

**SERIES 500  
PERSONNEL**

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**EMPLOYEE SEXUAL HARASSMENT**

The employees of the district have the right to work in an environment free of sexual harassment. Sexual harassment is defined as unwelcome sexual advances, in the forms of verbal, written or physical conduct of a sexual nature when:

- a. Submission or acquiescence in such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer and compensation, affecting such individual.
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if it leads to no tangible employment consequences.
- d. Such conduct has the effect of causing harm to the professional atmosphere of the school or violates predominant community standards or generally accepted ethics and/or behavior norms.

Sexual harassment may include, but is not limited to, deliberate and repeated unwelcome touches, sexually explicit gestures, verbal comments, displays of graphic or written materials or pressure for sexual activity. Besides anxiety caused by sexual demands on the individual, sexual harassment may include the implicit message from the alleged offender that noncompliance will lead to reprisals. Reprisals may include, but are not limited to, the possibilities of harassment escalation, unsatisfactory employment evaluations, difference in employment treatment, sarcasm, or unwelcome comments to or by peers.

The district shall not tolerate sexual harassment in any form and shall take appropriate action to eliminate it up to and including discipline of offenders. The Marshall Board of Education charges the school administration with the responsibility of providing district employees with a work environment free of any form of sexual harassment toward district employees. All employees, substitutes, students and volunteers of the district and Board members are required to be familiar with and comply with the policy of the district prohibiting sexual harassment.

A complaint procedure shall be developed by the Superintendent with input from all affected, be reviewed yearly and be followed consistently by those administering this policy and complaint process. Response to complaints must follow a procedure that is timely, requires written documentation of the disposition of each complaint, deals with the need for confidentiality, provides for an appeal process, appropriately provides for disciplining the offender or complainant who knowingly makes a false accusation.

Any attempt at reprisal by an alleged harasser toward the complainant shall be met with appropriate disciplinary action by the building principal or Superintendent, or, if the Superintendent is the alleged harasser, the Board.

In the event of a willful false accusation, the accused may request the district to publicly exonerate him/her.

A process of educating all district employees, students, substitutes, volunteers, bus drivers and Board members on what constitutes sexual harassment and the consequences of its occurrence shall be designed by the school administration with input from all affected, evaluated yearly and consistently take place with all staff, students, substitutes, volunteers, bus drivers and Board members.

It is further the policy of the district that a sexual relationship between staff and students interferes with the educational process and involves elements of coercion by reason of the relative status of a staff member to a student. Therefore, a sexual relationship between staff and students is not permissible in any form or under any circumstances in or out of the school setting. A suspected relationship between a student and staff member shall be reported by any mandated reporter to the proper authorities (human services or law enforcement) as suspected sexual abuse.

Legal References:     Sections 111.31 Wisconsin Statutes  
                                     111.32(13)  
                                     111.36  
                                     Title IX, Education Amendments of 1972

Cross References:     Administrative Rule 511.1, Employee Sexual Harassment Complaint  
   Procedures  
                                     Administrative Exhibit 411.1, Sexual Harassment Complaint Form

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