

Complaint Form for Alleged Sexual Harassment

VANCOUVER SCHOOL DISTRICT NO. 37
P.O. Box 8937
Vancouver, Washington 98668-8937

The Vancouver School District is committed to providing a harassment-free learning environment for all students and employees.
See attached Vancouver School District Policies 5010 (Staff) and 3205 (Students)
Students/Parents: Return completed form to Principal or Legal Department
Employees: Return completed form to Supervisor or Human Resources Department

1. **Name of Complainant*:** _____ Age _____ **Daytime Phone:** _____

*If not completed by Complainant, name of person who is completing this form: _____

Reason Not Completed by Complainant: Age Complainant Declined

School or workplace: _____

Alleged harasser(s): _____

Staff person(s) Complainant has talked to regarding this matter: _____

2. **Reason for complaint** - Describe incident(s) and include date(s) and place(s). Attach additional pages if necessary:

3. **Names of witnesses or others who have knowledge of the incident(s):** _____

4. **Action desired by Complainant or Parent/Guardian/Custodian:** _____

Signature of Complainant or Person Completing the Form

Date

=====To be completed by Principal or Supervisor =====

1. Give the Complainant a copy as their receipt.
2. After the complaint has been investigated, attach the investigation report (or disposition) to this complaint form and forward a copy, with attachment(s), to the appropriate Executive Director **AND** the Human Resources Department (staff) or the Legal Department (students).
3. Keep one copy.

Sexual Harassment of District Staff Prohibited

The term "parent" as used in this policy means a parent, guardian or person having legal custody of a child. If the student is eighteen (18) years or older, or is legally emancipated, the procedures for the parent in this policy may be exercised by the student.

The district recognizes its responsibility to provide a working and learning environment that is free from all types of 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 training held elsewhere.

Sexual harassment is illegal, and is defined as 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 employment; S
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or S
3. that conduct or communication has the purpose or effect of substantially interfering with an individual's work performance, or of creating an intimidating, hostile, or offensive work environment. T

Sexual harassment in the workplace may come from supervisors, co-workers, volunteers, parents, contractors or consultants who deal with employees in the workplace. Sexual harassment includes conduct or communication that is person-to-person, including but not limited to, adult-to-student, adult-to-adult, male-to-female, female-to-male, male-to-male, and female-to-female. Prohibited behaviors include, but are not limited to: leering, pinching, grabbing, making suggestive verbal comments, telling jokes, displaying posters, or spreading rumors, pressuring for sexual activity, or other verbal or physical conduct that is gender-based or gender-orientation based and is unwelcome to the recipient or bystander. Such conduct is explicitly prohibited by the district.

Any employee who has been found, after an investigation, to have sexually harassed another employee, contractor, consultant, volunteer, student, or parent will be subject to disciplinary action and/or discharge. Volunteers, contractors or parents who have been found, after an investigation, to have sexually harassed an employee, volunteer, student, or parent during school activities may be prohibited from coming on school district property, having contact with employees, and/or further participation in school activities. The individual may also be subject to criminal prosecution and/or personal liability in the event of a complaint or lawsuit.

Any conduct which may be construed as retaliation against an individual because he or she made a complaint of sexual harassment is also strictly prohibited and may result in disciplinary action, up to and including discharge.

An employee, volunteer, or parent who believes he or she has been subjected to sexual harassment shall bring the incident to the immediate attention of his or her supervisor, or if the supervisor is the alleged harasser, to the principal, or the assistant superintendent of human resources. All such complaints will be promptly investigated and appropriate action will be taken.

The superintendent shall develop procedures to provide information and education to district 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 and regular volunteer orientation. This policy shall be posted in each district building in a place available to staff, students, parents, volunteers, and visitors. This policy shall be reproduced in each student, staff, volunteer, and parent handbook.

The superintendent is directed to develop procedures that provide for receiving and investigating a complaint from any employee, volunteer, or parent who alleges that he/she has been subjected to sexual harassment. A yearly statistical report of all formal complaints will be made to the superintendent.

All contractors and consultants who perform work at district schools or other district property will be informed of this policy.

Legal References: RCW 28A.640.020
WAC 392-190-058
20 U.S.C. 1681-1688

Adopted: May 8, 2018

VPS

Sexual Harassment of Students Prohibited

This district is committed to a positive and productive education free from 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.

I. Definitions

- A. For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. 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 the district even if the alleged harasser is not a part of the school staff or student body. The district prohibits sexual harassment of students by other students, employees or third parties involved in school district activities.
- B. Under federal and state law, the term “sexual harassment” may include:
 - 1. Acts of sexual violence;
 - 2. Unwelcome sexual or gender-directed conduct or communication that interferes with an individual’s educational performance or creates an intimidating, hostile, or offensive environment;
 - 3. Unwelcome sexual advances;
 - 4. Unwelcome requests for sexual favors;
 - 5. Sexual demands when submission is a stated or implied condition of obtaining an educational benefit; or
 - 6. Sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.
- C. 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.

II. Investigation and Response

- A. If the district 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, the district 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. The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. The district will take these steps every time a complaint, alleging sexual harassment comes to the attention of the district, either formally or informally.
- B. 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 the district of its independent obligation to investigate and resolve sexual harassment.
- C. Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff or other third parties involved in school district 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.

III. Retaliation and False Allegations

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

IV. Staff Responsibilities

- A. 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 time lines and delineate staff responsibilities under this policy.
- B. Any school employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the district Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing complainants to the formal complaint process.
- C. Reports of discrimination and discriminatory harassment will be referred to the district's Title IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

V. Notice and Training

The superintendent will develop procedures to provide age-appropriate information and education to district 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 the procedure, which includes the complaint process, will be posted in each district 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, provided to each employee and reproduced in each student, staff, volunteer and parent handbook. Such notices will identify the district's Title IX coordinator and provide contact information, including the coordinator's email address.

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