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| SCHOOL DISTRICT OF JOHNSON CREEK BOARD OF EDUCATION POLICY | POLICY: 411.1 |
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Sexual Harassment

All students and employees of the School District of Johnson Creek are required to comply with this policy of the District prohibiting sexual harassment. In this regard, the District is affirmatively committed to maintaining an educational institution and work place free of sexual harassment. The intent of this policy is to prohibit anyone--supervisors, other employees or visitors, male or female, from sexually harassing others in the work place. The District acknowledges all regulations, requirements and responsibilities defined by the Equal Employment Opportunity Commission (EEOC) regarding sexual harassment. The School District of Johnson Creek does not tolerate sexual harassment in any form and will take all necessary and appropriate action to eliminate it, up to and including discipline of offenders. Sexual harassment is defined for purposes of this policy as:

- A. Unwelcome or unwanted sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact which is considered unacceptable by another individual.

- B. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status.

- C. Verbal abuse or joking that is sexually-oriented and considered unacceptable by another individual. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy; telling a dirty joke(s) that are clearly unwanted and considered offensive by others; or any other tasteless, sexually-oriented comments, innuendos or actions that offend others.

- D. Engaging in any type of sexually-oriented conduct that would unreasonably interfere with another's work performance. This includes extending unwanted sexual attentions to someone such that personal productivity or time available to work at assigned tasks is reduced.

- E. Creating a work environment that is intimidating, hostile or offensive because of unwelcome or unwanted sexually-oriented conversations, suggestions, requests, demands, physical contacts or attentions.

- F. Creating a work environment that is intimidating, hostile or offensive because of the existence at the work-site of sexually-oriented materials including, but not limited to, photographs and posters.

In keeping with the District's commitment against sexual harassment, the District will not tolerate such unlawful behavior by anyone--supervisors, other employees or visitors. If employees feel that they are the victims of any of the above-described behavior, they are urged to bring the situation to the attention of the District through the use of the complaint procedure set forth below.

A successful complaint may require that the Board of Education discipline any employee, including possible dismissal, if that employee has been found to have sexually harassed or otherwise discriminated against another person in the work place.

A. Employee Complaint Procedure

Employees who feel they are the victims of sexual harassment should report their concerns to the Title IX Coordinator in accordance with Step I below. As an option, they may make a complaint to anyone in the Administration. They, in no way, should feel that their first (or only) recourse is to their immediate supervisor. The following complaint procedure should be utilized if at all possible.

- Step I** Any complaint received by the Administration or presented directly shall be forwarded to the Title IX Coordinator located at the District Administrator's office, 111 South Street, Johnson Creek, Wisconsin 53038 (Telephone: 920/699-2811). Ordinarily the complaint should be filed within 30 days after the alleged act(s) or within 30 days of the last act of an ongoing condition. A complaint shall be deemed filed on the date received if hand-delivered or on the date postmarked if sent by mail. The Title IX Coordinator shall send to the Complainant a written acknowledgment of the receipt of the complaint as soon as practicable, but no later than ten (10) working days after receipt.
- Step II** The Title IX Coordinator shall thoroughly investigate the complaint, and notify the person who has been accused of discriminating, in writing, of the complaint. In the event the School Board determines that the investigation should be conducted by someone other than the Coordinator, then the Board has the discretion to appoint an investigative team or outside consultant. The team may include the Title IX Coordinator, a building principal, school social worker, and legal counsel. In all cases, the investigation shall be conducted with the assistance of the District's legal counsel. The Coordinator shall consider any response to the allegation and if deemed necessary, arrange a meeting to discuss the complaint with all concerned parties within seven working days after receipt of the complaint. The Coordinator shall provide a written response to the complaint within seven working days after receipt of the written complaint.
- Step III** If the Complainant is not satisfied with the response of the Coordinator, he or she may submit a written appeal or a request for reconsideration of the decision to the District

Administrator or his or her designee indicating with particularity the nature of the disagreement with the response and the reason underlying such disagreement. Such appeal or request for reconsideration must be filed within five working days after receipt of the Coordinator's response. The District Administrator shall arrange a meeting with the Complainant and other affected parties, if requested by the Complainant, at a mutually agreeable time to discuss the appeal/request for reconsideration. The District Administrator or his designee shall provide a written answer to the Complainant's appeal/request for reconsideration with five working days.

Step IV If the Complainant is not satisfied with the response from the District Administrator, he or she may file an appeal to the Board of Education within five working days after receipt of the Step III response. The Board of Education shall, within 15 working days, conduct a hearing at which the Complainant shall be given an opportunity to present the complaint. The Board shall respond in writing to the complaint within five working days following completion of the hearing.

B. Responsibilities of Coordinator

The Title IX Coordinator shall undertake the following in carrying out his or her responsibilities:

1. Establish a complaint file containing all documents pertinent to the complaint including, but not limited to (1) the complaint, (2) documents accumulated as part of the investigation, and (3) a statement of resolution of the complaint.
2. If Complainant requests a copy of the investigative report, the District will provide such a copy, except in cases where the report contains personal or confidential subject matter. In such cases the District may refuse after consulting the District's legal counsel to make available the investigative report and may provide a synopsis of the report excluding personal or confidential materials.
3. The Coordinator shall give or send each Complainant a copy of a prepared statement outlining the Complainant's rights and options under applicable federal, state and local anti-discriminatory laws, regulations and policies. The information shall include access to various federal and state administrative agencies. The Complainant will be advised to seek assistance in determining his or her rights by contacting either the relevant agencies and/or his or her attorney. In this regard the Coordinator will inform the Complainant that he or she may also file a complaint with:

Equal Employment Opportunity Commission (EEOC)
310 W. Wisconsin Avenue, Suite 500
Milwaukee, WI 53203-2292
1-800-669-4000;

Department of Workforce Development
Equal Rights Division
819 N. Sixth Street, Room 723
Milwaukee, WI 53203
(414) 227-4384; and

Department of Workforce Development
Equal Rights Division
201 E. Washington Avenue, Room 403
PO Box 8928
Madison, WI 53708
(608) 266-6860

4. The Coordinator will inform the Complainant that it is the policy of the School District to keep the identity of the Complainant confidential unless there are reasons to disclose such identity. If the Complainant does not want his/her identity disclosed, then his/her identity shall be kept confidential. Should it become impossible to process the complaint because of the degree of confidentiality the Complainant wishes to maintain, then the complaint may be dismissed. The District shall consult with its legal counsel prior to dismissing a complaint.

C. Student Complaint Procedure

1. Harassment by Students

Any student who feels she/he has been subjected to sexual harassment by another student may contact the Title IX Coordinator, who will act as a mediator. The Title IX Coordinator will meet separately with each individual involved in the complaint. A group session between the parties involved will be held in an effort to resolve the complaint on an informal basis. The informal mediation shall continue for a period of no more than 30 days or until resolution is achieved whichever is less. When the Title IX Coordinator can resolve the complaint informally, no disciplinary action will be taken. A confidential record of the proceedings will be maintained. At the informal stage, the hope is to sensitize the alleged offender to the effects of such behavior in an effort to be constructive. Following the period of 30 days, should mediation efforts fail or in the event that the alleged offender does not follow through with the resolution agreed upon, and the complaint remains unresolved, the Complainant may contact the District Administrator for further resolution. The District Administrator shall provide a written response to the Complainant with a copy to the Title IX Coordinator within ten (10) days.

If a request is made for an appeal or for reconsideration, the student has the option of forwarding a letter to the School Board. The letter may include a request to be heard before a committee of the Board. The letter should be addressed to:

School Board
c/o District Administrator
School District of Johnson Creek
PO Box 39
Johnson Creek, WI 53038

2. Harassment by Employees or Private Citizens

Any student who feels he or she has been subjected to sexual harassment by a Johnson Creek School employee or by a private citizen must contact her/his principal or the Title IX Coordinator. Such allegations will be handled under misconduct procedures of the collective bargaining agreement, local policy, or reported to the appropriate law enforcement authorities.

D. Sexual Assault

This policy specifically addresses the District's concerns and guidelines regarding sexual harassment. This policy is not applicable to cases involving sexual assault. It is important to keep in mind the legal distinction between sexual harassment and sexual assault. Sexual assault is generally defined as any intentional touching of the intimate parts of another for the purposes of sexual arousal or gratification, which is sexually degrading or humiliating, or if the touching contains the elements of an actual or attempted battery. Sexual assault is a criminal offense, prohibited by state and federal criminal laws and punishable by fine, imprisonment, or both.

Sexual assault complaints as opposed to sexual harassment are required to be referred to appropriate law enforcement and to the School District Administrator immediately.

E. Alternative Complaint Procedures

The District's policy against sexual harassment shall not in any way preclude a student or employee from filing an initial complaint with local law enforcement agencies or other relevant state and federal agencies, nor shall this policy preclude such a person from appealing a decision to such agencies.

Adopted: 1991
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