

SEXUAL HARASSMENT

ENFORCEMENT PROCEDURES

Informal Complaint Procedure

A student who believes she or he may have been the target of sexual harassment may contact a student advocate to lodge an informal complaint and to discuss the situation and possible courses of action. If the student chooses to file a formal complaint, the advocate can assist the student in preparing the formal written complaint. The advocate is also available to assist the student during the investigation of the formal complaint.

Formal Complaint Procedure

1. An employee who believes he or she has been subjected to sexual harassment by anyone, including supervisors, co-workers, and students or School Board members shall immediately report the sexual harassment to either the principal of the employee's building or to the district administrator. If this person is in an employee's direct line of supervision, or if the employee is uncomfortable discussing the matter with either of the designated persons, the employee is urged to contact the School Board President with the complaint.
2. A student who believes he or she has been subjected to sexual harassment by anyone shall report the sexual harassment to either the principal, guidance counselor, student advocate or to the district administrator.
3. Any student who is aware of sexual harassment has an obligation to report such harassment to either the school principal, the guidance counselor, the student advocate or the district administrator.
4. Any district employee who is aware of sexual harassment has an obligation to report such harassment to either the school principal or the district administrator.
5. Any school Board member who is aware of sexual harassment has an obligation to report such harassment to either the School Board president or the district administrator.
6. The formal complaint must be filed in writing.

Confidentiality and Non-Retaliation

It is the policy of the District to keep the identity of the complainant and the alleged harasser confidential unless there are compelling reasons to disclose such identity. If there are compelling reasons to disclose the identity of the complainant, then the complainant shall be asked if he/she wants his/her identity disclosed. If the complainant does not want his/her identity disclosed, then the identity shall be kept confidential. Should the complainant wish to keep his/her identity confidential, and should it become impossible to process or investigate the complaint as a result of the complainant not disclosing his/her identity, then the complaint may be dismissed. Confidentiality will be released only upon court order.

Investigation of the Complaint

1. The District shall provide prompt, complete, independent and impartial investigation of the complaint. The district administrator or his/her designee will conduct the investigation. In a case reported by a School Board member, the School Board president or his/her designee will conduct the investigation.
2. The investigator shall, in accordance with existing District policies, thoroughly investigate the complaint, notify the person who has been accused of harassment, and obtain a response to the allegation. If possible, the investigation shall be completed within ten (10) working days after receipt of the written complaint. The investigator shall prepare a written report summarizing the finding of the investigation within fifteen (15) working days after completion of the investigation.
3. The objective of the investigation shall be:
 - a. To establish, if possible, whether the allegations are true.
 - b. To determine whether the alleged conduct constitutes sexual harassment.
 - c. To determine whether remedial action is needed, and if so, to act within fifteen (15) working days unless extenuating circumstances exist.
 - d. To maintain confidentiality to the greatest extent possible. However, there shall be no promise or guarantee of strict or absolute confidentiality.

4. The investigator shall prepare a written report which shall include:
 - a. A summary of the allegations and accused's response;
 - b. A summary of the persons interviewed and an assessment of their credibility;
 - c. A presentation of the findings of fact;
 - d. A discussion of the conclusions about the allegation; and
 - e. A discussion of the recommendations for the remedial or other corrective action.
5. The complainant and the alleged harasser will be advised as quickly as possible of the specific findings and conclusions of the investigation.
6. If a conclusion is reached that harassment has occurred, the harasser shall be subject to such disciplinary action, as shall be deemed appropriate by the District. If the harasser is a School Board member, the harasser shall be subject to such disciplinary action up to and including censuring by the School Board and/or removal from committee chairs or other committee assignments.
7. If the conclusion is reached that no harassment has occurred, the alleged harasser should be informed that no disciplinary action will occur and that no documentation of the complaint or the investigation will be placed in his or her personnel or student file.
8. If the complainant wishes to appeal the decision of the investigator, he/she may submit a signed statement of appeal to the School District Administrator within five (5) school/ business days after receipt of the investigator's response. The School District Administrator shall review the investigator's report and all supporting documentation, formulate a conclusion, and respond in writing to the appeal within ten (10) school/business days. In a case reported by a School Board member, an appeal must be submitted to the School Board.

9. If the complainant remains unsatisfied, he/she may appeal through signed written statement to the School Board within five (5) school/business days of his/her receipt of the School District Administrator response. The School Board will review the investigator's report and any supporting documentation at the next regular School Board meeting or within fifteen (15) days of the receipt of such appeal. The School Board shall send a copy of the School Board's deposition of the appeal to each concerned party within ten (10) school/business days of this meeting.

Monitoring

The District will, at periodic intervals, follow-up to make sure that any sexual harassment that has been found to have occurred has not been repeated and to insure that no retaliatory action has been taken against the complainant.

Fixed Point of Complaint – Rationale:

The guidance counselor will be the fixed point for complaints, to assure that any individual who is subject of, or accused in more that one harassing incident, is given proper attention.

After a determination has been made, the student files will be maintained in the guidance office. If there is a case in which the guidance counselor has been named in the complaint, the files will be maintained in the office of the District Administrator.

Dissemination of Policy

Every employee will receive a copy of the policy and procedures upon hiring.

Every School Board member will receive a copy of the policy and procedures upon or before taking the oath of office.

Every student or student's parent/guardian will receive an explanation of the declaration of policy and definitions of prohibited conduct annually.

Discussion of sexual harassment will be included at an age appropriate level and in the proper context as part of the curriculum.

Information will be posted at each work place advising employees of the policy and procedures for filing a complaint. Information on intervention, prevention, and referral will be presented at the staff in-service at the beginning of each school year.

This policy will be reviewed periodically with the supervisory staff in which an understanding of sexual harassment, the School Board's policies and complaint procedures and the importance of vigilance will be emphasized.

Steps for the Complainant

1. If the complainant is a student, then parents are to be notified.
2. The complainant may be given time with a counselor, and names of therapists will be suggested.
3. Staff notification will be on a need to know basis only.

Student Disciplinary Action

Disciplinary action against a student will be taken as a result of being found guilty of sexual harassment. In the case of a major infraction, disciplinary action may be taken prior to the case being settled.

- **Minor Infraction** - including not limited to sexually related comments, graphically explicit pictures or unwelcome touching.

Within one academic year:

First Offense

1. Written warning. Parents notified. Written or verbal, face-to-face apology.

Second Offense

1. Written or verbal, face-to-face apology. Student will serve a detention. Parents and student will meet with the administrator within five (5) days of the infraction.

Third Offense

1. Transferred to Major Infraction, first offense category.
- **Major Infraction** - including but not limited to inappropriate sexual touch, sexual assault, persistent pressure for sex, exposing self or retaliation of any

sort. Sexual assault requires immediate referral to law enforcement and suspension until pending case is settled. See S.120.13 (1) WI Statutes

First Offense (depending on severity)

1. One to three days' suspension. Parents are to accompany student upon return to school.
2. Student must see an off campus counselor and is to be removed from school until the therapist can assure, within possible limits, that there will be no repeated offenses.
3. Go before School Board for expulsion.

Second Offense

1. Expulsion.

Staff Disciplinary Action

Disciplinary action against an employee of the District will be taken as a result of being found guilty of sexual harassment. Disciplinary action will be in conformance with existing collective bargaining agreements or personnel handbook.

- **Minor Infraction** - including, but not limited to, sexually inappropriate comments, graphically explicit pictures, or unwelcome touching. These will become major infractions upon the second occurrence.

First Offense

1. A written reprimand will go into personnel file.

Second Offense

1. Translates into a major infraction first offense.
- **Major Infraction** - Major infractions requiring immediate dismissal and referral to law enforcement are sexual assault and indecent exposure. Major infractions requiring disciplinary action include but are not limited to inappropriate sexual touch, persistent pressure for sex or retaliation of any sort.

First Offense

- 1. Written reprimand in file, and
- 2. Five work day suspension without pay, and
- 3. Required counseling for a minimum of three sessions or until the counselor believes they have corrected the problem.

Second Offense

- 1. Termination of employment with the District.

School Board Member Disciplinary Action

Disciplinary action against a member of the Board of Education will be taken as a result of being found guilty of sexual harassment.

- **Minor Infraction** - as defined for staff will be recommended counseling.
- **Major Infraction** - as defined for staff will require removal from committee chairs and committee assignments.

LEGAL REF.: Sections 111.32(13) Wisconsin Statutes
 111.36
 118.13
 Title VII, Civil Rights Act of 1964
 Title IX, 1972 Education Act EEOC
 (Equal Employment Opportunity Commission) Guidelines
 (29CFR - Part 1604.11)

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