



## **Summit Public Schools Washington Student: Sexual Harassment Policy<sup>1</sup>**

Summit Public Schools Washington (“Summit”) is committed to providing a learning environment free of unlawful discrimination, including sexual harassment. This commitment extends to all students 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.

### **Definitions:**

Under Federal and state law, and for purposes of this policy, the term “sexual harassment” may include unwelcome conduct or communication of a sexual nature, including unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, acts of sexual violence, or other verbal or physical conduct or communication of a sexual nature between two or more individuals 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) Sexual demands when submission is a stated or implied condition of obtaining an educational benefit;
- (3) Sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual;
- (4) 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
- (5) 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 can occur adult to student, student to student or can be carried out by a group of students or adults and will be investigated by Summit even if the alleged harasser is not a part of the school staff or student body. Summit prohibits sexual harassment of students by other students, employees, or third parties involved in school activities.

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<sup>1</sup> Revised 10/24/19



A “hostile environment” has been created for a student when sexual harassment is sufficiently serious to interfere with or limit the student’s ability to participate in or benefit from the school’s program. The more severe the conduct, the less need there is to demonstrate a repetitive series of incidents. In fact, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe, violent, or egregious.

**Investigation and Response:**

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

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, school staff 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 Summit of its independent obligation to investigate and resolve sexual harassment.

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. 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.

**Retaliation and False Allegations:**



Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. Summit will take appropriate actions to protect involved persons from retaliation.

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.

**Staff Responsibilities:**

The superintendent will develop and implement formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt timelines and delineate staff responsibilities under this policy.

Any school employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing Summit's Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.

Reports of discrimination and discriminatory harassment will be referred to Summit's Title IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

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.

**Notice and Training:**

The superintendent will develop procedures to provide age-appropriate information and education to Summit staff, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum sexual harassment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientation. This policy and procedure, which includes the complaint process, will be posted in each Summit building in a place available to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will be clearly stated and conspicuously posted throughout each school building and



provided to each employee. Such notices will identify Summit's Title IX coordinator and provide contact information, including the coordinator's email address.

### **Summit Public Schools Washington ("SPS") - Sexual Harassment Complaint Procedure**

The Governing Board recognizes that Summit Public Schools ("SPS") has primary responsibility for ensuring that it complies with the applicable state and federal laws and regulations governing educational programs.

SPS shall follow the Complaint Procedures when addressing:

- **Complaints alleging Sexual Harassment**

The procedure sets forth the requirements of Summit's Sexual Harassment Policy, 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 school activities. Because students can experience the continuing effects of off-campus harassment in the educational setting, Summit will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus. Summit has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

**Notice:**

- Information about Summit's sexual harassment policy will be easily understandable and conspicuously posted throughout each school building.
- In addition to the posting and reproduction of this procedure and Sexual Harassment Policy, Summit will provide notice to employees that complaints pursuant to this procedure may be filed at Summit's Home Office: 780 Broadway, Redwood City, CA 94063.



### **Staff Responsibilities:**

- In the event of an alleged sexual assault, the school Executive Director will immediately inform: 1) the Title IX/Civil Rights Compliance Coordinator so that Summit can appropriately respond to the incident consistent with its own grievance procedures; and 2) law enforcement.
- The Executive Director will notify the targeted student(s) and their parents/guardians of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

### **Confidentiality:**

- If a complainant requests that his or her 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 his or her 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 while still providing a safe and nondiscriminatory environment for all students, staff and other third parties engaging in school activities, including the person who reported the sexual harassment. Although a complainant's request to have his or her name withheld may limit Summit's ability to respond fully to an individual allegation of sexual harassment, Summit will use other appropriate means available to address the sexual harassment.

### **Retaliation:**

Title IX prohibits 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, Summit 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 against those who provided information as a witness. Summit will



investigate all allegations of retaliation and take actions against those found to have retaliated.

### **Informal Process for Resolution**

Anyone with an 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 to resolve their concerns. Such a meeting will be at the option of the complainant. If unable to resolve the issue at this meeting, the complainant may submit a written complaint to the compliance officer. During the course of the informal process, staff must notify complainant of their right to file a formal complaint. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

During the course of the informal complaint process, 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:**

- An opportunity for the complainant to explain to the alleged harasser that his or her 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;
- Developing a safety plan;
- Separating students; or
- Providing staff and/or student training

Informal complaints may become formal complaints at the request of the complainant, parent/guardian, or because Summit believes the complaint needs to be more thoroughly investigated.



Summit will inform the complainant and their parent/guardian how to report any subsequent problems. 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. Follow-up inquiries will follow a timeline agreed to by Summit.

### **Formal Process for Resolution**

#### **Level One: Complaint to Summit Public Schools**

- A. Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. At any level in the formal complaint process, Summit will take interim measures to protect the complainant before the final outcome of Summit's investigation.
- B. The complaint must set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure. The compliance officer will investigate the allegations within 30 calendar days. SPS and complainant may agree to resolve the complaint in lieu of an investigation. The officer shall provide the Senior Director of Schools with a full written report of the complaint and the results of the investigation.
- C. The Senior Director of Schools or designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, SPS will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time SPS responds to the complainant, SPS must send a copy of the response to the office of the superintendent of public instruction.
- D. The decision of the Senior Director of Schools or designee will include: 1) a summary of the results of the investigation; 2) a statement as to whether a preponderance of the evidence establishes that the complainant was sexually harassed; 3) if sexual harassment is found to have occurred, the corrective



measures Summit deems necessary, including assurance that Summit will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; 4) notice of the complainant's right to appeal to the school board and the necessary filing information; (5) any corrective measures Summit will take, remedies for the complainant (e.g., sources of counseling, advocacy and academic support), and notice of potential sanctions for the perpetrator(s) (e.g., discipline). The Senior Director of School's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

- E. Any corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than 30 calendar days following the Senior Director of Schools' mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

#### **Level Two: Appeal to the Board of Directors**

- A. If a complainant disagrees with the Senior Director of School's or designee's written decision, the complainant may appeal the decision to Summit's board of directors by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.
- B. The board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the Senior Director of Schools or for good cause. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision.
- C. The decision of the board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.





- D. The decision will include notice of the complainant's right to appeal to the superintendent of Public Instruction and will identify where and to whom the appeal must be filed. SPS will send a copy of the appeal decision to the office of the Superintendent of Public Instruction.

### **Level Three: Complaint to the Superintendent of Public Instruction**

If a complainant disagrees with the decision of the board of directors, or if Summit fails to comply with this procedure, the complainant may file a complaint with the Superintendent of Public Instruction.

- A. A complaint must be received by the superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
- B. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the Summit campus subject to the complaint; 4) A copy of Summit's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.
- C. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the Senior Director of Schools or board. Following the investigation, OSPI will make an independent determination as to whether SPS has failed to comply with RCW 28A.642.010 or Chapter 392- 190, WAC and will issue a written decision to the complainant and SPS 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 SPS 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, SPS voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

#### **Level Four: Administrative Hearing**

A complainant or charter school that desires to appeal the written decision of the Office of the superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

#### **Mediation**

At any time during the discrimination complaint procedure set forth in WAC 392-190-065 through 392-190-075, SPS may, at its own expense, offer mediation. The complainant and SPS may agree to extend the discrimination complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and SPS an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not:

- A. Be an employee of Summit Public Schools, any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or



- B. Have a personal or professional conflict of interest. A mediator is not considered an employee of SPS or a charter school or other public or private agency solely because he or she serves as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the complainant and an SPS representative who has authority to bind Summit.

### **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.

### **Policy and Procedure Review:**

The superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff to review the use and efficacy of this policy and procedure. The Title IX/Civil Rights Compliance Coordinator will be included in the committee. Based on the review of the committee, the Superintendent or designee will prepare a report to the board including, if necessary, any recommended policy changes. The superintendent will consider adopting changes to this procedure if recommended by the committee.

### **SPS Washington Schools Compliance Officers**

The Governing Board designates the following compliance officer to receive and investigate complaints and ensure SPS's compliance with the law:

#### **Summit Public Schools - Sierra Compliance Officer**

Ayanna Gore Executive Director  
Summit Public Schools Sierra 1025 S. King St  
Seattle, WA 98104

Phone: 206-453-2520

Email: [agore@summitps.org](mailto:agore@summitps.org)



**Summit Public Schools - Olympus Compliance Officer**

Anthony Clarke Executive Director  
Summit Public Schools Olympus 409 Puyallup  
Tacoma, WA 98421  
Phone: 253-444-9781  
Email: [aclarke@summitps.org](mailto:aclarke@summitps.org)

**Summit Public Schools - Atlas Compliance Officer**

Andrea Klein Executive Director  
Summit Public Schools Atlas  
9601 35th Ave SW  
Seattle, WA 98126  
Phone: 253-987-1535  
Email: [aklein@summitps.org](mailto:aklein@summitps.org)

**Summit Public Schools Home Office Compliance Officer**

**Summit Public Schools Compliance Officer**

Keith Cantrelle (Conflict Resolution Advisor)  
Summit Public Schools  
780 Broadway  
Redwood City, CA 94063  
[kcantrelle@summitps.org](mailto:kcantrelle@summitps.org)  
Phone: (650) 257-9878  
Fax: (650) 517-8356

The Superintendent 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 Superintendent or designee.