

SEXUAL HARASSMENT

A. POLICY

1. It is the policy of the Madison Area Educational Special Services Unit to maintain a learning and working environment that is free from sexual harassment.
2. It shall be a violation of this policy for any employee of the Madison Area Educational Special Services Unit to harass another employee or student through conduct or communications of a sexual nature as defined in Section 11. It shall also be a violation of this policy for students to harass other students through conduct or communication of a sexual nature as defined in Section 11. The use of the term “employee” also includes non-employees and volunteers who work subject to the control of school authorities.

B. DEFINITIONS OF HARASSEMNT

1. Types of Sexual Harassment

Sexual harassment shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when made by any employee to a student, when made by any employee to another employee, when made by any student to an employee, or when made by any student to another student when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment education;
- b. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;
- c. Such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating an intimidating, hostile, or offensive employment or educational environment;
- d. Denial of an employment or educational opportunity occurs directly because an employee or a student submits to unwelcome requests for sexual favors made by a supervisor or teacher which results favorably for that particular employee or student;
- e. Such conduct is engaged in by volunteers and/or non-employees over which the special services unit has some degree of control of their behavior while on school property.

2. Unwelcome Conduct of a Sexual Nature

- a. Conduct of a sexual nature may include verbal or physical sexual advances and/or comments regarding physical or personality characteristics of a sexual nature.
- b. Verbal or physical conduct of a sexual nature constitutes sexual harassment when the allegedly harassed employee has indicated, by his or her conduct or verbal objection, that it is unwelcome.
- c. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

3. Examples of Sexual Harassment

Sexual harassment, as set forth in Section B-1 may include but is not limited to the following;

- a. Verbal harassment or abuse.
- b. Repeated remarks to a person with sexual or demeaning implications.
- c. Unwelcome touching.
- d. Pressure for sexual activity.
- e. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning ones grades, job, promotion, and/or salary increase.

4. Specific Prohibitions

- a. Administrators and Supervisors
 1. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
 2. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to disciplinary actions, as described below.

b. Non-Administrative and Non-Supervisory Employees

1. It is sexual harassment for a non-administrative and non-supervisory employee to subject another employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to disciplinary actions as described below.

C. COMPLAINT PROCEDURE

1. Any person who alleges sexual harassment by any employee or student in the Special Services Unit may use the complaint procedure explained below in Section C3. or to the appropriate administrator. If the employee's immediate supervisor or administrator is the offending person, the report shall be made to the next higher level of administration or supervision. If the offending person is the Executive Director the report shall be made to the Board President. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status nor will it affect future employment, grades or work assignments.
2. The right of confidentiality, both of the complainant and of the accused, will be respected consistent with the Special Services Unit's legal obligations and the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

3. Reporting Sexual Harassment

All reports of sexual harassment shall be handled in the following manner:

- a. Reports must be in writing on forms supplied by SSU;
- b. Reports must name the person(s) charged with sexual harassment and state the facts;
- c. Reports must be presented to the building principal where the alleged conduct took place. The building principal shall inform the executive director, or his/her designee, of all filed reports;
- d. The building principal who receives a report shall thoroughly investigate the alleged sexual harassment;
- e. The report and the result of the investigation will be presented to the executive director, and then to the Board of Directors in executive session by the executive director; and
- f. The Board of Directors will take whatever action it deems appropriate. The alleged victim's name will not be released to the public unless required by law.

Alternates:

- e. The report and the results of the investigation will be presented to the executive director. The executive director shall review the report and make a recommendation to the Board of Directors of any action he/she deems appropriate.
- f. The Board of Trustees may consider the report and the executive director's recommendation in executive session. The Board may take any action it deems appropriate. The alleged victim's name will not be released to the public unless required by law.

D. SANCTIONS FOR MISCONDUCT

1. A substantiated charge against an employee in the Special Services Unit shall subject such employee to disciplinary action including but not limited to reassignment, suspension or discharge.
2. A substantiated charge against a student in the Special Services Unit shall be subject that student to disciplinary action including suspension and/or expulsion consistent with the Student Conduct Code.

E. FALSE REPORTING

Any person who knowingly files false charges against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to disciplinary action consistent with School Board policy, administrative procedures, Master Contract language, and the Student Conduct Code.

F. NOTIFICATION OF THIS POLICY

Notice of the policy will be circulated to all schools and departments of the Madison Area Educational Special Services Unit a "notice of availability" incorporated into each student handbook.