

## Sexual Harassment Policy



Summit Public Schools Washington (“Summit”) is committed to providing an educational environment free of unlawful discrimination, including sexual harassment. Summit prohibits sexual harassment of students by other students, employees, and third parties involved in Summit’s academic, educational, extracurricular, and athletic programs or activities offered by our schools.

Sexual harassment can occur adult to student, student to student, or can be carried out by a group of students or adults in the educational environment. The educational environment covered by this Policy includes, but is not limited to, the campus or school grounds of Summit Public Schools; properties controlled or owned by Summit Public Schools; and off-campus, if such activity is sponsored by Summit Public Schools, or is conducted by organizations sponsored by or under the jurisdiction of Summit Public Schools.

Summit will take prompt and effective steps to investigate the allegations and, if sexual harassment is found, shall take prompt action reasonably calculated to stop the sexual harassment, prevent a recurrence, and address any continuing effects.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff, or other third parties involved in school activities.

### **Sexual Harassment under the Revised Code of Washington**

Under the Revised Code of Washington, “sexual harassment” means, among other things, unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

- (1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;
  - (2) 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

## Summit Public Schools Washington

- (3) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

### **Sexual Harassment under Title IX**

Under Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the [school] conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct, determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity;
- (3) Sexual assault, dating violence, domestic violence, or stalking (each as defined in federal law).

### **Investigation and Response**

The Compliance Officers listed below will coordinate Summit's efforts to comply with and carry out our responsibilities under this Policy, including the investigation of any complaint. School staff will promptly investigate the allegations to determine what occurred and take appropriate steps to resolve the situation

When a verbal or informal report of sexual harassment is submitted, Summit personnel shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with Summit's Uniform Complaint Procedures.

Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. A criminal investigation does not relieve Summit of its independent obligation to investigate and resolve sexual harassment.

### **Retaliation**

Retaliation against any person who has made a complaint or report of sexual harassment, or has testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX is prohibited. Summit will take appropriate actions to protect involved persons from retaliation. Summit will investigate all allegations of retaliation (e.g. intimidation, threats, coercion, and discrimination, etc.) and take actions against those found to have retaliated.

## **Confidentiality**

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. If a complainant requests that their name not be revealed to the alleged perpetrator or asks that Summit not investigate or seek action against the alleged perpetrator, the request will be forwarded to Summit's Home Office Compliance Coordinator for evaluation. The Home Office Compliance Coordinator should inform the complainant that honoring the request may limit its 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 Summit not investigate or seek action against the alleged perpetrator, Summit will need to determine whether or not it can honor such a request. Summit remains obligated to use all other appropriate means available to address the sexual harassment and provide a safe environment for all students, staff, and other third parties engaging in school activities, including the person who reported the sexual harassment

## **Staff Responsibilities**

Any school personnel who has actual knowledge of sexual harassment (e.g. a school employee witnesses the conduct, hears about the conduct from the alleged victim or anyone else, or receives a written report of the conduct from the alleged victim or anyone else, etc.) is deemed to have authority to institute corrective measures and to forward all reports to their Title IX Coordinator. All staff are responsible for directing complainants to the formal complaint process and are advised to consult with their supervisor and Title IX Officer before instituting or suggesting corrective measures. Reports of disability discrimination or harassment shall also be referred to Summit's Section 504 Coordinator or the designee thereof.

Summit/school staff, including employees, contractors, and agents shall not provide a recommendation of employment for an employee, contractor, or agent that the Summit/school, or the individual acting on behalf of the Summit/school, knows or has probable cause to believe has engaged in sexual misconduct with a student or minor in violation of the law.

## **Investigations of Sexual Assault**

In the event of an alleged sexual assault, the school Executive Director shall immediately:

- Inform the Title IX/Civil Rights Compliance Coordinator so that Summit can implement its incident response procedures;

## Summit Public Schools Washington

- Inform law enforcement;
- Notify the targeted student(s) and their parents/guardians of their right to file a criminal complaint and a sexual harassment and/or Title IX complaint simultaneously.

### **Sexual Harassment Complaint Procedure**

The procedures below summarize 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. This procedure applies to sexual harassment (including sexual violence) targeted at students carried out by other students, employees, or third parties involved in school activities. Summit has jurisdiction over these complaints under Title IX of the Education Amendments of 1972 and Washington law, including RCW § 28A.640.020.

### **Informal Process for Resolution**

Anyone with a new or recurring allegation of sexual harassment can make an informal report to any staff member or may request an informal meeting with the Title XI Compliance Coordinator or designated employee. Such a meeting will be at the option of the complainant. The complainant may submit a written complaint to the Compliance Officer at any time. During the informal process, staff must notify the complainant of their right to file a formal complaint. Informal complaints may be turned into formal complaints at any time without prejudice.

Summit will take prompt and effective steps reasonably calculated to end any harassment and to correct any discriminatory effects on the complainant. If an investigation is needed to determine what occurred, Summit will take interim measures to protect the complainant before the final outcome of Summit's investigation (e.g., allowing the complainant to change academic or extracurricular activities or break times to avoid contact with the alleged perpetrator).

Informal remedies may include, but are not limited to:

- An opportunity for the complainant to explain to the alleged harasser that their 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;
- A general public statement from an administrator in a building reviewing Summit's sexual harassment policy without identifying the complainant;

## Summit Public Schools Washington

- Developing a safety plan;
- Separating students; or
- Providing staff and/or student training

Additionally, Summit will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation and to promptly respond and appropriately address continuing or new problems.

### **Filing of A Complaint**

Complaints of sexual harassment may be filed by any individual, parent/guardian, public agency, or organization. Summit will institute corrective measures to protect the complainant before the final outcome of Summit's investigation.

In addition, any school personnel who has actual knowledge of sexual harassment is deemed to have the authority to institute corrective measures and to forward all reports to the Title IX Coordinator.

Written complaints shall be presented to the Compliance Officer who shall maintain a log of complaints and record the dates, times, places, and details of any incidents. If a complainant requires assistance to put a complaint in writing, the staff shall assist them in the filing of the complaint.

### **Mediation**

Within 3 days of the receipt of the complaint, the Compliance Officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the Compliance Officer shall make arrangements for this process.

Before initiating the mediation of unlawful discrimination, harassment, intimidation, or bullying complaint, the Compliance Officer shall ensure that all parties agree to make the mediator a party to related confidential information. If a resolution is not reached at this level, the Compliance Officer will proceed with their investigation of the complaint.

The use of mediation shall not extend SPS's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

## **Investigation**

The Compliance Officer is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or their representative to repeat the complaint orally.

- The complainant and/or their representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.
- Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or their failure or refusal to cooperate in the investigation, or their engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.
- SPS will provide the investigator with access to records and/or other information related to the allegation in the complaint. SPS's refusal to provide the investigator with access to records and/or other information related to the allegation(s) in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

## **Written Response**

The Compliance Officer will prepare a written report of the finding and decision within 30 days of receiving the complaint unless the complainant agrees in writing to extend the timeline.

SPS's decision will be sent to the complainant within 30 calendar days of receipt of the complaint. The decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The report will contain the following elements:

- The findings of fact based on the evidence gathered;
- Conclusion(s) of law;
- Disposition of the complaint;
- The rationale for such a disposition;
- Corrective actions, if any are warranted;

## Summit Public Schools Washington

- Notice of the complainant's right to appeal SPS's decision to OSPI within 15 days; and
- Procedures to be followed for initiating an appeal to OSPI.

For unlawful discrimination, harassment, intimidation, or bullying complaints arising under state law, notice that the complainant must wait until 30 days have elapsed from the filing of an appeal with OSPI before pursuing civil law remedies.

For unlawful discrimination, harassment, intimidation, or bullying complaints arising under federal law, such complaint may be made at any time for the U.S. Department of Education, Office for Civil Rights.

### **Appeals to the Office of Public School Instruction**

The complainant may appeal in writing to the Office of Public School Instruction ("OSPI") within twenty (20) days of receiving SPS's response. When appealing to the OSPI, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of SPS's decision.

Upon notification by the OSPI that the complainant has appealed SPS's decision, the Director or designee shall forward the following documents to the OSPI:

- A copy of the original complaint;
- A copy of the decision;
- A summary of the nature and extent of the investigation conducted by SPS, if not covered by the decision;
- A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by all parties and gathered by the investigator;
- A report of any action taken to resolve the complaint;
- A copy of SPS's complaint procedures; and
- Other relevant information requested by the OSPI.

The OSPI may directly intervene in the complaint without waiting for action by SPS, including cases in which SPS has not taken action within 30 days of the date the complaint was filed with SPS.

## Summit Public Schools Washington

### Civil Law Remedies

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of SPS's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For unlawful discrimination, harassment, intimidation, or bullying complaints arising under state law, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with OSPI before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if SPS has appropriately, and in a timely manner, apprised the complainant of their right to file a complaint.

### False Allegations

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 appropriate discipline.

### Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to SPS and the disposition, including any corrective measures instituted by SPS, will be retained in the office of the Compliance Officer for a period of six years.

### Summit Public Schools Washington Compliance Officers

The Board of Directors designates the Executive Director of each of Summit Public School: Atlas, Summit Public School: Olympus, and Summit Public School: Sierra as the Compliance Officer for their respective school site to receive and investigate complaints and ensure SPS's compliance with the law. The compliance officers will participate in at least one mandatory training opportunity offered by the Office of Public School Instruction ("OSPI"). The Executive Directors of each school are listed below:

Summit Public School	Compliance Officer*	Contact Information
Sierra	Aubree Guyton, Executive Director	1025 S. King Street Seattle, WA 98104 Phone: 206-453-2520 Email: <a href="mailto:aguyton@summitps.org">aguyton@summitps.org</a>
Olympus	Anthony Clarke, Executive Director	409 Puyallup Tacoma, WA 98421 Phone: 253-444-9781 Email: <a href="mailto:aclarke@summitps.org">aclarke@summitps.org</a>
Atlas	Andrea Klein Executive Director	9601 35th Ave SW



## Summit Public Schools Washington

		Seattle, WA 98126 Phone: 253-987-1535 Email: <a href="mailto:aklein@summitps.org">aklein@summitps.org</a>
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\* The list of Executive Directors as of August 1, 2021.

### Summit Public Schools Home Office Compliance Officer

Site	Compliance Officer / Contact Information
Summit Public Schools Home Office	Keith Cantrelle (Conflict Resolution Advisor) Summit Public Schools 780 Broadway Redwood City, CA 94063 <a href="mailto:kcantrelle@summitps.org">kcantrelle@summitps.org</a> Phone: (650) 257-9880 Fax: (650) 517-8356

The Chief of Schools or their designee shall ensure that Summit employees designated to investigate complaints are knowledgeable about laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Chief of Schools or designee.