

SEXUAL HARASSMENT POLICY (Title IX) – STUDENT/EMPLOYEE

411.2/511.2

The School District of Phillips shall strive to maintain and ensure a learning and working environment free of any form of sexual harassment toward or between students and employees.

Definitions

- Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
 - A school employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo harassment); or
 - Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity (hostile environment); or
 - Sexual assault (as defined in the Clery Act), dating violence, domestic violence or stalking as defined in the Violence Against Women Act (VAWA).
- Complainant - an individual who is alleged to be the victim of conduct that could constitute sexual harassment
- Respondent - an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- Formal Complaint - a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.
- Document Filed by a Complainant - a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- Supportive Measures - individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. These services are available without fee or charge to both the complainant and respondent, and confidentiality will be maintained to the extent practicable.
- Education Program or Activities - locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

Title IX Coordinator Requirements

The School District of Phillips designates (_____positions_____) to coordinate the school's efforts to comply with Title IX responsibilities and hold the title of Title IX Coordinator.

Applicants for employment, students, parents, or legal guardians of students, employees, and all unions must be notified of the name and title, office address, email address, and telephone number of the employee or employees designated as the Title IX Coordinator. The information will be made available on job applications, student and employee handbooks, and on the district website.

Any person can report sex discrimination, including sexual harassment (whether or not the person reporting is the alleged target of the conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

The District shall not tolerate any form of harassment and shall take necessary steps to prevent such harassment from occurring. Any employee or student who engages in harassment shall be disciplined in accordance with established procedures and/or provisions of the current employee agreement.

Any person participating in or attempting to participate in the education program or activity of the school who believes he/she has been sexually harassed or has knowledge that a policy violation has occurred may file a complaint with the Title IX Coordinator in person, by mail, or by electronic mail using the contact information listed for the Title IX Coordinator in accordance with established complaint procedures. All harassment complaints shall be seriously and properly investigated, and appropriate actions shall be taken to prevent or correct harassing behavior.

When the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party during the grievance procedure, and the Title IX Coordinator must comply with Title IX's requirements throughout the proceedings to be free from conflicts and bias.

Parents and legal guardians of the complainant have the right to act on behalf of the student, including their ability to file a complaint on behalf of the student.

Mandatory Response Obligations

The following are mandatory action items upon the school receiving a formal complaint or having actual knowledge of Title IX sexual harassment

- Supportive measures must be offered to the complainant or, if no formal complaint has been filed, the person alleged to be the target of the harassment.
- The Title IX Coordinator must promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

- If a complaint is filed, the school must provide for a legally compliant grievance process before imposing any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
- The school cannot restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.
- The school must investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.
- The complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances
- If the allegations in the formal complaint do not meet the definition of sexual harassment under Title IX, or did not occur in the school's education program or activity against a person in the United States, the school must dismiss such allegations for purposes of Title IX but may still address the allegations in any manner the school deems appropriate under the school's own code of conduct.
- The school district may dismiss a complaint if the complainant seeks to withdraw the complaint, the alleged perpetrator is no longer employed by the school district or a pupil in the school district, or if special circumstances prevent a school district from gathering sufficient evidence to make a determination.

Students/employees and others are prohibited from retaliating against those who report incidents of harassment or who assist in an investigation. If it is determined by the administration that retaliation has occurred, the individual will be subject to suspension, and expulsion may be considered.

Employees who participate in, allow or knowingly fail to enforce this policy will be subject to disciplinary action.

Title IX personnel must be trained on the definition of sexual harassment, the scope of the school's education program or activity, how to conduct an investigation and the grievance process, including appeals, and informal resolution processes, as applicable and how to serve impartially including avoiding prejudice of the facets at issue, conflicts of interest, and bias.

LEGAL REF: Sections *111.31 WI Statutes*
 111.32(13)
 118.13
 Title VII, Civil Rights Act of 1964
 Title IX, Education Amendments of 1972
 PI 9, Wisconsin Administrative Code
 Department of Education, Final Rule 5/6/2020

*CROSS REF.: GBAA-R/JBA-R, Harassment Complaint Procedures
GBA, Equal Opportunity Employment
JB, Equal Educational Opportunities
JG, Student Discipline
Current Employee Agreement(s)*

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