

**MENOMINEE INDIAN SCHOOL DISTRICT**

526.1

EMPLOYMENT REFERENCES AND VERIFICATION  
(Aiding and Abetting of Sexual Abuse)

The District shall act in good faith when providing employment references and verification of employment for current and former employees.

Neither the District nor any employee, contractor or agent of the District shall assist another school employee, contractor or agent in obtaining a new position or other employment if he/she or the District has knowledge of, or probable cause to believe that the other employee, contract or agent engaged in sexual misconduct with a minor or student in violation of the law. This prohibition does not include the routine transmission of administrative and personnel files. In addition, this prohibition does not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency, or any other authorities as required by local, state or federal law, AND at least one of the following conditions applies:

1. The matter has been officially closed or school district officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish probable cause that the school employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law; or
2. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case of investigation remains open and there have been no charges filed against or indictment of the school employee, contractor or agent within four years of the date on which the information was reported to a law enforcement agency.

Legal References:

Wisconsin Statutes:

Section 19.36(10) [limitations on public access to district records, including certain personnel records such as letters of reference]

Section 103.13(6) [limitations on employee and former employee access to their own personnel records, including letters of reference]

Section 111.322 [discriminatory actions prohibited]

Section 895.487 [civil liability exemption; employment references]

Federal Law

20 U.S.C. 7926 [required policy prohibiting school employees, contractors or agents from aiding and abetting sexual abuse]

Adoption: April 21, 2017