Sexual Harassment of Students Prohibited

The district is committed to providing a positive and productive education environment 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.

Definitions
For purposes of this policy and procedure, the term "sexual harassment" has the same meaning as provided under state and federal law. Under state law, "sexual harassment" is defined in RCW 28A.640.020(2)(f) and WAC 392-190-008(4). Under Title IX, "sexual harassment" is defined in 34 CFR 106.30.

Response to Sexual Harassment
If the district knows, or reasonably should know, that sexual harassment has occurred, it will promptly investigate and take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment (as defined in WAC 392-190-0555(1)(b)) if one exists, prevent the harassment from recurring, and remedy the effects of the harassment, as appropriate.

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.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff, or other third parties involved in 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
The district will not adopt any policy, procedure, or practice that would limit a person's right to file a sexual harassment complaint under the district's sexual harassment complaint procedure or have the effect of discouraging any person from using the complaint procedure. The district must not intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with any right secured by this policy and its accompanying procedure or because the individual has made a complaint or participated in an investigation under the district's sexual harassment complaint procedure.

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 or designee 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.

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

Notification
This policy and its accompanying procedure will be conspicuously posted throughout each school building and provided to each employee. Information about the policy and its accompanying procedure will be included in any district or school publication that sets forth the rules, regulations, procedures, and standards of conduct. The district must publish the information in handbooks and on school and district websites consistent with the requirements in RCW 28A.300.286.

The superintendent or designee will develop a process for discussing this policy and its accompanying procedure. The discussion will, at minimum, address the definition of sexual harassment and issues covered by this policy and its accompanying procedure.

Policy Review
The superintendent or designee will make an annual report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, will be included in the report. The superintendent or designee is encouraged to involve staff, students, volunteers, and parents in the review process.

Lynden School District No. 504
BOARD POLICY

No. 3205

Classification: **Critical**

Adoption Date: September 24, 2015
Revised: July 11, 2019
Revised: November 12, 2026

Legal References:

- 20 U.S.C. 1681-1688 Title IX of the Education Amendments of 1972
- WAC 392-190-008 Definitions
- WAC 392-190-0555 Discriminatory harassment
- WAC 392-190-057 Sexual harassment policy—Required criteria
- WAC 392-190-058 Sexual harassment policy—Notification
- WAC 392-190-064 Protections against retaliation
- WAC 392-190-065 Complaint procedure—Level I complaint to school district
- WAC 392-190-070 Complaint procedure—Level II appeal to school board
- WAC 392-190-075 Complaint procedure—Level III complaint to OSPI
- RCW 28A.640.020 Regulations, guidelines to eliminate discrimination—Scope—Sexual harassment policies
- RCW 28A.300.286 Discrimination, harassment, intimidation, and bullying—Policies and complaint procedures—Posting of model student handbook language
- 34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Management Resources:

- 2025 - January Newsletter
- 2020 - August Issue
- 2019 - March Issue
- 2015 - July Policy Alert
- 2014 - December Issue
- 2010 - October Issue

Cross References:

- 3207 - Prohibition of Harassment, Intimidation, and Bullying of Students
- 3210 - Nondiscrimination
- 3211 - Gender-Inclusive Schools
- 3241 - Student Discipline
- 5010 - Discrimination-Free Workplace
- 5011 - Sexual Harassment of District Staff Prohibited