

STUDENT PERSONNEL

Series 400

Policy Title . . . SEXUAL HARASSMENT OF/BY STUDENTS Code No. 411.1

The school district shall not discriminate in handling sexual harassment issues based of sex, sexual orientation, race, color, national origin, ancestry, religion, creed, pregnancy, marital or parental status, or any physical, mental, emotional or learning disability/handicap. Accordingly, the Board prohibits all forms of unlawful discrimination against students, regardless of the legally-protected classification or characteristic that serves as the basis for any prohibited discriminatory conduct, policy, or practice. Sexual harassment will not be tolerated in the school district by the School Board in matters over which it has jurisdiction. Sexual harassment by or of students is prohibited. Persons found in violation of this policy will be subject to discipline, including, but not limited to verbal or written warning, reprimand, probation, suspension, expulsion or other sanction as determined appropriate by the board.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's class standing or opportunity to participate in co-curricular activities; or
- Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting such individual's grades, class assignment, or involvement in co-curricular activities; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's school performance or creating an intimidating, hostile, or offensive learning environment.

Anyone who believes they have suffered sexual harassment shall report such matters to the principal or his/her designee, who shall be the complaint officer for sexual harassment complaints at the school level. However, claims regarding sexual harassment may also be reported to the Assistant Superintendent, who shall be the alternate complaint officer for such complaints for all schools.

All complaints of sexual harassment will be promptly and thoroughly investigated, and violations of the policy will be treated as serious disciplinary infractions. All complaints of sexual harassment will be confidential; and only those persons necessary for the investigation and resolution of the complaint will be given information about it. If complaints are not handled in a manner satisfactory to the complainant, the discrimination complaint procedure provides steps for appeal.

The Superintendent shall promulgate guidelines which implement the provisions of this policy concerning the reporting, investigation and resolution of complaints of sexual harassment. This policy is being implemented pursuant to the terms of state and federal law. It applies equally to all students.

Date of Adoption:
September 13, 1993
Reviewed:
May 12, 2008
August 12, 2013

Legal Reference: Code of WI 118.13
Federal regulations: Title IX, Sec.
106.31(b), students; Title VII, employees

STUDENT PERSONNEL

Series 400

ADMINISTRATIVE REGULATIONS . . .

SEXUAL HARASSMENT COMPLAINT PROCEDURE FOR STUDENTS Code No. R-411.1

The Building Principal or his/her designee is designated by the Superintendent as the Complaint Officer at each school, and is responsible for coordinating federal regulations, state law and District policy concerning sexual harassment as it relates to students. Complaints may also be filed with the Assistant Superintendent who shall be the alternate Complaint Officer. Any student, who believes he or she has been the victim of sexual harassment by another student, teacher, employee of the School District, or any third person, shall report the alleged acts immediately to the Complaint Officer. The School District encourages the use of the report form available from the Complaint Officer but use of formal reporting forms is not mandatory.

Submission of a complaint or a report of sexual harassment will not affect the student's grades, class assignment, academic evaluation, recommendations, or academic environment.

The School District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School District's legal obligations, and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

The following steps should be taken in the course of handling any complaint about sexual harassment.

Step I Any complaint shall be presented in writing or orally to the Complaint Officer. If the complaint is submitted in writing, it should include the specific nature of the harassment and corresponding dates, and also include the name, address and the phone number of the complainant. The complaint must be reduced to a written complaint before a formal investigation will be initiated.

Step II The Complaint Officer shall thoroughly investigate the complaint, notify the person who has been accused of harassment, permit a response to the allegation and arrange a meeting to discuss the complaint with all concerned parties within ten (10) working days after receipt of the written complaint.

The results of the investigation may result in disciplinary action against the responsible party including verbal or written warning, suspension, expulsion, or referral to police or Social Services. The complainant will be advised of any action taken as a result of the complaint.

- Step III If the complainant is not satisfied with the action taken, a written complaint may be filed with the Superintendent within ten (10) working days after receipt of the Step II answer. The Superintendent will investigate and within fifteen (15) working days provide a written response to the complainant.
- Step IV If the complainant is not satisfied with the answer, a complaint may be filed with the School Board with in ten (10) working days after receipt of the Step III answer. The School Board will, within thirty (30) days, hold a private conference at which the complainant will be given an opportunity to present the complaint. The Board will give a written answer to the complaint within ten (10) working days following completion of the conference.

These procedures do not deny the right of any individual to pursue other avenue of recourse, which may include filing charges with the Wisconsin Equal Rights Division of the State Superintendent of Public Schools, initiating civil action or seeking redress under state criminal statutes and/or federal law.

Any School District action taken pursuant to the policy will be consistent with the requirements of the Wisconsin Statutes and School District policies.

Complaint Officer/Assistant Superintendent, Burlington Area School District, 100 North Kane Street, Burlington, WI 53105

Date of Adoption:
September 13, 1993
Reviewed:
May 12, 2008
August 12, 2013

Legal Reference: Code of WI
Section 118.13
Federal Regulations Title IX, Sec. 106.31(b)
Students; Title VII, Employees



BURLINGTON AREA SCHOOL DISTRICT

SEXUAL HARASSMENT REPORT FORM

General Statement of Policy Prohibiting Sexual Harassment

The Burlington Area School District maintains a firm policy prohibiting all forms of discrimination based on sex. Sexual harassment against students or employees is sex discrimination. All persons are to be treated with respect and dignity. Sexual advances or other forms of sexual harassment by any person, male or female, which create an intimidating, hostile or offensive environment, will not be tolerated under any circumstances.

Complainant _____
Home address _____
Work address _____
Home phone _____
Work phone _____
Date of Alleged Incident(s) _____
Name of person you believe sexually harassed you _____
List of witnesses that were present _____
Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

This complaint is filed based on my honest belief that _____ has sexually harassed me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Complainant Signature _____ Date _____
Received by _____ Date _____