogatory comments;
- n. Physical interference with movements, such as blocking or following someone; or acts of physical violence of a sexual nature, including rape, sexual assault, sexual battery, and sexual coercion.

III. Staff Responsibilities

All District staff members are responsible for reporting any instances of sexual harassment. Initial reporting may be to either a School Compliance Official or the Title IX Coordinator.

IV. Title IX Coordinator

The Title IX Coordinator's core responsibilities include tracking the District's response to reports and complaints of sexual harassment, determining the appropriate response and remedial actions, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. Accordingly, the Title IX Coordinator must have knowledge of all Title IX requirements, the District's own policies and procedures on sex discrimination, and of all complaints throughout the District that raise Title IX Issues. **Jack Anderson** (jack.anderson@ksd.org) investigates all complaints and reports involving students. **Douglas Christensen** (doug.christensen@ksd.org) investigates all complaints and reports involving adults and staff.

- A. **Investigation Oversight** The Title IX Coordinator's responsibilities include overseeing the investigation process throughout the District's response to all complaints of sexual harassment. The Title IX Coordinator is charged with ensuring that prompt, comprehensive, and equitable investigations are conducted for any Title IX complaint(s) communicated to the District pursuant to WAC 392-190-065.
- B. **Training and Development** As set forth in Section XII and XIV, the Title IX Coordinator shall ensure that he or she and all employees designated to serve as School Compliance Officials are provided adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the complaint procedures operate. The Title IX Coordinator should be proactive in providing professional development to ensure school staff understands their obligations under state and federal laws.
- C. **Monitoring, Tracking, and Reporting** The Title IX Coordinator(s) shall monitor the District's compliance with state and federal non-discrimination laws, including procedural and reporting requirements. The Title IX Coordinator(s) shall also be responsible for preparing and posting notices to students and staff, including notices to complainants of investigations, alternative actions, and remedies. The Title IX Coordinator(s) shall be responsible for monitoring and coordinating the District's compliance with this Procedure, including compliance with notices and annual reporting. The Title IX Coordinator is also responsible for ensuring that the District submits a timely annual Equity Assurance Report through the Grants form package 447, which includes the name and contact information for the employees designated as the compliance coordinators for state laws (RCW 28A.640 and 28A.642), the Title IX Coordinator, and the Section 504 Coordinators for student and adult compliance. These designated employees are OSPI's points of contact to communicate information.
- D. **No Conflict of Interest** The Title IX Coordinator(s) and School Compliance Officials should not have other job responsibilities that may create a conflict of interest or the appearance of a conflict. If a specific complaint could create such a conflict, the matter shall be referred to the Assistant Superintendent of Human Resources, who should consult with the Legal Department as appropriate.