

SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

PERSONNEL

PERSONNEL GOALS

HARASSMENT (Including Sexual Harassment)

512-Rule

Philosophy, Definitions, Prohibition

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

Harassment refers to behavior 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 any form of 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, display of sexually suggestive objects 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 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 actions.

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 retaliations against any individual pursuing a harassment complaint made in good faith.

Any person who believes he or she has been sexually harassed may file a written complaint with their immediate supervisor, Principal, Superintendent, or Board President.

Policy Dissemination

- A. Every employee will receive a copy of the policy by direct distribution each year.
- B. Each elementary, junior, and high school student and/or parent will receive a copy of the policy through various District and building publications on an annual basis.
- C. Discussion of harassment, including 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, volunteers, agents, visitors, and consultants of the policy and procedures for filing a complaint. Staff shall be sure that any regular volunteers are familiar with the policy.
- E. In addition to the dissemination of the written policy, each principal and/or supervisor will annually inform each student and employee of the policy by making direct verbal reference to the policy and the consequences.

Confidentiality

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

Complaint Procedures / Investigation

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

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

- B. Complaints may be submitted electronically, 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 shall be referred to the District Compliance Officer. Discipline shall be in accordance with the Student's Rights and Responsibilities and Pupil Nondiscrimination Policies. Parents of students found to be in violation regarding harassment shall be notified. Any student or the student's parent or guardian involved in such a complaint or investigation may appeal the District Administrator's decision. 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) days. The student(s) and/or parent may be asked to put the complaint in writing at any time in the process. Upon the completion of the investigation, the District Administrator shall inform the parties of the disposition.

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

Complaints involving allegations of staff-student instances shall be referred to the District Compliance Officer. If the complaint is against the District Compliance Officer, the District Administrator shall assign the investigator. The investigator shall be assigned within ten (10) days. The complainant shall be required to submit the complaint in writing or to sign a narrative prepared by the investigator agreeing with the dates, times, and circumstances of the allegation. The assigned investigator shall take, under normal circumstances, no longer than ten (10) days to complete the investigation and file a report containing thorough findings of fact. Extensions of the ten (10) day timeline may be necessary when school is not in session, there are multiple instances, or witnesses are not available. The investigator shall: Interview the complainant and completely explain the investigation process.

 - a. Limit the discussion of the matters to only those individuals who need to know the facts.
 - b. Assure that no retaliatory action be taken because of the complainant's good faith belief that he/she has been sexually harassed.
 - c. In interviewing the respondent, the investigator shall present a summary of the facts to allow the respondent to understand the situation and be allowed to respond. This should include dates, times, places, and the specifics of the alleged acts.
 - d. Consider any individual who might have knowledge of the situation. In interviewing relevant others, the investigator shall request them to provide facts based on personal knowledge.
 - e. Consider any individual who might have knowledge of the situation. In interviewing relevant others, the investigator shall request them to provide facts based on personal knowledge.

Upon completion of the investigation and report, the District Administrator shall confer relative to any necessary disciplinary action.

Any employee to employee or employee to student complaint may be withdrawn at any time if done so in writing. Any intentionally false complaints submitted by an employee or student against another will necessitate appropriate consequences to be levied in accordance with due process laws and regulations.

If either party 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 ten (10) days after such receipt of the District Administrator's answer. The District Administrator or designee shall separately meet with the parties, at a mutually agreeable time to discuss the appeal. The District Administrator or designee shall give a written answer to the appeal within ten (10) days.

If either party is not satisfied with the District Administrator's review and decision, an appeal with the Board of Education may be filed within ten (10) days after receipt of the District Administrator's decision. The Board of Education shall, within twenty (20) days, conduct a hearing in closed session with the parties after the Board receives the appeal. The Board shall give a written answer to the parties within ten (10) days following completion of the hearing.

If either party is dissatisfied with the Board's decision, he/she may appeal the State Superintendent of Public Instruction.

Disciplinary Procedures and Retaliation

Students who engage in harassment shall be subject to discipline according to Student Conduct policy which may include expulsion.

Employees who engage in harassment shall be subject to discipline up to and including termination. All discipline shall be in accordance with the Employee Handbook.

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

Any person reporting alleged 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 also be subject to corrective disciplinary action.

Reference: WI Statutes, Section 111.32(13)
WI Statutes, Section 111.36
WI Statutes, Section 48.981(1)(2)

First Reading of Updates: July 13, 2020
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