

## **Sparta Area School District**

### Article 529- Harassment of Students

The Board of Education supports an educational environment that is free from all forms of harassment and to insist that each student is treated with dignity, respect, and courtesy. The Board's authority is derived from Wisconsin statutes that allow school boards to establish rules pertaining to the conduct of pupils to maintain a favorable academic atmosphere. It is therefore the policy of the district that neither students, employees, board members, nor volunteers will be allowed to engage in any form of harassment or intimidation toward students.

### Sexual Harassment

“Sexual harassment” means unwelcome sexual advances, unwelcome physical contact of a sexual nature, or unwelcome verbal or physical conduct of a sexual nature, either actual or threatened.

“Unwelcome verbal or physical conduct of a sexual nature” includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments, or the deliberate, repeated display of offensive sexually graphic materials. Sexual harassment is prohibited in the school setting for the following reasons:

1. Sexual harassment violates the provisions of Title IX and may violate the State of Wisconsin Criminal Code
2. Sexual harassment often involves an abuse of power and authority.
3. Sexual harassment creates a hostile educational environment.
4. Sexual harassment is demeaning, offensive, and abusive.
5. Sexual harassment violates individual rights, creates stress and tension, and can cause emotional or physical pain, discomfort, and injury.
6. Sexual harassment can lead to further conflict or serious legal problems of a civil or criminal nature.

The fact that someone did not intend to sexually harass an individual is generally not considered a defense to a complaint of sexual harassment. In most cases, it is the effect and characteristics of the behavior that determine if the behavior constitutes sexual harassment.

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 in a hearing.

The administration and staff will inform students that the Sparta Area School District does not tolerate sexual harassment in any form and will take all necessary and appropriate action to eliminate it, up to and including discipline of offenders. Students will be informed of this policy annually and the complaint procedure will be made available to any students or parent/guardian wishing to file a complaint.

It is, further, the policy of the district that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the work place, in that it interferes with the educational process and involves elements of coercion by reason of the relative status of a staff member to a student.

### Other Forms of Harassment

Student harassment means behavior toward students based, in whole or in part, on sex, race, religion, national origin, color, ancestry, creed, pregnancy, marital, or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap which substantially interferes with a student's school performance or creates an intimidating, hostile or offensive school environment, including name calling, negative stereotyping, or hostile acts.

### Policy Dissemination

1. Every student or student's guardian will receive a copy of the policy each year.
2. Discussion of sexual harassment will be included at an age appropriate level and in the proper context as part of the curriculum.
3. Employees will attend an inservice in which an understanding of harassment, the Board Policy and complaint procedures and importance of vigilance will be emphasized.
4. Information will be posted at each building advising employees, students and volunteers of the policy and the procedures for filing a complaint.

### Complaint Procedures

Students who believe they are the victim of harassment or any parents/guardians who believe their student has been subjected to harassment, should report their concerns to the building principal or designee. It is the intent of the District to create an atmosphere where complaints and alleged complaints will be treated fairly and quickly. If an individual is not comfortable with making a complaint to the building principal or designee, the complaint may be made with any other adult employee with the understanding that incidents must be reported to administrators for review and action.

Any employee receiving a harassment complaint will prepare an incident report and immediately notify the building principal or superintendent. The superintendent will appoint a complaint manager to conduct an investigation and recommend action, if appropriate.

Retaliation in any form against any student for complaints or participation in any investigation of alleged harassment is prohibited.

### Disciplinary Procedures

Employees, volunteers, board members, applicants, and students who engage in harassment shall be subject to disciplinary action. Discipline may include one or more of the following actions: notification of law enforcement officials, letter of correction, suspension and expulsion.

Employees who engage in harassment shall be subject to disciplinary action up to and including termination. All discipline shall be conducted in conformance with appropriate collective bargaining agreements.

Board members who engage in harassment are subject to Board action. Volunteers who engage in harassment will be removed from volunteering.

Legal Reference:      Wisconsin Statutes  
                                 115.2(31)  
                                 118.13  
                                 120.13(1)  
                                 Wisconsin Administrative Code PI9, PI41  
                                 Title VI  
                                 Title IX, Education Amendments of 1972  
                                 Individuals with Disabilities in Education Act  
                                 Americans with Disabilities Act  
                                 Section 504  
                                 Chapter 227

Cross Reference:      Administrative Rule – 525 Student Harassment Complaint Procedure  
  
                                 Appendix K -Forms – Harassment Reporting Form  
                                 Harassment Investigation Checklist

Adopted:                April 27, 2004

Revised: