

EMPLOYMENT REFERENCES AND VERIFICATION (Aiding and Abetting of Sexual Abuse)

Policy 526.1

Waunakee Community School District

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The District shall act in good faith when providing employment references and verification of employment for current and former employees.

Neither the School Board nor any employee, contractor, or agent of the District shall assist another school employee, contractor, or agent in obtaining a new position or other employment in a school, local educational agency, Cooperative Educational Service Agency, or child care program, or in any other substantially-similar work environment that would involve contact with or responsibility for children or students, if he/she or the Board knows or has reasonable suspicion to believe that the other employee, contractor, or agent engaged in sexual misconduct with a minor or student in violation of the law. Sexual misconduct in violation of the law includes a violation, or the solicitation, conspiracy, or attempt to commit a violation, of any of the offenses specified in section 301.45(1d)(b) of the state statutes. This prohibition does not include the routine transmission of administrative and personnel files. In addition, this prohibition does not apply if the information that is known, or that is the basis of reasonable suspicion, has been properly reported to a law enforcement agency, and any other authorities as required by law, AND at least one of the following conditions applies:

1. School district officials have been notified by the prosecutor or police that any related case or investigation has been closed without a conviction (including cases or investigations that are closed without the filing of any charges); or
2. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct.

Legal References:

Wisconsin Statutes

[Section 19.36\(10\)](#) [limitations on public access to district records, including certain personnel records such as letters of reference]

[Section 103.13\(6\)](#) [limitations on employee and former employee access to their own personnel records, including letters of reference]

[Section 111.322](#) [discriminatory actions prohibited]

[Section 115.31](#) [reporting certain known, or suspected, immoral or criminal conduct to the department of public instruction for possible license-related action]

[Section 118.07\(4p\)](#) [prohibited assistance to persons who are known or who are suspected to have engaged in sexual misconduct]

[Section 301.45\(1d\)\(b\)](#) [sex offense definition]

[Section 895.487](#) [civil liability exemption; employment references]

Federal Law

[20 U.S.C. 7926](#) [required policy prohibiting school employees, contractors or agents from aiding and abetting sexual abuse]

Cross References:

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