

SEXUAL HARASSMENT

I. GENERAL PHILOSOPHY, DEFINITIONS, PROHIBITION

Sexual Harassment is prohibited in any form. This policy has been enacted by the School Board to provide a comprehensive direct statement to employees, students, agents, citizens, and volunteers that sexual harassment is not tolerated in the Merton Community School District. Sexual harassment is a form of misconduct which undermines the integrity of the District's employment and academic relationships.

Sexual harassment refers to behaviors which are not welcome, which are personally offensive, which debilitate morale, and which interfere with the working or learning effectiveness of its victims and their peers. Individuals who experience sexual harassment should make it clear that such behavior is offensive to them and may process a complaint pursuant to this policy. Sexual harassment may include actions such as sexual oriented verbal "kidding" or abuse, pressure for sexual activity, sexual contact and unwelcome touching or other behaviors defined by statutes, displays of sexually suggestive objectives or pictures, demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment or academic status.

Such behavior includes any job related or academic action that is based upon an individual's acceptance of, resistance to, or refusal of sexual overtures. This form of sexual harassment may be more difficult for employees or students to cope with when individuals offer or threaten to use the power of their position to control, influence or affect the career, salary, or job of another employee or academic status of a student in exchange for sexual favors. Sexual harassment by staff toward any student shall be presumed unwelcome. Individuals who instigate any type of harassment are subject to disciplinary action.

The District will make every effort to halt any harassment of which it becomes aware by calling attention to this policy or by more direct disciplinary action, if necessary. There shall be no retaliation against any individual pursuing a sexual harassment complaint made in good faith.

Any person who believes he or she has been sexually harassed may file a written or oral complaint with their immediate supervisor, Building Principal, Business Assistant, the District Administrator or Board President.

II. EXAMPLES

Sexual harassment as set forth on page 1 may include, but is not limited to the following examples:

- Unwelcome leering, staring, sexual flirtations or propositions;
- Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions;
- Unwelcome graphic verbal comments about an individual's body, or overly personal conversation;
- Unwelcome sexual jokes, stories, drawings, pictures or gestures;
- Unwelcome spreading of sexual rumors;
- Unwelcome teasing or sexual remarks about a student enrolled in a predominantly single-sex class;
- Unwelcome touching of an individual's body or clothes in a sexual way;
- Limiting academic and/or student activity privileges on submission to unwanted sexual conduct;
- Cornering or blocking of normal movements in a sexual manner; and,
- Displaying sexually suggestive objects in the educational environment.

III. POLICY DISSEMINATION

- A. Every employee will receive a copy of the policy by direct distribution each year.
- B. Each elementary and middle school student and/or parent and/or guardian will receive a copy of the policy through various district and building publications on an annual basis.
- C. Discussion of sexual harassment will be included at an age appropriate level and in the proper context as part of the curriculum.
- D. In each work site, a copy of this policy shall be posted to advise staff, students, parents, guardians, volunteers, agents, visitors, and consultants of the policy and procedures for filing a complaint. All staff shall be sure that any regular volunteers are familiar with the policy.

IV. CONFIDENTIALITY

All staff or students involved with the reporting, investigation, determination or other handling of any complaint of sexual harassment shall maintain the highest level of confidentiality in order to protect the parties involved.

V. COMPLAINT PROCEDURES/INVESTIGATED

The following procedure is adopted to provide for the resolution of employee, student, applicant, volunteer, citizens, agent, or consultant complaints alleging any sexual harassment.

- A. Complaints may be submitted to any of the following persons:
 - 1. Teacher or Principal
 - 2. Immediate Supervisor
 - 3. Business Assistant
 - 4. District Administrator
 - 5. Board President

- B. Complaints may be submitted orally or in writing. All complaints will be investigated. A single file containing a written record shall be maintained by the investigator or any reviewing administrator on all complaints. The processing of the complaints will be handled within and according to the following categories and procedures:
 - 1. Student to student complaints

Complaints between students may be resolved by teachers and building principals. The student or the student's parents/guardians may request to the principal's supervisor that someone other than the principal be assigned to investigate the complaint. Discipline shall be in accordance with the Student Handbook. Parents/guardians of students found to be in violation regarding sexual harassment shall be notified. Any student or student's parent or guardian involved in such a complaint or investigation may appeal the teacher's or principal's determination to the next level supervisor. The parties involved shall be told of this right to appeal at all stages during the investigation and following the determination. The investigation shall take no longer than ten (10) work days. The student(s) and/or parent/guardian may be asked to put the complaint in writing at any time in the process. Within five (5) days of the completion of the investigation, the principal shall inform the complainant of the disposition. Principals shall inform their supervisor verbally of any allegations and the disposition(s) at the completion of the investigation and determination of any case.

2. Complaints involving students and staff, and employee to employee

Complaints involving allegations of staff-student or staff-staff instances shall be referred to the Business Assistant who in consultation with the District Administrator shall assign an investigator. The complainant shall be informed of the option of having an investigator of their same sex. If the complaint is against the Business Assistant or District Administrator, the Board President shall assign the investigator. The investigator shall be assigned within ten (10) working days. Written acknowledgement of the receipt of a complaint shall occur within 45 days.

The complainant shall be required to submit the complain in writing or to sign a narrative prepared by the investigator agreeing with the dates, times, circumstances of the allegation. The assigned investigator shall take, under normal circumstances, no longer than ninety (90) working days to complete the investigation and file a report containing thorough findings of fact with the District Administrator. If the complaint is against the District Administrator, the report shall be filed with the School Board President. Extensions of the ninety (90) day time line may be necessary when school is not in session, there are multiple witnesses, or witnesses are not available.

1. Interview complaining employees

- Obtain detailed account of all conduct and communication that employees are concerned about relating to harassment or discrimination.
- Ask open ended, non-leading questions.
- Obtain names, dates, times, witnesses, and specific descriptions of the offensive behavior.
- Do not promise confidentiality, but assure complainant that investigation will be conducted discreetly.
- Inquire about the effect on the employee's work.
- Note and record any subjective assessments you make of the employee's credibility (label them as such).
- Inform that retaliatory action will not be tolerated and to report any such action immediately.
- Determine from complaining employee what relief he/she is seeking.

2. Interview alleged harasser
 - Generally interview the alleged harasser immediately after interviewing the complaining employee.
 - Inform alleged harasser of general nature of the allegations and get his/her version of the situation.
 - Ask open ended, non-leading questions.
 - Note and record any subjective assessments you make on the employee's credibility.
 - Do not promise confidentiality, but assure the alleged harasser that the investigation will be conducted as discreetly as possible.
 - Inform that retaliatory action will not be tolerated and will be cause for immediate disciplinary action.
3. Interview others (witnesses)
 - Identify people who are likely to have seen or heard some of the conduct complained about, or experienced similar conduct of the alleged harasser.
 - Explain as little as possible about the details of the investigation itself.
 - Note and record any bias on the part of those interviewed.

Upon completion of the investigation and report, the investigator (or District Administrator or Board President) shall confer with the District Administrator or principal relative to any necessary disciplinary action. The District Administrator or Board President shall inform the complainant of the disposition within ten (10) working days of the receipt of the report.

Any employee to employee or employee to student complaint may be withdrawn at any time if done so in writing.

If the complainant is not satisfied with the response of the investigating officer, he or she may submit a written appeal to the District Administrator indicating the nature of disagreement with the resolution thus far and reason underlying such disagreement. Such appeal must be filed within forty-five (45) working days after receipt of the complaint officer's answer. The District Administrator or designee shall arrange a private meeting with the complainant and other affected parties, if requested by the complainant, at a mutually agreeable time to discuss the appeal. The District Administrator or designee shall give a written answer to the complainant's appeal within ten (10) working days.

If the complainant is not satisfied with the District Administrator's review and decision, an appeal with the Board of Education may be filed within forty-five (45) working days after receipt of the District Administrator's decision. 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 ten (10) working days following completion of the hearing.

If the complainant is dissatisfied with the Board's decision, he/she may appeal to proper legal authorities.

VI. DISCIPLINARY PROCEDURES AND RETALIATION

Students who engage in sexual harassment shall be subject to discipline according to the Student Handbook, which may include expulsion.

Employees who engage in sexual harassment shall be subject to discipline up to and including termination. All discipline shall be in accordance with appropriate collective bargaining agreements.

Agents, consultants, volunteers, or citizens who engage in sexual harassment will be subject to having their contract or agreement with the district terminated and to referral to proper legal authorities.

Any person reporting alleged sexual harassment in good faith will be protected from retaliation. Any person who retaliates by harassing any complainant or accused person will be considered to have violated this policy and will be also subject to corrective disciplinary action.

Reference: Wisconsin Statutes, Section 111.32
Wisconsin Statutes, Section 111.36

Cross Reference:

Adopted: January 18, 1999

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