

DeForest Area School District  
Administrative Regulation

<b>TITLE:</b> <b>SEXUAL HARASSMENT POLICY</b>	<b>NUMBER: AR 3.8(1)</b>
<i>Executive Limitation: EL 3, Treatment of Staff (3.8 – Harassment)</i>	
<b>Recorded as Administrative Regulation:</b> <i>Established: 3/8/04                      Revisions: 11/24/08</i>	
<b>Origin as Board Of Education Policy: Board of Education 112.1</b> <i>Established: 7/11/94                      Revisions:</i>	

The DeForest Area School District does not tolerate harassment in any form, and such conduct will result in corrective action, up to and including dismissal. Policy and law prohibit harassment to students or staff in the workplace. Filing a complaint or reporting harassment will in no way jeopardize an employee’s position or status within the District, nor will it affect future employment, compensation, work assignment or status. The District has established a policy specifically for Sexual Harassment as follows:

**DeForest Area School District  
Sexual Harassment Policy**

DeForest Area School District is committed to maintaining an environment in which the dignity of each member of its community is respected and a working and learning environment be created that is free from sexual harassment and that no employee or student in the District shall be subjected to such harassment.

Sexual harassment, by, or of, either sex is prohibited by teachers, administrators, staff, students or other individuals who may be present on the District’s property or in any other location for a District-sponsored activity – to engage in any form of sexual harassment or to retaliate in any way against an individual who has initiated a sexual harassment complaint. The District maintains a “zero-tolerance” stance toward sexual harassment and will address and investigate all complaints in a timely, comprehensive and equitable fashion. It shall be a violation of this policy for any member of the student body or staff to harass another student or staff member through conduct or communications of a sexual nature as defined under this policy. This policy applies to conduct in all District buildings and facilities, including athletic fields and playgrounds and includes employees and students on official District sponsored business anywhere, anytime. Violators of this policy will be subject to appropriate corrective and disciplinary action, up to and including expulsion or termination from the District.

Academic and non-academic management and supervisory personnel, at all levels, are responsible for taking reasonable and necessary action to prevent sexual harassment. All members of the District community, teachers, administrators, staff, and students, are required to

promptly report, pursuant to these policies and procedures, conduct that could be in violation of this policy.

Sexual harassment is defined, within the workplace for employees and/or within the academic experience for students, as any unwelcome sexual advances, demands, requests for sexual favors, innuendos or any other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education experience;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
3. Such conduct is sufficiently severe and pervasive so as to alter the conditions of, or have the purpose or effect of substantially interfering with, an individual's work or academic performance by creating an intimidating, hostile, or offensive working or educational environment.

Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum, and this policy will not abridge academic freedom.

The District will (1) respond to every formal written complaint of sexual harassment reported, (2) take action to provide remedies when sexual harassment is discovered, (3) impose appropriate sanctions on offenders in a case-by-case manner, and (4) protect the privacy of all those involved in sexual harassment complaints to the extent it is possible.

## **REPORTING SUSPECTED SEXUAL HARASSMENT**

Any employee or student with a sexual harassment concern or question, prior to filing a formal complaint, may contact the Director of Human Resources for counsel and assistance. Any individual, employee or student, who believes that he/she may have experienced sexual harassment, or who believes that he/she has observed sexual harassment taking place, must report this information immediately to one of the following reported officials:

1. Director of Human Resources
2. Director of Pupil Services
3. Building Principal
4. The complainant's supervisor, where the supervisor is not the accused.

Reports/complaints in which the accused is neither a District employee nor a student (e.g., vendors, visitors, etc.) shall be processed consistent with any other complaint by notifying one of the four reporting officials above, although the District reserves the right to alter or modify the procedures outlined below, in its sole discretion, in order to effectively handle these complaints.

## **INVESTIGATION OF SEXUAL HARASSMENT COMPLAINTS**

Unless otherwise provided herein, responsibility for the investigation of sexual harassment complaints in which the accused is an employee (teacher, administrator, staff or student employee) shall be with the Director of Human Resources. Responsibility for the processing of sexual harassment complaints in which the accused is a student shall be with the Director of Pupil Services. The Superintendent or his/her designee has the authority to appoint an alternate investigator as circumstances require and in his/her sole discretion, such as when a substantial conflict of interest is alleged by the complainant, accused or investigator. In the event a request for an alternate investigator is made and/or an alternate investigator must be appointed, the specific time lines provided in the policy shall be suspended pending that appointment.

Complaints will be addressed as confidentially as possible, considering the specific circumstances of the allegations, to protect the rights of both the complainant and the person accused. The investigator may gather information from any sources deemed necessary in an effort to fully investigate and resolve the complaint.

Complaints must be delivered by the complainant to one of the reporting officials referenced above. The formal complaint must be filed as soon as possible after the alleged incident occurred or after attempts to resolve the situation informally have been unsuccessful.

The complaint must be in writing, signed and dated by the complainant, and should include the following information:

1. Details concerning the incident(s) or conduct giving rise to the complaint.
2. Dates and location of incident(s).
3. Any witness to the alleged incident(s) or conduct.
4. Action(s) requested to resolve the complaint and prevent future violations of the policy.

Each alleged offender will be provided with a copy of the complaint by the investigator within three (3) business days of the investigator's receipt of said complaint. The investigator will notify the supervisor of the accused person regarding the complaint, in order that the supervisor may take appropriate interim and/or remedial actions during the investigation. (Example: temporary assignment, paid leave of absence, separation of the complainant and accused.)

The alleged offender will be given an opportunity to submit a written response to the complaint within five (5) business days of receipt of a complaint, a copy of which will be provided to the complainant by the investigator.

The investigator will interview the complainant and the alleged offender and may also, at his/her discretion, interview witnesses, supervisors, and/or any other persons who may have information about the alleged incident. The investigator may review personnel or other records relevant to the complaint. The complainant and the accused person shall be permitted to suggest witnesses

and/or other evidence, which shall be considered by the investigator. A record shall be kept of all individual interviews.

Within thirty (30) days of receiving the formal written complaint, the investigator will access whether a violation of the policy has occurred and will submit the finding in writing to the complainant, the person accused, his/her immediate supervisor and the Superintendent. The investigator must find by a preponderance of the evidence (that is more likely than not) that the alleged sexual harassment has occurred in order to hold the accused responsible for such conduct. If sexual harassment was found to have occurred, the Superintendent shall be responsible for acting on the findings of the investigator.

In making a decision regarding discipline, the Superintendent shall consider the previous conduct, the seriousness of the violation and any other information pertinent to this decision. Where a pattern or practice of sexual harassment exists or prior complaints of sexual harassment have been confirmed, the Superintendent shall consider the totality of information in determining appropriate discipline, and may also take formal disciplinary action. The Superintendent may also review any part of the investigative records. Appropriate discipline may range from an oral reprimand up to and including termination/dismissal for cause or any other appropriate remedial action.

Within five (5) business days of receiving the investigator's finding that sexual harassment occurred, the supervisor should meet with the accused person to discuss the findings and recommendations. This meeting may also include the Superintendent or the Director of Human Resources. Within five (5) business days of this meeting, the supervisor shall issue a written notice of the appropriate disciplinary action, after appropriate consultation with the Superintendent and Director of Human Resources, which notice shall be provided to the accused and the investigator. The investigator will, in turn, notify the complainant that the complaint has been handled and disciplinary action imposed.

All deadlines indicated above may be altered at the discretion of the investigator and/or supervisor for good cause shown.

### **APPEAL OF COMPLAINT RESOLUTION/DISCIPLINARY ACTION**

Either the complainant or person accused may file an appeal of any decision concerning the resolution of the complaint. An appeal by either party must be made in writing, within ten (10) business days of receipt of the notice of resolution/disciplinary decision. This appeal shall be delivered to the Superintendent.

The written appeal must state in detail the reason(s) for the appeal, explaining with specificity any alleged factual or procedural errors, any alleged issues concerning interpretation of District policy, any basis on which the disciplinary action is alleged to be improper and any new information or evidence, including an explanation of why such information or evidence was not presented during the investigation.

No disciplinary or other action based on the complaint shall be taken against the alleged offender during the appeal process, although temporary, interim measures may remain in place.

The Superintendent shall review the materials gathered and utilized by the investigator and the supervisor(s) in reaching his/her decision with regard to responsibility and disciplinary action. At his/her sole discretion, the Superintendent may interview the accused, the complainant, and/or any additional witnesses. Within ten (10) business days of receipt of the appeal, the Superintendent shall issue a written decision and that decision shall be final.

All deadlines indicated above may be altered at the discretion of the Superintendent handling the appeal for good cause shown.

### **WRITTEN RECORDS**

Written records of harassment complaints and all other materials relating to such complaints will be marked "CONFIDENTIAL" and will be retained in a separate and secure (locked) file by the Office of Human Resources. Written records relating to a finding that sexual harassment has occurred may be placed in an accused employee's official personnel file.

### **DISSEMINATION OF POLICY**

The policy will be made available to all employees and students. Periodic notices sent to students, employees, and supervisors about the District's sexual harassment policy will include information about the complaint procedure and will refer individuals to designated offices/officials for additional information. The District reserves the right to modify and/or amend any or all of the procedure(s) outlined herein at any time, in its sole discretion. In the event the District determines that circumstances warrant modification/amendment of any part of these procedures, timely notice of it shall be delivered, in writing, to all relevant and affected parties.

The District's non-discrimination officers are:

For student issues:

Director, Pupil Services  
DeForest Area School District  
520 East Holum Street  
DeForest, WI 53532

For employee issues:

Director, Human Resources  
DeForest Area School District  
520 East Holum Street  
DeForest, WI 53532

### **References**

Title VII of the Civil Rights Act of 1964 as amended by the Equal Opportunity Act of 1972  
Section 111.32(13), Wisconsin Statutes  
Wisconsin Act 427 (1993 Assembly Bill 9820)

PI 9, Wisconsin Administrative Code

**Executive Limitations**

3.8 – Treatment of Staff

4.7 – Treatment of Students