**WALWORTH POLICY: 522.6**

**SEXUAL HARASSMENT**

The Board of Education acknowledges all regulations, requirements, and responsibilities defined by state and federal laws regarding sexual harassment.

Walworth Jt. District #1 feels it is imperative to maintain a school environment that encourages optimum human growth and development for its students and employees. It is, therefore, the policy of the Walworth Jt. District #1 to maintain and insure a learning and working environment free of any form of sexual harassment or intimidation toward employees, students, and administration or Board of Education.

PROHIBITED ACTION

According to state statutes, sexual harassment is a prohibited action when it results in discrimination for or against an employee or student on the basis of conduct not related to working or learning performance. Such practices would include any job-related or academic action that is based upon an individual’s acceptance of or resistance to sexual overtures.

It is therefore the policy of the Walworth Jt. District #1 that sexual harassment by any school employee or student is a prohibited action under any circumstance. Individuals who instigate this type of harassment are subject to disciplinary action in accordance with staff and student disciplinary policies.

DEFINITION

Sexual harassment is defined as any unsolicited and unwelcome sexual advances, requests for sexual favors or other sexual conduct, either verbal or physical, directed at a person of the same or opposite gender as the harasser when:

1.      submission to such conduct is made, either explicitly or implicitly, a term or

condition of a person's employment or advancement;

2.      submission to or rejection of such conduct by an employee is used as the basis for

employment decisions;

3.      such conduct has the purpose or effect of unreasonably interfering with an

employee's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment also refers to physical or verbal conduct, or psychological abuse, by any person that disrupts or interferes with a person's work or school performance, or which creates an intimidating, hostile or offensive work or learning environment. Examples of conduct prohibited under this policy include, but are not limited to, physical or mental abuse; verbal comments or other expressions which insult, degrade or stereotype any person or group; and physical interference with movement, activities or work.

Sexual harassment is further defined as:

1.      any deliberate, repeated or unwanted verbal or physical sexual contact

2.      a sexually explicit derogatory statement, or sexually discriminating remark that is

offensive or objectionable to the recipient or which causes the recipient discomfort or humiliation or which interferes with the recipient's academic or work performance

3.      any unwanted sexual attention, ranging from leering, pinching, patting, verbal

comments, display of graphic or written sexual material, and subtle or expressed pressure for sexual activity 4. the implicit message from the alleged offender that noncompliance will lead to reprisals including but are not limited to, the possibilities of harassment escalation, unsatisfactory academic/work evaluations, differences in academic/work treatment, or unwarranted comments to or by peers

Examples of prohibited sexual harassment include, but are not limited to, the following:

1.      lewd or sexually suggestive comments

2.      sexual flirtations

3.      touching

4.      advances or propositions

5.      off-color language or jokes of a sexual nature

6.      slurs and any other verbal, graphic, or physical conduct relating to an individual's

gender

7.      any display of sexually explicit pictures

8.      greeting cards, articles, books, magazines, photos, or cartoons.

SEXUAL HARASSMENT COMPLAINT PROCEDURE

The District Administrator or his/her designee is designated to receive complaints unless the complaint is filed against the District Administrator. If the complaint is against the District Administrator, the complaint shall be filed with the Board President who shall appoint an individual to investigate the complaint. Throughout this policy this individual will be referred to the independent investigator. The investigator shall keep apprised of state and federal regulations concerning sexual harassment. Any person who believes he or she has been sexually harassed may file a written or oral complaint with the District Administrator or designee or Board President where applicable as set forth herein according to the following procedure.

Step 1 Any complaint should be presented in writing to the District Administrator or his/her

designee (unless the complaint is filed against the District Administrator as referenced above). If the complainant declines to file a written complaint, the oral complaint should be reduced to writing by the District Administrator or his/her designee or the Board President where applicable, and verified for accuracy with the complainant. The complaint must specifically state who is being charged with harassment and also state the specific nature of the harassing behavior. Parents (or legal guardians) of students involved shall be notified immediately.

Step 2 The District Administrator or designee or independent investigator shall thoroughly

investigate the complaint. He or she will notify the person who has been accused of harassment, and permit a response to the allegation. With the agreement of all concerned parties, the District Administrator or designee or independent investigator may arrange a private meeting in order to seek an informal resolution of the complaint. In cases where an informal resolution of the complaint is not possible, the District Administrator or designee or independent investigator shall give a written answer to the complainant, after receipt of the written complaint and after the investigation is complete. It is the intent of the District to create an atmosphere where complaints will be treated fairly and quickly.

Step 3 If the complainant is not satisfied with the answer of the District Administrator or his/her

designee or independent investigator, he or she may submit a written appeal to the Board of Education indicating the nature of disagreement with the answer and reason underlying such disagreement. Such appeal must be filed within ten (10) working days after receipt of the District Administrator’s, his/her designee, or independent investigator’s answer. The Board of Education shall, within twenty (20) working days, conduct a hearing in executive session at which the complainant shall be given an opportunity to present the complaint. The Board shall give a written answer to the complaint within fifteen (15) working days following completion of the hearing.

This policy does not prevent the complainant from seeking other legal remedies through local, county, state, or federal criminal law enforcement agencies.

PENALTIES FOR SEXUAL HARASSMENT

Sexual harassment done by students or staff members is considered to be an extremely serious offense. Any student found guilty of violating this policy shall be subject to disciplinary actions in accordance with established school disciplinary policies. Any staff member found guilty of violating this policy shall be subject to disciplinary actions in accordance with the district’s employee handbook and/or established policies regarding employee discipline.

An employee or supervisor may be held individually liable as a harasser and subject to the same penalties, which may be imposed upon employers under state or federal law. A student harasser may also be subject to individual liability.

NOTIFICATION OF LAW ENFORCEMENT AGENCIES

If it is suspected that a student or staff member’s behavior has violated state or federal criminal law, the local law enforcement agency shall be contacted by the District Administrator, his/her designee, or the independent investigator.

RETALIATION

There shall be no retaliation against anyone for a good-faith reporting of harassment or for good faith cooperation in a harassment investigation. Persons who engage in retaliatory conduct in violation of this policy shall be subject to school disciplinary measures consistent with District policies and procedures and employee handbook.

NOTIFICATION

Annually, at the beginning of each school year, staff members and students shall be notified of the district’s policy regarding sexual harassment. Staff members shall annually sign a form indicating that they have read the policy and are aware of its provisions.

Walworth Jt. District #1 does not discriminate on admissions to any school, class, program, or activity on the basis of gender, race, religion, national origin, creed, pregnancy, marital status, parental status, sexual orientation, or physical, learning, emotional, or mental disability. All discrimination complaints shall be processed in accordance with established procedures.

**LEGAL REFERENCES:** Wisconsin Statutes

Section 111.31 [declaration of fair employment policy]

Section 111.32(13) [definition of sexual harassment in employment]

Section 111.321 [prohibited bases for discrimination]

Section 111.322 [discriminatory actions prohibited]

Section 111.36 [sex discrimination prohibited in employment, including sexual harassment] Section 118.13 [student nondiscrimination]

Section 118.20 [teacher/administrator discrimination prohibited]

Section 120.13(1) [school board power to set conduct rules and discipline students]

Section 947.0125 [unlawful use of electronic communications]

Section 947.013 [harassment prohibited]

Wisconsin Administrative Code

PI 9.02(9) [student harassment defined]

PI 9.03(1) [student nondiscrimination policy prohibiting harassment required]

Federal Laws and Regulations

Title VII of the Civil Rights Act of 1964 [race, color, religion, sex and national origin discrimination prohibited in employment]

Regulations Implementing Title VII of the Civil Rights Act (29 C.F.R. - Part 1604.11) [ sex discrimination in employment; sexual harassment]

Regulations Implementing Title IX of the Education Amendments of 1972 (34 C.F.R. - Part 106.51) [sex discrimination in educational programs]

**POLICY ADOPTED:** February, 1998

**POLICY REVISED:** April 22, 2002, December 18, 2012, September 22, 2014