



Board of Directors Business Meeting
Agenda Action Item

Item Title

FIRST READING OF REVISED POLICY 5266 - SEXUAL HARASSMENT OF DISTRICT STAFF PROHIBITED

Department

Legal

Board Meeting Date

June 12, 2025

Background

In April and May of 2025, the Office of Superintendent of Public Instruction (OSPI) issued initial determinations related its statewide Civil Rights Audit, which included recommended changes to certain District policies and regulations to bring them up to date with recent law changes. Based on OSPI’s initial determination, one of the District’s policies, Policy 3210 – Nondiscrimination of Students, requires an update and is currently going through the review process. The District’s Civil Rights Coordinator and Legal Department reviewed other related policies, including Policy 5266 to bring forth additional recommended policy updates to improve clarity and consistency across the related policies.

Current Consideration

The proposed changes to Policy 5266 update the statutory definition of “Sexual Harassment” and “Hostile Environment” to bring the policy in line with recent legal updates.

Fiscal Implication

None.

Recommendation

The General Counsel on behalf of the Civil Rights Coordinator recommends the Board of Directors review the draft of revised Policy 5266 and provide feedback before a second reading.

Strategic Benchmark

Health and Safety

Approved By

General Counsel, Malik Gbenro

SEXUAL HARASSMENT OF DISTRICT STAFF PROHIBITED

PURPOSE

Tacoma School District No. 10 is committed to a positive and productive education and work 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 training held elsewhere.

Definitions

For purposes of this policy, sexual harassment means unwelcome conduct 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
3. That conduct or communication has the purpose or effect of substantially interfering with an individual's education or work performance, or of creating an intimidating, hostile, or offensive educational work environment.

~~or communication of a sexual nature. Sexual harassment can occur student to adult, adult to adult 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 district employees by other students, employees or third parties involved in school district activities.~~

Under federal and state law, the term "sexual harassment" includes:

- acts of sexual violence;
- unwelcome sexual or gender-directed conduct or communications that interferes with an individual's employment performance or creates an intimidation, hostile, or offensive environment;
- unwelcome sexual advances;
- unwelcome requests for sexual favors;
- sexual demands when submission is a stated or implied obtaining work opportunity or other benefit;
- sexual demands where submission or rejection is a factor in a work or other school-related decision affecting an individual.

A "hostile environment" for an employee is created when unwelcome sex-based conduct, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it substantially interferes with an employee's work performance or work environment.~~where the unwanted~~

~~conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidation, hostile, or abusive.~~

Investigation and Response

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, the district will promptly investigate to determine what occurred and will 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 sexual harassment, eliminate the hostile environment, prevent its occurrence and, as appropriate, remedy its effects. The district will take prompt, equitable and remedial action within its authority every time a report, complaint and grievance 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 on-going criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sexual harassment.
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Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending staff or 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.

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. The district 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 time lines and delineate staff responsibilities under this policy.

Any school employee who witnesses sexual harassment or receives report, informal complaint, or written complaint about sexual harassment is responsible for informing the district'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 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.

Notice and Training

The superintendent will develop procedures to provide information and education to district staff, 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 and the procedure, which includes the complaint process, will be posted in each district building in a place available to staff, 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 reproduce in each 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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Cross References:

1600 – Anti-Racism

- 5207 Safety and Civility in the Workplace
- 5265 Nondiscrimination
- 5280 Separation of Employment and Disciplinary Actions

Legal References: 20 U.S.C. 1681 et seq., Title IX of the Education Amendments Act of 1972

- RCW 28A.640.020 Regulations, guidelines to eliminate discrimination—Scope
- WAC 392-190-056 Sexual Harassment through 058

Adoption Date: 7/27/1980

Revised Date: 1/10/1985; 10/23/1986; 10/13/1988; 11/8/1990; 6/22/1995, 10/08/2015, 8/24/2017, xx/xx/2025