

PURPOSE

This brochure will provide you with information on:

- ❖ Board Policy 8012: Prohibition Against Discrimination-Students;
- ❖ Forms of Harassment;
- ❖ Sexual Harassment;
- ❖ What You Should Do;
- ❖ What To Do and When You Should Definitely Tell an Adult; and
- ❖ Internal Complaint Procedures.

Board Policy 8012- Prohibition Against Discrimination -Students

With respect to educational programs, no person shall be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extra curricular, pupil services, recreational or other program or activity because of the person's sex, race, national origin, ancestry, religion, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression or disability including his or her physical, mental, emotional, or learning disability.

This policy also prohibits discrimination under federal, state and local laws.

FORMS OF HARASSMENT

Harassment can be verbal, nonverbal and/or physical and is behavior of any type that torments, disturbs, bothers, humiliates, postures, makes fun of, ridicules, "puts down" or creates a hostile or intimidating learning environment.

Not only is harassment against Board Policy, but it is also a violation of the law.

Some examples of harassment:

- A teacher bases a grade a student gets on what sexual favors are provided by the student.
- If you are the only girl in Auto Shop or the only guy in a Family and Consumer Education class and the other students really give you a hard time.
- Unwanted physical contact, including touching, pinching and brushing the body.
- Statements and jokes with sexual overtones.

- Displaying graphic, sexually explicit objects, posters or pictures showing people in a degrading or humiliating manner.
- Persistent requests for social/sexual encounters and favors.

SEXUAL HARASSMENT

Sexual harassment comes in many forms (i.e., verbal, nonverbal, physical, etc.) and may come from members of the opposite sex or a member of the same sex. No one really knows why some people sexually harass others. One reason may be that they think they can get away with doing it. Another reason is that the harassment gives a person a feeling of power over the student. Sexual harassment often involves: feeling of helplessness, like you are unable to stop someone from hurting you, and/or as though you're being singled out for no reason.

Sexual harassment:

1. Forces unwanted sexual attention on someone.
2. Dominates others by unfairly taking advantage of a situation.
3. Intimidates others to force their consent.
4. Takes pleasure from someone else's pain or discomfort.
5. Abuses power that they have over people.
6. Violates someone's rights.

Most sexual harassment goes unreported because the victims are made to feel ashamed of what happened. They might feel they "asked for it", and think that no one will believe them; they won't be able to prove it or they'll be labeled a troublemaker. Rather than facing the embarrassment and reprisals, many victims say nothing. Unfortunately, this leaves the harasser free to victimize others.



WHAT YOU SHOULD DO

- ☞ Talk to an adult you can trust.
- ☞ Talk to a school counselor or principal.
- ☞ Talk to a friend.
- ☞ Avoid being alone with the person.
- ☞ Keep a record.
- ☞ Tell the person you don't like it.
- ☞ Talk to someone in your family.
- ☞ Ask for help.
- ☞ Talk with the Title IX/Affirmative Action Officer.

Whether you decide to talk to a trusted adult, get help from a friend, or tell the other person you don't like it, you have to do something.

WHAT TO DO WHEN YOU SHOULD DEFINITELY TELL AN ADULT

Don't tolerate being a victim of harassment. Take immediate, direct, assertive action. If you don't like what is being said or done, inform the harasser that the behavior is UNWELCOME. Tell the harasser that you DON'T LIKE IT, THAT YOU DON'T WANT TO HEAR IT, AND TO STOP IT.

If the other person's actions make you uncomfortable, TELL AN ADULT.

You can, and should, report harassing behavior at any time by contacting your teacher, guidance counselor, or principal. For further assistance, contact the Title IX/Affirmative Action Officer for the District at 663-1530.

INTERNAL PROCEDURES FOR RESOLUTION OF DISCRIMINATION /HARASSMENT COMPLAINTS

Filing a Complaint

1. The complainant shall sign a written complaint and file it with the Title IX/Affirmative Action Officer within 300 days after the alleged act(s) occurred or within 300 days of the last occurrence of an ongoing condition. The Title IX/Affirmative Action Coordinator is located at the District Administration Office, 545 West Dayton Street, Madison WI 53703 (Telephone: 608/663-1530).

2. A complaint shall be deemed filed on the date received if delivered, or on the date postmarked if addressed by mail.

3. The Title IX/Affirmative Action Coordinator shall send to the complainant a written acknowledgment of the receipt of the complaint as soon as practicable, but within ten (10) working days.

4. The Title IX/Affirmative Action Coordinator shall establish a complaint file. The file shall contain all documents pertinent to the complaint. The file should include, but is not limited to: (1) the complaint, (2) documents compiled as part of the investigation, and (3) a statement of resolution. In cases where the complainant is not satisfied with the District's position and requests a reconsideration of said decision, the District will provide the complainant with a copy of the investigative report. In instances where the investigative report contains personal or confidential subject matter, the District may refuse to make available the investigative report, but will provide a synopsis of the report excluding personal or confidential materials.

5. The Title IX/Affirmative Action Coordinator will give or send every complainant a copy of a prepared statement outlining the complainant's rights and options under applicable local, state and federal anti-discrimination laws. The information will include access to administrative agencies (EOC, DWD, OCR, etc.). This information is intended to assist the complainant and is not all-inclusive. The statement will advise the complainant to seek assistance in determining any of her/his rights by contacting the enforcement agencies or her/his lawyer.

Confidentiality and Recrimination

1. It is the policy of the Board to keep the identity of the complainant confidential unless there are compelling reasons to disclose such identity. If there are compelling reasons to disclose the identity of the complainant, then the complainant shall be asked if he/she wants his/her identity disclosed. If the complainant does not want her/his identity disclosed, then the identity of the complainant shall be kept confidential. Should the complainant wish

to keep his/her identity confidential and should it become impossible to process or investigate the complaint as a result of the complainant not disclosing her/his identity then the complaint may be dismissed.

2. No District employee shall attempt to restrain, interfere with, coerce, discriminate, or take reprisal action against the complainant(s) and their witnesses during or after the presentation, processing and resolution of a complaint.

Informal Complaint Resolution

1. The District shall provide an opportunity for a resolution of the complaint on an informal basis after the complaint has been filed.
2. For the informal resolution of a complaint, the Title IX/Affirmative Action Coordinator shall act as a facilitator if the complainant wishes to resolve the matter short of a full investigation.
3. If the alleged discriminating individual chooses not to respond to the request for an informal complaint resolution, a formal investigation will be conducted unless otherwise agreed to by the complainant and the Title IX/Affirmative Action Officer.
4. If the complainant is satisfied with the response to the request for an informal complaint resolution and an informal resolution of the complaint is arrived at, the terms of such resolution shall be reduced to writing and made a part of the complaint file. If the complainant is not satisfied with the response, the Title IX/Affirmative Action Coordinator shall proceed with the investigation.

Investigation

1. The District shall provide a prompt, complete, independent and impartial investigation of the complaint. In most cases, the investigation will be conducted by Title IX/Affirmative Action Coordinator. In some cases, the investigation may be conducted by an investigative team or outside consultant. The investigative team may consist of the Title IX/Affirmative Action Coordinator, the Affirmative Action Officer, The Title IX Officer, the Labor Relations Director and the Legal Counsel. In all cases the investigation shall be conducted in conjunction with the Legal Counsel and/or the Labor Relations Director.

2. The investigation shall include a thorough review of the circumstance under which the alleged discrimination occurred and any policies and practices related to the situation. The investigation may include the review of various documents and information acquired during the investigation, which may include, but is not limited to, the response of the alleged discriminating individual, written or oral statements from witnesses, copies of or extracts from records, policy statements, on-site visits or regulations of the District.
3. The District is not limited in its authority to investigate reported incidents of sexual or other forms of harassment and may initiate an investigation even in the absence of a formal, written complaint.
4. The District may discipline, up to and including expulsion of any student who is determined to have violated the District's harassment policy after the completion of the District's investigation even in the absence of a formal, written complaint.

Determination and Appeal

1. After the investigation has been completed, the investigator shall inform the Superintendent or the Superintendent's designee of her/his determination of the complaint. The Superintendent or Superintendent's designee shall inform the Title IX/Affirmative Action Coordinator of the District's position on such determination of the complaint. The Superintendent or Superintendent's designee shall communicate in writing such determination of the complaint to the complainant within ninety (90) days from the time the complaint is file, unless an extension is agreed to by both parties.
2. After the complainant receives the Superintendent's or Superintendent's designee's written determination of the District's position, the complainant or respondent may request a reconsideration of the District's position. The reconsideration request must be filed within twenty (20) working days after receipt of the determination. The written request for reconsideration must contain a statement as to why the complainant is not satisfied with the decision.

The Superintendent or Superintendent's designee will send the complainant a written acknowledgement within twenty (20) days after the Superintendent receives the reconsideration request.

3. If the complaint was filed pursuant to Wisconsin Statute s. 118.13, the Superintendent or Superintendent's designee will include in her/his letter to the complainant the fact that the complainant has the right to appeal the decision to the Superintendent of Public Instruction. The complainant has thirty (30) days from the time he/she receives the Superintendent's or Superintendent's designee's decision to appeal to the State Superintendent of Public Instruction.

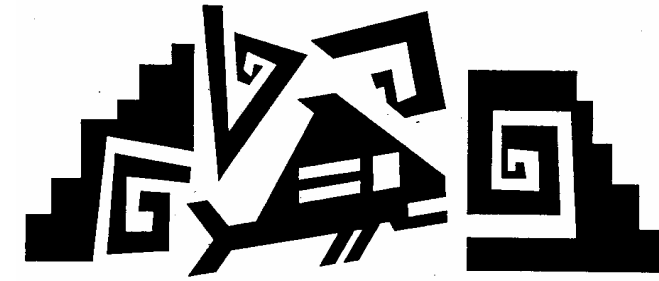
Retaliation prohibited

Retaliation is prohibited action taken against any student who has made an allegation of sexual or other form of harassment. Retaliation includes creating for the student who has filed a complaint an intimidating, hostile or offensive learning environment.

Retaliation is also defined as prohibited action taken against a student who has assisted a person who has filed a complaint and includes creating an intimidating, hostile or offensive learning environment for such student.

Retaliation is illegal, against Board policy, and prohibited.

Madison Metropolitan School District



SEXUAL & OTHER FORMS OF ILLEGAL HARASSMENT:

STUDENT RIGHTS AND RESPONSIBILITIES

The Madison Metropolitan School District does not discriminate in its educational programs, related activities (including School-Community Recreation) and employment practices as applicable to local, state and federal laws.

