

## **STUDENT HARASSMENT**

### Statement of Policy

It is the policy of the Stanley-Boyd Area School District (“District”) to maintain a safe workplace and learning environment free of sex discrimination, including sexual harassment. Consistent with its obligations under Title IX of the Education Amendments of 1972 (“Title IX”), the District will respond promptly to persons alleged to be victimized by sexual harassment. The District will resolve allegations of sexual harassment promptly and equitably under a predictable, fair process that provides due process protections to alleged victims and alleged perpetrators and will effectively implement remedies for victims.

Pursuant to Title IX, the District does not discriminate on the basis of gender or sex in any education program or activity that it operates. In addition, the District is committed to its non-discrimination principles in both the admissions and employment contexts. Any inquiries regarding Title IX should be directed to the District’s Title IX Coordinator, whose contact information is listed below.

### Title IX Coordinator

The District Administrator designates the following individual to serve as the District’s Title IX Coordinators:

Tanya Mahr  
High School Principal  
Stanley-Boyd Area School District  
507 E 1st Avenue  
Stanley, WI 54768  
(715) 644-5534  
tmahr@s-bschools.org

All complaints alleging sex discrimination, including sexual harassment, should be submitted to the Title IX Coordinator.<sup>1</sup> Any person may submit a complaint to the Title IX Coordinator, whether or not the person reporting is alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Complaints may be submitted in person, by mail, by telephone, or by email using the contact information listed above, or by any other means that results in the Title IX Coordinator receiving the complaint. Such a complaint can be made at any time (including during non-business hours) by using the contact information listed above.

The Title IX Coordinator’s contact information will also be displayed on the District’s website.

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<sup>1</sup> If the Title IX Coordinator is the alleged perpetrator, the Complainant should go to the District Administrator or the President of the Board of Education.

## Relevant Definitions

“**Actual knowledge**” means the District’s Title IX Coordinator, or any official of the District who has authority to institute corrective measures on behalf of the District, has received notice of allegations of sexual harassment. Constructive notice is not sufficient to constitute actual knowledge, nor is the District considered to have actual knowledge if the Respondent is the only official of the District with actual knowledge. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. “Notice” as used in this definition includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

“**Complainant**” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“**Formal complaint**” means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in an education program or activity of the District. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, using the contact information listed above.

“**Respondent**” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“**Sexual harassment**” is defined broadly to include any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect.

Sexual harassment includes (1) any instance of *quid pro quo* harassment by a District employee; (2) any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; and (3) any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

“**Supportive Measures**” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between parties, changes in work locations, leaves of absence, and other similar measures.

## Mandatory Reporters

Consistent with Title IX regulations every District teacher and staff member is required to report allegations of sexual harassment that they have witnessed to the Title IX Coordinator.

## District's Response to Allegations of Sexual Harassment

Once the District has actual knowledge of sexual harassment in an education program or activity, it will respond promptly in a manner that is not deliberately indifferent. "Education program or activity" includes locations, events, or circumstances over which the District exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

The District's response will treat Complainants and Respondents equitably by offering supportive measures to a Complainant, and by following a grievance process before imposing any disciplinary measures against a Respondent.

After being made aware of allegations of sexual harassment, the Title IX Coordinator will promptly contact the Complainant 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.

## District's Response to a Formal Complaint

In response to a formal complaint, the District will follow a grievance process that complies with Title IX regulations.

Depending on the circumstances, the District may remove a Respondent from the District's education programs or activities on an emergency basis. The District will perform an emergency removal only if, after having undertaken an individualized safety and risk analysis, the District determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies the removal. In such a situation, the District will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Depending on the circumstances, the District may place a non-student employee Respondent on administrative leave during the pendency of the grievance process.

## Title IX Grievance Process

Complainants and Respondents are treated equitably by providing remedies to Complainants where a determination of responsibility for sexual harassment has been made against the Respondent, and by following a grievance process before imposing any disciplinary measures against a Respondent.

Under the District's grievance process, all relevant evidence will be evaluated objectively, and credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

Respondents will be presumed not responsible for alleged conduct until a determination regarding responsibility is made at the end of the grievance process. All investigators and decisionmakers will be free of conflicts or bias.

### 1. Initial Notice

Upon receipt of a formal complaint, the District will provide, in writing, notice to the parties who are known of: (i) the District's grievance process; and (ii) allegations potentially constituting sexual harassment as defined in this policy. Such notice will include sufficient details known at the time, including the identifies of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The initial notice of allegations will be given to both parties with sufficient time to prepare a response before any initial interviews are conducted.

Consistent with Title IX regulations, the notice will include a statement that the Respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process. The notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and that the parties may inspect and review evidence.

### 2. Investigations of a Formal Complaint

In response to a formal complaint, the District will conduct a thorough investigation. Throughout the grievance process, the District will ensure that the burden of proof and the burden of gathering evidence rests on the District and not on the parties.

The District will provide written notice of the date, time, location, participants, and purpose of all hearings, investigatory interviews, or other meetings to any party whose participation is invited or expected. Such notice will provide the party with sufficient time to prepare and participate.

Both parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The District will not restrict the ability of either party to discuss the allegations under investigation or present relevant evidence. The District will provide both parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied by the advisor of their choice.

Both parties will have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint.

The District will create an investigative report that fairly summarizes the relevant evidence. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review, and the parties will have 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

After the District sends the investigative report to the parties pursuant to the above paragraph, but before reaching a determination regarding responsibility, the decisionmaker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions are evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The decisionmaker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.

### 3. Determination Regarding Responsibility

The decisionmaker(s), who will not be the same person(s) as the Title IX Coordinator or the investigator(s), will issue a written determination regarding responsibility. In reaching the determination, the decisionmaker(s) will apply the "preponderance of the evidence" standard.

The written determination will include (1) an identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination; (3) findings of fact supporting the determination; (4) conclusions regarding the applications of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the Respondent, and whether remedies will be provided to the Complainant; and (6) the District's procedures and permissible bases for the Complainant and Respondent to appeal.

The written determination will be provided to both parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

### 4. Remedies and Discipline

If the decisionmaker(s) determines that the Respondent is responsible, remedies will be provided to the Complainant. Remedies may include, but are not limited to, supportive measures. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening

the Respondent. If a Respondent is found responsible, he or she will be subject to discipline, up to and including expulsion or termination of employment.

## 5. Appeals

Both parties have the right to appeal the determination regarding responsibility. If the District dismissed a formal complaint, the Complainant may appeal such a dismissal. Appeals are limited to the following bases: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and (3) the Title IX Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias that affected the outcome of the matter.

Appeals must be made within 10 days of the decisionmaker(s) determination regarding responsibility or within 10 days of the District's dismissal of a formal complaint, whichever the case may be.

As to all appeals, the District will notify the other party in writing an appeal is filed and implement appeal procedures equally for both parties. The decisionmaker(s) for the appeal will not be the same person(s) as the decisionmaker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. On appeal, both parties will be given a reasonable opportunity to submit a written statement in support of, or challenging, the outcome. The decisionmaker(s) on appeal will issue a written decision describing the result of the appeal and the rationale for the result. The written determination will be presented to both parties simultaneously.

### Training

The District will train all Title IX personnel on the identification of sexual harassment found in this policy and the applicable regulations, the scope of the District's education programs and activities, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Individuals designated as investigators and decisionmakers by the District will be trained on issues of relevance, including how to apply the rape shield protections provided only for Complainants.

The District will post materials used to train Title IX personnel on its website or will make materials available for members of the public to inspect.

### Informal Resolution

Nothing in this policy prohibits both parties from voluntarily agreeing to informal resolution of a sexual harassment complaint. Any individual that facilitates an informal resolution will be well

trained. However, informal resolution processes are not available to resolve allegations that an employee sexually harassed a student.

### Retaliation Prohibited

The District will not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX. Similarly, the District will not retaliate against any individual that has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under this policy.

Approved: November 1998

Revised: November 22, 2021