

## SURING PUBLIC SCHOOL DISTRICT

411.1

### Student Sexual Harassment

The Suring Public School District's policy is to maintain and ensure a learning and working environment free of any form of sexual harassment or intimidation toward and between students, employees, School Board Members, parents, volunteers, independent contracted service workers and applicants for employment. It is therefore the policy of the District that neither students nor employees will be allowed to engage in any form of sexual harassment or intimidation toward students or school employees.

Sexual harassment includes unwelcome sexual advances, request for sexual favors, uninvited telephone calls or letters, and other verbal, visual, or physical conduct of a sexual nature. Sexual harassment also includes, but is not limited to, unwelcome sexual flirtations, advances or propositions, verbal abuse of a sexual nature, subtle pressure or requests for sexual activities, unnecessary touching of an individual, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, a display of sexually suggestive objects or pictures, sexually explicit or offensive jokes, or physical assault.

No employee or student shall threaten or insinuate, either explicitly or implicitly, that a student's refusal to submit to sexual advances will adversely affect that person's school performance, employment, work status, evaluation, wages, advancement, assigned duties, shifts, or any condition of employment or career or educational development. Similarly, no employee or student shall promise, imply, or grant any preferential treatment in connection with another student engaging in sexual conduct.

Any student or any parents/guardians who believes their student has been subjected to sexual harassment, should report the incident(s) to the principal/designee. If a student or parent is not comfortable with making a complaint to the principal/designee, the complaint may be made to a teacher, counselor, or psychologist with the understanding that incidents must be reported to administration for review and action. The employee receiving the complaint shall report the complaint to the principal/designee. No retaliation or intimidation directed towards anyone who makes a complaint or participates in any way in an investigation will be tolerated. Any student or employee who is determined after an investigation to have engaged in sexual harassment in violation of this policy will be subject to appropriate response, which may include suspension or expulsion.

Third party witnesses are strongly encouraged to report observed incidents of sexual harassment to the administration. Every effort will be made, when requested, to maintain the confidentiality of witness identity unless the witness is requested to testify at a hearing.

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Student Sexual Harassment cont.

Student and Staff Responsibility

Any student or employee who witnesses sexual harassment of or between students, needs to respond in a proactive manner even in the absence of a student complaint.

Failure of the administration and/or staff to take adequate steps to stop sexual harassment of which it is aware, or should be aware, or of which it has been notified, can constitute unlawful sex discrimination.

Any School District employee who suspects sexual abuse, including sexual exploitation of students, must report the incident to the Department of Health and Social Services or Police Department.

LEGAL REF.: Title VII of 1964 Civil Rights Act Section 703  
Title IX of 1972 Education Amendments  
118.13 Wisconsin State Statute  
Wisconsin Child Abuse and Neglect Act Section 48.981  
Wisconsin Administrative Code PI 9

CROSS REF.: 447, Student Discipline  
454, Reporting Child Abuse and Neglect

APPROVED: AUGUST 13, 2008

## SURING PUBLIC SCHOOL DISTRICT

### 411.1-Rule

#### Student Sexual Harassment Complaint Procedures

The Suring Public School District is committed to maintaining and ensuring a learning and working environment free of any form of sexual harassment.

#### Sexual harassment is:

- 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.
- Unwelcome requests or demands for sexual favors. This includes subtle or blatant expectations, pressures or request for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence.
- Verbal abuse or joking that is sexually orientated and considered unacceptable by another individual. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy: telling "dirty jokes" that are clearly unwanted and considered offensive by others; or any tasteless, sexually-orientated comments, innuendos, or actions that offend others.
- Engaging in any type of sexually-orientated conduct that would unreasonably interfere with another's school or work performance. This includes extending unwanted sexual attentions to someone such that personal productivity or time available to work at assigned tasks is reduced.
- Creating an environment that is intimidating, hostile or offensive because of unwelcome or unwanted sexually-orientated conversations, suggestions, requests, demands, physical contacts, or attentions.
- Creating a work environment that is intimidating, hostile, or offensive because of the existence at the school-site of sexually-orientated materials including, but not limited to, photographs and posters.

#### Dissemination

- Every student or student's parent/guardian will receive a copy of the Policy and Procedures.
- The principal (or his/her designee) shall be responsible for the display of the policy in a prominent place. It is recommended that the policy and additional copies be posted in conspicuous locations where students have ready access. Students will be informed about sexual harassment and positive, caring and constructive interpersonal relationships will be encouraged.
- Students shall be informed of the process they are encouraged to follow if they perceived that sexual harassment has taken place. The complaint procedure will be made available to any student or parent/guardian wishing to file a complaint.

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#### Student Sexual Harassment Complaint Procedures cont.

- Discussion of sexual harassment will be included age appropriately with all students. Building administrator and staff will be responsible for the appropriate delivery of information and instruction. Education of students regarding the policy will need to be planned, structured, and scheduled yearly.
- Rules, including the complaint procedure and associated form, will be given to any individual wishing to file a complaint.
- The policy and rules will also be reviewed each year with employees.

#### Confidentiality

Students shall know that the complainant will remain confidential unless there are compelling reasons to disclose such identity. If there are compelling reasons to disclose the identity of the complainant, then the complainant shall be asked if he/she wants his/her identity disclosed. If the complainant does not want his/her identity disclosed, then the identity of the complainant shall be kept confidential. If a formal complaint is submitted, it may be necessary to identify the name of the complainant.

#### Retaliation

Individuals reporting incidents of sexual harassment will be protected from retaliation. Any individual who engages in retaliatory conduct against a complainant will be subject to discipline under this policy.

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#### Student Sexual Harassment Complaint Procedures cont.

##### Informal Complaint Procedure

If Sexual Harassment occurs, the following steps may be taken:

1. Clearly say “no” to the person whose behavior is unwelcome and unwanted and tell a trusted adult immediately.
2. Also, speak with a trusted adult at school, such as a teacher, counselor, psychologist, or administrator.

When speaking with the adult at school, include the following information:

- a. Give the name of the person whose behavior was unwanted and unwelcome.
  - b. Tell the nature of the harassment.
  - c. Give the date(s) of the event(s).
  - d. Tell briefly what happened and tell any other incidents of harassment, which have occurred.
3. The school contact person will make the appropriate individuals aware of the situation to discuss the case and determine the follow-up. Students must be informed that there is a Formal Complaint Procedure. All efforts will be made to handle the situation in a discreet manner and maintain appropriate confidentiality.
  4. Any student or employee who witnesses sexual harassment of or between students needs to respond in a proactive manner even in the absence of a student complaint. Failure of the staff to take adequate steps to stop sexual harassment of which it is aware, or should be aware, or of which it has been notified, can constitute unlawful sex discrimination.

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### Student Sexual Harassment Complaint Procedures cont.

#### Formal Complaint Procedure

Formal complaints will be taken seriously and will be subject to thorough review and immediate investigation by the receiving office or designee.

#### Step 1

A written statement of the complaint shall be prepared by the complainant. The complainant may have assistance of a trusted school adult and/or parent/guardian in preparation of this complaint.

The formal complaint should include:

- a. Name of the person whose behavior was unwanted and unwelcome.
- b. Nature of the harassment.
- c. Date(s) of the event(s).
- d. Brief details of the harassment and other incidents of harassment which have occurred.
- e. Signature of the complainants.

#### Step 2

The complaint shall be presented to the Principal/Designee. The Principal/Designee shall send a written report to the complainant after completion of an initial review. This report is to be sent within 15 school days after receiving the complaint.

#### Step 3

If either party is not satisfied with the resolution in step 2, the party may file a request for review with the Superintendent within 15 school days after receiving the Principal's report.

#### Step 4

If either party is not satisfied with the decision, the party may file a request for formal review by the Board of Education. The appeal must be filed within ten (10) calendar days or receipt of the prior decision. The Board shall conduct a hearing within thirty (30) calendar days of the receipt of the appeal.

#### Step 5

If either party is not satisfied with the decision of the Board of Education. The party may pursue further review by filing a request with the State Superintendent of Public Instruction under the Statutes, rules, and procedures applicable to the Department of Public Instruction.

APPROVED:            AUGUST 13, 2008

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School Count

Each year during the month of June an annual census of all residents aged from birth to 21 will be recorded and maintained in the District Office. Residents selected from the election appointment areas will take the census and be paid at a rate set by the school board. Notation will be made on the census of any resident thereon who has any known physical or mental handicap.

LEGAL REF.: Wisconsin Statutes Sections 43.70, 115.28(14), 120.18(1)(a)  
APPROVED: DECEMBER 13, 1995  
REVISED: MARCH 14, 2001  
REVISED: AUGUST 13, 2008