

## Section 111   Harassment of Employees

### **Harassment of Employees**

The Board of Education is committed to a work environment that is free of harassment of any form. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any individual in the School District community who violates the policy or administrative guideline shall be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our employees.

For purposes of this policy, "School District community" means individuals subject to the control and supervision of the Board including, but not limited to, teachers, staff, volunteers, and Board members. "Third party" means individuals outside the School District community who participate in school activities and events authorized by the Board including, but not limited to, visiting speakers, participants on opposing athletic teams, and vendors doing business with, or seeking to do business with, the District.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as sex, color, race, ancestry, religion, genetic information, national origin, age, handicap, disability, marital status, veteran status, citizenship status, sexual orientation, arrest record, conviction record, or other protected group status, which affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, student-to-employee, male-to-female, female-to-male, male-to-male, or female-to-female. Examples of conduct that may constitute harassment include:

- A. graffiti containing offensive language;
- B. name calling, jokes, or rumors;
- C. threatening or intimidating conduct directed at another because of the other's protected characteristic;
- D. notes or cartoons;
- E. slurs, negative stereotypes, and hostile acts which are based upon another's protected characteristic;
- F. written or graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
- G. a physical act of aggression or assault upon another because of, or in a manner reasonably related to, the individual's protected characteristic;
- H. other kinds aggressive conduct such as theft or damage to property, which is motivated by a protected characteristic.

### **Sexual Harassment**

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. A supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition or employment;
- C. an individual's acquiescence in, submission to or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct has the purpose or effect or unreasonably interfering with an individual's work

performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include, but is not limited to:

- A. unwelcome verbal harassment or abuse;
- B. unwelcome pressure for sexual activity;
- C. unwelcome, sexually motivated or inappropriate patting, pinching, or other physical contact;
- D. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment status;
- E. unwelcome sexual behaviors or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment status;
- F. unwelcome behavior or words directed at an individual because of gender.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy or administrative guideline. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

## **Reporting Procedures**

### **Compliant Coordinator:**

Peter Hibner, Assistant Superintendent  
305 E. Slifer  
Portage, Wisconsin 53901  
Telephone: (608) 742-4879  
Fax: (608) 742-4950

Any employee who believes s/he has been the victim of harassment prohibited under this administrative guideline is encouraged to immediately report the alleged harassment to a Complaint Coordinator, the building principal, or the District Administrator.

Any teacher, administrator, or other school official who has or receives notice that an employee has or may have been the victim of harassment prohibited under this administrative guideline is required to immediately report the alleged harassment to a Complaint Coordinator, the building principal, or the District Administrator.

Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by the policy or administrative guideline is encouraged to immediately report the alleged harassment to a Complaint Coordinator, the building principal, or the District Administrator.

The School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the School District office but oral reports shall be considered complaints as well. Use of formal reporting forms is not mandated. However, if the report is given orally, the Complaint Coordinator shall personally reduce it to writing within twenty-four (24) hours. Nothing in this administrative guideline shall prevent any person from reporting harassment directly to the District Administrator. For example, if the complaint involves the Complaint Coordinator, the reporting individual may report the harassment to the District Administrator.

Complaint Coordinators will be available during regular school hours to address concerns relating to this administrative guideline. The principal of each building will also make arrangements for a Complaint Coordinator to be available to handle complaints of harassment that may require immediate attention outside regular school hours.

## **Investigation Procedure**

Upon receipt of a report or complaint alleging harassment prohibited under the policy or administrative guideline, the Complaint Coordinator shall immediately undertake or authorize an investigation of the

complaint by another individual designated by the District Administrator (the "Investigator"). Generally, the District Administrator, or his/her designee, will oversee the investigation of the complaint. The District Administrator will also take immediate action, as may be appropriate, to prevent further violations of the policy or administrative guideline while the investigation is being conducted.

The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents, which may be relevant to the particular allegations.

Whether a particular action or incident constitutes a violation of the policy or administrative guideline requires a determination based on all the facts and surrounding circumstances. In determining whether the alleged conduct constitutes a violation of the policy or administrative guideline, the School District may consider, as appropriate:

- A. the nature of the behavior;
- B. how often the conduct occurred;
- C. whether there were past incidents or past continuing patterns of behavior
- D. the relationship between the parties involved
- E. the protected characteristics of the victim including the genetic information of the employee victim;
- F. the identity of the alleged harasser, including whether the alleged harasser was in a position of power over the employee allegedly subjected to harassment;
- G. the number of alleged harassers;
- H. the age of the alleged harasser;
- I. where the alleged harassment occurred;
- J. whether there have been other incidents in the school involving the same or other employees;
- K. whether the conduct adversely affected the employee's work or work environment;
- L. the context in which the alleged incidents occurred;
- M. any other facts, documents, and information relevant to the allegations.

The investigation should be completed no later than sixty (60) calendar days from receipt of the complaint, unless additional time is needed to conduct a thorough and objective investigation. The Investigator shall make a written report to the District Administrator upon completion of the investigation. If the complaint involves the District Administrator, the report shall be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of the policy or administrative guideline. The Investigator may investigate a complaint regardless of the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

### **School District Action**

Upon receipt of a report that a violation has occurred, the School District will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include, but are not limited to, counseling, awareness training, warning, suspension, exclusion, transfer, remediation, termination, or discharge. School District action taken for violation of this administrative guideline shall be consistent with the requirements of applicable collective bargaining agreements, State and Federal law, and School District policies for violations of a similar nature or similar degree of severity. In determining what is an appropriate response to a finding that harassment in violation of this administrative guideline has occurred, the School District may consider:

- A. what response is most likely to end any ongoing harassment;
- B. whether a particular response is likely to deter similar future conduct by the harasser or others;

- C. the amount and kind of harm suffered by the victim of the harassment;
- D. the identity of the party who engaged in the harassing conduct;
- E. whether the harassment was engaged in by an individual in the School District community, and if so, the School District will also consider how it can best remediate the effects of the harassment;
- F. other relevant factors.

If the evidence suggests that the harassment at issue also violates a criminal statute, the Board shall also direct the District Administrator to report the results of the investigation to the appropriate social service and/or law enforcement agency charged with responsibility for handling such crimes.

In accord with State and Federal laws regarding privacy and other rights, the District Administrator shall provide the complainant and other parties with a written answer to the complaint within thirty (30) calendar days of receiving the Investigator's report.

## **Appeal Provision**

If the complainant or the alleged harasser disagrees with the District Administrator's answer, s/he may submit a written appeal to the District Administrator indicating the nature of the disagreement. The appeal must be filed within thirty (30) calendar days after receipt of the District Administrator's answer. The District Administrator may schedule a meeting of all the parties to the complaint if s/he deems it necessary. The District Administrator shall schedule a meeting if requested by the complainant.

The District Administrator shall give a written response to the appealing party within thirty (30) calendar days of the date the appeal is filed, or thirty (30) calendar days after the meeting, whichever is later.

If the appealing party is not satisfied with the response of the District Administrator, an appeal to the Board may be filed. The appeal must be filed within thirty (30) calendar days of receipt of the District Administrator's response. The Board will set a meeting date and time to review the appeal, and may hold a hearing if it deems necessary. The Board shall give a written response to the appeal.

The above procedures do not limit access to alternative actions available to the complaining party under local, State, or Federal law.

## **Reprisal**

Submission of a good faith complaint or report of harassment will not affect the complainant's or reporter's work status or work environment. However, the District also recognizes that false or fraudulent claims of harassment or false or fraudulent information relating to a claim of harassment may be filed. The District reserves the right to discipline any person filing a false or fraudulent claim of harassment or providing false or fraudulent information regarding a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this administrative guideline or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

## **Miscellaneous**

The District shall conspicuously post a notice including the policy against harassment in each school that the District maintains, in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address and telephone number of the Complaint Coordinators, the name, mailing address and telephone number of the State agency responsible for investigating allegations of discrimination, and the mailing address and telephone number of the United States Equal Employment Opportunity Commission.

A summary of the policy shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

The District Administrator will ensure that methods are developed for discussing this administrative guideline with the School District community. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to the School District community on an annual basis, and at such other times as the Board in consultation with the District Administrator determines is necessary or appropriate.

This administrative guideline shall be reviewed at least annually for compliance with local, State, and Federal law.

The District will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

Revision - December 13, 2004

Revision – March 13, 2012

## FORMAL HARASSMENT COMPLAINT

This form should be used after discussing the basis of the complaint with an administrator.

Type of Harassment:       Sexual                               Other

Name of Person Being Harassed: \_\_\_\_\_.

Name of School Where Harassment Occurred: \_\_\_\_\_.

Name of Person Filing Complaint: \_\_\_\_\_.

Student               Parent/Guardian               Employee               Other

Reason(s) for complaint (state generally: *(Provide specifics in attached Statement Form)*)

Relief requested:

Date: \_\_\_\_\_                              Signature: \_\_\_\_\_;

The administrator receiving the complaint shall immediately begin an initial investigation of the complaint and reply in writing to the complainant within fifteen (15) calendar days unless a notice is given of the need for an extension of the investigation.

## HARASSMENT COMPLAINT STATEMENT FORM

Name of Person Being Harassed: \_\_\_\_\_.

Name of School Where Harassment Occurred: \_\_\_\_\_.

Name of Person Filing Statement: \_\_\_\_\_.

Complainant

Charged Person

Witness

Please state specifically what happened. Include what happened, when it happened [date(s) and time(s)], how often it happened, where it happened, who did it and who witnessed it. Also state anything you did to try to stop the harassment. *(Use reverse side if needed)*

MY SIGNATURE BELOW CERTIFIES the information provided in this statement is true and accurate to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_.

FOR OFFICE USE ONLY

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

# DISPOSITION OF HARASSMENT COMPLAINT

(Attach copy of complaint)

Sexual

Other

NAME OF COMPLAINANT: \_\_\_\_\_.

NAME OF CHARGED PARTY(IES): \_\_\_\_\_.

## DISPOSITION:

1. Was there a violation of the harassment policy?

Yes

No

2. Provide explanation of basis of decision. (Attach more information if necessary).

3. Date parties and parents were notified of disposition and appeal procedure.

\_\_\_\_\_ Complainant

\_\_\_\_\_ Charged Party

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Date