

**CERTIFICATE**

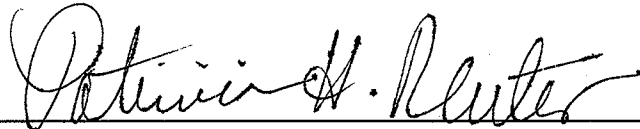
**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:**

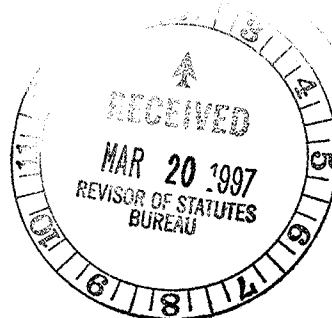
*I, Patricia Reuter, Director, Bureau of Business and Design Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Barbering and Cosmetology Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Barbering and Cosmetology Examining Board on the 10th day of March, 1997.*

*I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.*

**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 10th day of March, 1997.**



**Patricia Reuter, Director, Bureau of Business and Design Professions, Department of Regulation and Licensing**



STATE OF WISCONSIN  
BARBERING AND COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : BARBERING AND COSMETOLOGY  
BARBERING AND COSMETOLOGY : EXAMINING BOARD ADOPTING RULES  
EXAMINING BOARD : (CLEARINGHOUSE RULE 95-217)

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ORDER

An order of the Barbering and Cosmetology Examining Board to create BC 2.03 (7) relating to standards of conduct.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 and 440.03 (1) and (1m), Stats.

Statutes interpreted: s. 454.15 (2) (i), Stats.

In this proposed rule-making order, the Barbering and Cosmetology Examining Board creates s. BC 2.03 (7) to clarify that sexual harassment or sexual assault of a patron, former patron, employe, employer, or co-worker, is a violation of the practice standards of the profession and is a basis for disciplinary action.

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TEXT OF RULE

SECTION 1. BC 2.03 (7) is created to read:

BC 2.03 (7) Licensees shall not engage in sexual harassment or sexual assault of a patron, former patron, employe, employer, or co-worker. In this section, "sexual harassment" and "sexual assault" have the meanings defined in ss. 111.32 (13), 940.225 (1), (2), (3) and (3m) and 948.02 (1) and (2), Stats.

Note: Section 111.32 (13) defines sexual harassment as "...unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. 'Sexual harassment' includes conduct directed by a person at another person of the same or opposite gender. 'Unwelcome verbal or physical conduct of a sexual nature' includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially

with an employe's work performance or to create an intimidating, hostile or offensive work environment."

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated 3/17/97 Agency John Zakey <sup>Chairperson</sup>  
Barbering and Cosmetology Examining Board

g:\rules\bc2.03  
2/26/97





**State of Wisconsin**  
**DEPARTMENT OF REGULATION AND LICENSING**  
**CORRESPONDENCE/MEMORANDUM**

**DATE:** March 20, 1997

**TO:** Gary Poulson  
Assistant Revisor of Statutes

**FROM:** Pamela A. Haack, Rules Center Coordinator  
Office of Administrative Rules

**SUBJECT:** Final Order Adopting Rules

**Agency: BARBERING AND COSMETOLOGY EXAMINING BOARD**

**Clearinghouse Rule 95-217**

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the register.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.

