



Book	Policy Manual
Section	100 Series: Board of Education
Title	Student and Employee Sexual Harassment Policy
Code	113
Status	Active
Adopted	July 28, 2020

The Board of Education is committed to a school environment that is free of sexually-based harassment. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it.

The Board will investigate all allegations of harassment and in those cases where harassment is substantiated, the Board will take immediate steps calculated to end the harassment, prevent its recurrence, and, if applicable, remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

If applicable, sexually harassing conduct will be addressed under the Title IX framework provided herein. In the course of a Title IX investigation, if it is determined that the alleged conduct does not violate the Title IX definition, the District may still address such conduct under its own Board policy.

For purposes of this policy, "School District community" means individuals subject to the control and supervision of the Board including, but not limited to, students, teachers, staff, volunteers, Board members, agents, contractors, or other persons.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the District, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

The Title IX Coordinator has been identified as Tonya Williams. She should be contacted with any discrimination, harassment or retaliation inquiries. She may be contacted at 608-361-4010 or [twilliams@sdb.k12.wi.us](mailto:twilliams@sdb.k12.wi.us).

## SEXUAL HARASSMENT (Title IX)

Title IX includes a specific definition of sexual harassment and procedures which must be followed to address such conduct. Any complaint of sexual harassment which does not meet the Title IX definition shall be handled under District Policy 411.1 or 522.6.

For policy purposes, "sexual harassment" means any conduct on the basis of sex that satisfies one or more of the following:

- A school employee conditioning educational benefits on participation of unwelcome sexual conduct (i.e. quid pro quo);
- Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or

- c. Sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

For the purposes of this policy, the sexual harassment must occur during a school educational program or activity, which includes locations, events, or circumstances over which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurred, whether on or off campus. This includes but is not limited to instances of student and employee complaints.

Any individual who experiences sexual or other harassment should make clear to the harasser that the behavior is offensive to them. They may process a complaint according to the procedures set forth in this policy. There will be no retaliation against any individual for a complaint made in good faith. Anyone who retaliates will be subject to discipline, up to and included termination.

A copy of this policy will be distributed to all employees and families each year. Each building shall have a copy of this policy posted in a place where it can be viewed and accessed. Staff will ensure that regular volunteers are familiar with the policy. The coordinator will review this policy verbally at the start of each school year.

#### SEXUAL HARASSMENT COMPLAINT PROCEDURES UNDER TITLE IX

The following procedures are adopted for the resolution of employee, student, applicant, or volunteer complaints alleging any sexual harassment. Where a recipient has actual knowledge of the sexual harassment allegation, they will respond in a manner reasonable for the circumstances. The recipient will offer the complainant supportive measures, such as may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and other similar measures. The respondent will be treated equitably by being subject to the grievance process prior to any discipline that is not a direct result of supportive measures taken.

The timelines in these procedures may be extended as provided below, or by mutual agreement.

##### a. STEP ONE: Filing a Report

The District is required to respond to all reports of sexual harassment. Any person with actual knowledge of sexual harassment that occurred in an educational program or activity against a person in the United States must report the sexual harassment to the Title IX Coordinator. A report may be made either orally or in writing to the Title IX Coordinator by phone, email, mail, or any other means to ensure the receipt of the report. The Title IX Coordinator(s) are listed below.

**Tonya Williams – Human Resources Director**  
**Ph: 608-361-4010**  
**[twilliams@sdb.k12.wi.us](mailto:twilliams@sdb.k12.wi.us)**

Upon receipt of a report of sexual harassment, the Title IX Coordinator will contact the complainant/victim to discuss the availability of supportive measures and explain the process for filing a formal complaint. In emergency situations involving an imminent threat to the health or safety of others, the Title IX Coordinator will also determine whether interim measures are necessary, such as the removal of a student or placing an employee on administrative leave. Such measure may be implemented regardless of whether a complaint is pending.

##### b. STEP TWO: Filing a Formal Complaint

A formal complaint is written and signed by the complainant/victim and signed by the Title IX Coordinator. The complaint should include: the date(s) of the incident(s); a

description of the incident(s); the identity of the alleged harasser; the identity of any witnesses to the alleged harassment; and the name, home address, e-mail address, and phone number of the complainant.

Upon receipt of a formal complaint, the Title IX Coordinator must provide written notice to the complainant and the respondent of the allegations contained in the complaint. The notice shall include: (1) a description of the allegations of sexual harassment potentially constituting sexual harassment; (2) a statement that the accused is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made after the grievance process; (3) a statement that the complainant and the accused may have an advisor of their choice, who may be, but is not required to be, an attorney; (4) a statement that the complainant and the accused may inspect and review evidence collected during the investigation; and (5) a reference to a provision in the District's Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

### c. STEP THREE: The Grievance and Investigation Process

After receipt of a formal complaint containing allegations of sexual harassment, the Title IX Coordinator will assign an investigator. The investigator shall be assigned within ten (10) working days of receiving the complaint.

The investigator shall promptly investigate the complaint. The investigation shall include an interview of the alleged harasser, witnesses identified by the complaint, and other individuals deemed appropriate by the investigator.

Prior to any investigatory interviews, meetings, or hearings the investigator must send each party a written notice of the date, time, and location of such interviews or meetings. Throughout the investigation, the investigator must send the parties and their advisors all evidence directly related to the investigation, allowing the parties at least ten (10) days to respond. The parties will have an equal opportunity to present fact and expert witnesses in addition to other inculpatory and exculpatory evidence. The parties are not restricted from discussing the allegations or gathering evidence. Evidence of any party's medical, psychological, or similar records may not be accessed or used, unless the party provides voluntary, written consent to do so. The respondent will be presumed to not be responsible until a conclusion is made at the end of the grievance process.

Within fifteen (15) working days of receiving the written complaint, the investigator shall complete the investigation and prepare an investigatory report that summarizes evidence. The investigatory report shall be sent to both parties with at least ten (10) days to review and respond. The investigator shall also deliver the report to the decision-maker that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the complainant has been subjected to harassment.

It may be necessary to extend the fifteen (15) day timeline in certain circumstances (e.g., there are multiple incidents of alleged harassment to investigate, witnesses are unavailable, etc.).

Within five (5) business days from receipt of the investigatory report, the decision-maker shall issue a final written decision as to whether the allegations of sexual harassment are substantiated, including any disciplinary sanctions or remedies imposed on the parties. All remedies will intend to preserve equal access by both parties to the

educational programming, as is practicable. A copy of the decision-maker's final decision will be delivered to both the complainant and the respondent, and will provide information regarding the appeals process. When making a determination of responsibility, SDB adopts a preponderance of the evidence evidentiary standard. This standard is applied to all formal complaints of sexual harassment, whether the respondent is a student or an employee.

d. STEP FOUR: Appeal to the Superintendent

If either party is not satisfied with the resolution of the complaint, they may appeal to the Superintendent or designee within fifteen (15) working days of receiving the school principal's final decision. The appeal must be in writing and include a statement explaining why the complainant disagrees with the investigator's resolution of the complaint, specifically in light of a procedural irregularity, new evidence, or a conflict of interest by the decision-maker or investigator.

The Superintendent or designee shall review the record and, at their discretion, may meet with the complainant and other individuals. Within fifteen (15) working days of receiving the appeal, the Superintendent or designee shall determine what action to take, if any, and shall respond to the complainant in writing.

e. STEP FIVE: Appeal to the Board of Education

If either party is not satisfied with the Superintendent's review and decision, an appeal may be filed with the Board of Education within ten (10) working days after receipt of the Superintendent's decision. The Board of Education shall review the appeal and, at its discretion, may meet with the parties. The Board of Education shall respond to the appeal within fifteen (15) working days after receipt of the appeal.

### Dismissal

If the conduct alleged in the formal complaint does not constitute sexual harassment under Title IX, did not occur during a District educational program or activity, or did not occur in the United States, the District must dismiss the complaint for the purposes of Title IX. The dismissal of a formal complaint for the purposes of Title IX does not preclude the District from taking action under other District policies and the District may take action under its general sexual harassment policy below.

The District may dismiss a formal complaint if the complainant informs the Title IX Coordinator in writing that they wish to withdraw the complaint, if the respondent is no longer enrolled or employed by the school, or if circumstances prevent the District from gathering evidence to reach a determination.

In the event of a dismissal, the District must provide the parties written notice of the dismissal and the reasons for the dismissal.

### Informal Resolution

The District may offer an informal resolution process so long as both parties give voluntary and informed written consent. An informal resolution process may only be offered after a formal complaint is filed. If an informal resolution process has begun, any party has the right to withdraw from the informal resolution process and resume the above stated grievance process.

The District may not require waiver of the right to formal investigation and adjudication as a condition of enrollment or employment.

Informal resolution processes cannot be offered to resolve allegations that an employee sexually harassed a student.