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## **SEXUAL HARASSMENT**

The School District of Kewaskum shall maintain a work and learning environment that is free from all forms of discrimination including incidents of sexual harassment or intimidation. No employee or student of the District shall be subjected to unsolicited and unwelcome sexual advances, requests for sexual favors or other sexual conduct either verbal or physical. The Board of Education will not tolerate any form of sexual harassment. Any employee, including a supervisory employee, who violates this policy is subject to disciplinary action up to and including discharge. Disciplinary action against an employee shall be in accordance with applicable state & federal law, administrative rule and collective bargaining agreements. Any student who violates this policy is subject to disciplinary action in accordance with state and federal law, District policies, and/or Student Handbook.

### **Prohibited Conduct**

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly, a term or condition of a person's employment or advancement, or of a student's participation in school programs or activities;
- submission to or rejection of such conduct by an employee or student is used as the basis for employment or educational decisions affecting the employee or student;
- such conduct has the purpose or effect of unreasonably interfering with an employee's or student's performance or creating an intimidating, hostile, or offensive work or learning environment.

Examples of prohibitive conduct include, but are not limited to, the following:

- lewd or sexually suggestive comments;
- sexual flirtations, touching advances or propositions;
- off-color language or jokes of a sexual nature;
- slurs and any other verbal, graphic, or physical conduct relating to an individual's gender;
- any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons.

### **Reporting Procedures**

- An employee who believes s/he has been subjected to sexual harassment by anyone, including supervisors, co-workers, students, or School Board members, shall immediately report it to the principal of the employee's building, or if the complaint is against the principal, to the District Administrator. If an employee's complaint involves someone in the 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 report to any other supervisor with the complaint.
- A student who believes s/he has been subjected to sexual harassment by anyone shall immediately report it to the building principal, a guidance counselor, or any other adult employee.

- Any District employee who is aware of sexual harassment, whether or not that employee is a victim of harassment, has an obligation to report such harassment to either the principal or the District Administrator.

- Any student who is aware of sexual harassment, whether or not that student is a victim of sexual harassment, has an obligation to report it to the building principal, guidance counselor, or any other adult employee.

- While complaints can be filed orally initially, they shall be placed in writing and signed. They shall include the specific nature of the sexual harassment, corresponding dates, name(s) of the harasser, and names of any witnesses.

### **Confidentiality and Non-Retaliation**

- All identities of the parties involved shall be kept confidential to the extent possible.

- No District employee or student shall attempt to restrain, interfere with, coerce, discriminate or take reprisal action against the complainant or witnesses during or after the presentation, processing and resolution of a complaint.

### **Investigation of the Complaint**

- The District shall provide prompt, complete, independent, and impartial investigation of the complaint. The District Administrator or his/her designee will conduct the investigation. If the complaint is against the District Administrator, the investigation will be conducted by the by the President of the Board of Education or his/her designee.

- The investigator shall, in accordance with existing District policies, thoroughly investigate the complaint, notify the person who has been accused of sexual harassment, and obtain a response to the allegation. If possible, the investigation shall be completed within ten (10) school/work days\* after receipt of the written complaint. The investigator shall prepare a written report within fifteen (15) school/work days\* summarizing the findings of the investigation.

\*In the event the school year ends in less than the stated number of "school days", then work days will apply in this section.

The objective of the investigation shall be:

- to establish, if possible, whether the allegations are true;
- to determine whether the alleged conduct constitutes harassment/sexual harassment;
- to determine whether remedial action is needed, and if so, to act promptly; and
- to maintain confidentiality to the greatest extent possible. However, there shall be no promise or guarantee of strict or absolute confidentiality.

The investigator shall prepare a written report which shall include:

- a summary of the allegations and accused's response;
- a summary of the persons interviewed and an assessment of their credibility;
- a presentation of the findings of fact;
- a discussion of the conclusions about the allegation; and
- a discussion of the recommendation for remedial or other corrective action.

- The complainant and the alleged harasser will be advised as quickly as possible of the specific findings and conclusion of the investigation.

- If a conclusion is reached that sexual harassment occurred, the harasser shall be subject to such disciplinary action as deemed appropriate by the District.

- If a conclusion is reached that no sexual 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/her personnel or student file.

- If the complainant remains unsatisfied, or if the harasser is unsatisfied with the investigator's findings and conclusions, s/he may appeal through a signed, written statement to the Board of Education within five (5) school/work days\* of his/her receipt of the District Administrator's response. The Board will review the investigator's report and any supporting documentation at the next legally posted regular School Board meeting, or within twenty (20) school/work days\* of the receipt of such appeal. A copy of the Board's disposition of the appeal shall be sent by the Board to each concerned party within ten (10) school/work days\* of this meeting.

\*In the event the school year ends in less than the stated number of "school days", then work days will apply in this section.

### **Monitoring**

The District will, at periodic intervals, follow-up to make sure that any sexual harassment that has been found to occur has not been repeated and to ensure that no retaliatory action has been taken against the complainant, or alleged harasser if the charges were found not to be true.

### **Dissemination of Policy**

Every employee and student will receive a copy of this policy and it will be also be incorporated into student and staff handbooks.

This policy should be reviewed annually with staff and students in which an understanding of sexual harassment, the Board's policies and complaint procedures, and the importance of diligence will be emphasized.

**Legal Reference: Wis. Stats Subchapter II-Fair Employment; Wis Stats 111.32 & 111.36**

**Cross Reference: Policy 411.2; 529P**

**Adopted: June 11, 2001**

**Reviewed: 2005**