

Personnel

General Personnel Policies

Student Sexual Harassment

The Watertown Unified 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. It is the policy of the District to maintain and insure a learning environment free of any form of sexual harassment or intimidation toward and between students.

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.

Sexual harassment is defined as any deliberate, repeated or unwanted verbal or physical sexual contact, sexually explicit derogatory statement, or sexually discriminating remark which is offensive or objectionable to the recipient or which causes the recipient discomfort or humiliation or which interferes with the recipient's academic performance. Sexual harassment may include the implicit message from the alleged offender that noncompliance will lead to reprisals, such as, the possibilities of harassment escalation, unsatisfactory academic evaluations, difference in academic treatment, sarcasm, or unwarranted comments to or by peers. Sexual harassment may or may not include actions such as:

- Sex oriented verbal "kidding" or abuse
- Overt pressure for sexual activity
- Sexual contact as defined by statutes
- Demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment or academic status
- Foul or obscene language or gestures
- The display of obscene printed or other visual material
- Sexual comments of a provocative or suggestive nature
- Jokes or innuendoes intended for or directed at an employee or student

Retaliation against anyone reporting or thought to have reported sexual harassment behaviors is prohibited. Such retaliation shall be considered a serious violation of the policy and shall be independent of whether a charge or informal complaint of sexual harassment is substantiated. Encouraging others to retaliate also violates the policy. Retaliation includes but is not limited to: unfair grading; unfair evaluation; unfair assignment; having information withheld or made difficult to obtain in a timely manner, such as class information, recommendations or grades; not being informed about important events such as meetings or changes in policies, ridicule (public or private); oral or written threats or bribes; refusal to meet with the person even though that person has a right to do so; name calling; or further harassment.

Complaint Procedures

Any student who believes s/he has been subjected to sexual harassment by another student or employee must immediately report the incident to the building principal. It is the intent of the District to create an atmosphere where complaints and alleged complaints will be treated fairly and quickly. If a student is not comfortable with making a complaint to the Principal the complaint may be made to any Assistant Principal or counselor in the building. The Director of Human Resources shall be informed of any complaint.

Any employee who has reasonable cause to suspect that a student has been sexually harassed by an adult, or another student, shall immediately report such suspicion to the building Principal. Any employee who observes student to student sexual harassment of any form shall take reasonable action to stop the harassment and shall report the incident immediately to the building Principal/designee.

The right to confidentiality, of both the complainant and of the accused, will be respected consistent with the District's legal obligations, provided it does not interfere with the District's ability to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

The following complaint procedure will be used:

1. Any complaint may be presented verbally or in writing. All complaints will be investigated. A file of the complaint, investigation, findings and actions will be prepared and maintained by the Director of Human Resources.
2. The complaint will include a written record of the specific nature of the harassment, dates, witnesses, if any, and any other pertinent facts. The person making the complaint will need to provide his/her name, address and phone number. The complainant will be requested to sign the written account of the complaint. If the complainant refuses to sign the complaint, a District official will attest that the complainant refused to sign the complaint.
3. If the complainant asks that no action be taken on the complaint, the District official shall record the request of the complainant and secure the signature of the complainant and his or her parents attesting to the fact that s/he requested no action. The District official will inform the Director of Human Resources of the complainant's request that no action be taken and forward a copy of the signed statement to the Director of Human Resources. The Director of Human Resources shall determine if further action is required. The complainant should be informed that certain sexual harassment is required to be reported to state agencies and he/she will be informed if further action must be taken.
4. The District official shall investigate the complaint. The investigation shall include an interview of the alleged perpetrator and all witnesses identified by the complainant. A meeting to discuss the complaint with all concerned parties may be arranged, if deemed necessary. The District official shall give a written report to the Director of Human Resources within a reasonable time period after receipt of the complaint. The complainant will be informed of the status of the complaint and any recommendations.
5. If the complainant is not satisfied with the response s/he may submit a written appeal to the

Superintendent indicating the nature of the disagreement. The appeal must be filed within 20 working days after receipt of the Director of Human Resource's answer. The Superintendent may schedule a meeting of all parties to the complaint if deemed necessary. The Superintendent shall schedule a meeting if requested by the complainant. The Superintendent shall give a written response to the complainant's appeal within ten (10) working days of the date the appeal is filed, or ten (10) working days after the meeting, whichever is later.

6. If the complainant is not satisfied with the response of the Superintendent, an appeal to the Board of Education may be filed. The appeal must be filed within ten (10) working days of receipt of the Superintendent's response. The Board of Education shall conduct a hearing within twenty (20) working days of receipt of the appeal. The Board of Education shall give a written response within ten (10) working days of the completion of the hearing.
7. If the complainant is not satisfied with the response of the Board, s/he may file a complaint with the proper legal authorities.

The number of formal complaints shall be reported out annually to the Board of Education. No specific information regarding the underlying facts of a complaint or any personally identifiable information will be disclosed. Confidentiality of all parties shall be maintained.

Corrective Actions/Disciplinary Procedures

A program of education and intervention shall exist for students who are sexually harassed or students who have engaged in harassment. Students who engage in sexual harassment shall be subject to disciplinary action. Discipline may include but is not limited to one or more of the following actions: notification of law enforcement officials, suspension or expulsion. False charges of sexual harassment will be treated as a serious offense.

Alternate Procedures

The following alternate procedures may be used for younger students or students with special education needs:

Due to the potential difficulties with establishing dates, times and behavior, persons who have, or may have been harassed will be provided with counseling services as deemed appropriate to their age and special education needs.

A person's special education needs will be given consideration in any disciplinary action that may occur as a result of sexual harassment.

Dissemination

This policy and complaint procedure will be made available to all students on an annual basis. Employees will be informed of this policy on an annual basis. Information will be posted at each building on advising students of the policy and the procedures for filing a complaint.

- Legal Resources:**
- 111.31 – Declaration of fair employment policy**
 - 111.32(13) – Definition of sexual harassment in Employment**
 - 111.321 – Prohibited bases for discrimination**
 - 111.322 – Discriminatory actions prohibited**
 - 111.36 – Sex discrimination prohibited in employment, including sexual harassment**
 - 118.13 – Student nondiscrimination**
 - 118.20 – Teacher/administrator discrimination prohibited**
 - 120.13(1) – School board power to set conduct rules and discipline students**
 - 947.0125 – Unlawful use of electronic communications**
 - 947.013 – Harassment prohibited**
- Policy Approved:** **January 28, 1999**
- Policy Revised:** **October 22, 2012**
October 27, 2014