

# EMPLOYEE HARASSMENT AND BULLYING

The District does not tolerate harassment or bullying of employees, as such actions are detrimental and disruptive to the educational and working environment and detrimental to the staff's health and safety.

Prohibited harassment includes behavior toward an individual based, in whole or in part, on a person's sex, race, religion, national origin, color, ancestry, creed, pregnancy, marital status, sexual orientation, disability, age or other protected status which has the purpose or effect of: (1) creating an intimidating, hostile or offensive work environment; (2) interfering with a person's work performance; or (3) otherwise adversely affecting a person's employment opportunities. Harassment can occur as a result of a single, severe incident or as a result of a pattern of behavior. Harassment is defined primarily by the characteristics and effects of the behavior, and those considerations can outweigh an asserted lack of specific intent to harass.

Some examples of prohibited conduct that would constitute prohibited harassment under this policy include the following:

- Deliberate, repeated, or otherwise severe verbal or written comments that insult, degrade, or stereotype an employee or group of employees because of any legally protected status or protected class; or
- Posting or circulating any written or graphic materials, sound or video recordings, or any electronic or other materials that attack, defame, belittle, or show hostility to an employee or group of employees in a protected class.

"Sexual harassment," in the employment context, includes any unsolicited and unwelcome sexual advances, requests for sexual favors, or other sexual conduct or communication, of any kind, directed at a person of the same or opposite gender as the harasser when:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or advancement;
- submission to or rejection of such conduct by an employee is used as the basis for employment decisions; or
- such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of prohibited conduct in the workplace that may constitute sexual harassment include, but are not limited to, the following: lewd or sexually suggestive comments; the use of sexual innuendo; unwelcome touching; unwelcome romantic advances or propositions; off-color language or jokes of a sexual nature; slurs and any other verbal, graphic, or physical conduct relating to an individual's gender; any display or distribution of sexually-explicit pictures, cards, articles, books, magazines, photos, or cartoons.

As enforced in the District, workplace bullying is a form of prohibited harassment. Workplace bullying includes any severe, systematic, or repeated actions that have no legitimate purpose and that involve the threatened, attempted, or actual infliction of physical harm or psychological/emotional distress on one or more employees or on other persons present in a workplace. Workplace bullying includes written, spoken, nonverbal, or physical behaviors or communications that, by intent or as a reasonably foreseeable consequence, serve to inappropriately threaten, intimidate, insult, degrade, ostracize, or interfere with the work, health, or safety of others.

The District also reserves the right to investigate and implement appropriate disciplinary consequences (up to and including discharge for employees) for conduct that, even if not actionable under state or federal law, the District determines (1) has no legitimate business purpose and is improperly interfering with the efficient operation of the school district; (2) is improperly interfering with the work, education, health, or safety of others; or (3) violates any Board policy or any other legitimate District work rule, directive, or expectation.

The prohibition against bullying and harassment by District employees (whether under this policy or under the District's student-focused policies) applies not only when the employee is directly engaged in work-related duties, but also to an employee's off-duty or away-from-work conduct to the extent that there is a legally-sufficient connection between the conduct and the individual's employment or employment-related responsibilities.

Employee Reporting Responsibilities. All employees are responsible for ensuring that harassment and bullying do not occur and for reporting alleged harassment or bullying. An employee who believes he/she has been subjected to employment-related harassment or bullying by anyone, including supervisors, co-workers, students, or School Board members, is expected to promptly report the behavior to an administrator. Such reports may always be submitted to the District's Equal Employment Opportunity Officer, and an employee may also choose to use the District's employment discrimination and harassment complaint procedures. Any employee who is aware of harassment/bullying in the workplace is likewise expected to report it even when that employee is not a direct victim/target. All reports and complaints regarding employment-related harassment or bullying shall be taken seriously, promptly and thoroughly investigated, and responded to as appropriate.

Confidentiality. Although absolute confidentiality and anonymity cannot be assured, the District will maintain the confidentiality of reports and complaints to the extent required by any applicable law, and the District will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with the District as early as possible in connection with any report, complaint, or investigation of bullying or harassment.

Retaliation Prohibited. No one shall attempt to restrain, interfere with, coerce, or take retaliatory action against a complainant, witness, or other person who is participating in the presentation, processing, or resolution of a complaint, report, or concern regarding workplace harassment or bullying.

Consequences for Violations. Any person who engages in any form of bullying or harassment (whether under this policy or under the District's student-focused policies) or any act of retaliation in violation of this policy is subject to disciplinary action, up to and including discharge from employment. Additional consequences may include other adverse or remedial actions within the District's scope of authority and/or referral to law enforcement officials for possible legal action. In addition, supervisory employees who fail to reasonably respond to a report of harassment or bullying or to reasonably act on their knowledge of a violation of this policy will likewise be subject to employment-related consequences.

Information and Notices. Staff shall be informed of this policy and the related complaint procedures via the District's Employee Handbook and this policy and the related complaint procedures shall be posted on the District website.

ADOPTED: July 23, 1990 (under Policy ACA)

REVISED: December 17, 1990                      March 20, 1995                      February 24, 2003  
                    May 24, 2010 (under Policy ACA)                      January 11, 2021

REVIEW DATE: January 11, 2021

### Legal References:

#### Wisconsin Statutes

- [Section 111.31](#) [declaration of fair employment policy]
- [Section 111.32\(13\)](#) [definition of sexual harassment in employment]
- [Section 111.321](#) [prohibited bases for discrimination]
- [Section 111.322](#) [discriminatory actions prohibited]
- [Section 111.36](#) [sex discrimination prohibited in employment, including sexual harassment]
- [Section 118.20](#) [teacher/administrator discrimination prohibited]
- [Section 120.13\(1\)](#) [school board power to set rules of conduct and order]
- [Section 947.0125](#) [unlawful use of electronic communications]
- [Section 947.013](#) [harassment prohibited]

#### Federal Laws and Regulations

- [Title VII of the Civil Rights Act of 1964](#) [race, color, religion, sex and national origin discrimination prohibited in employment]
- [Regulations Implementing Title VII of the Civil Rights Act \(29 C.F.R. - Part 1604.11\)](#) [employment discrimination; sexual harassment]
- [Regulations Implementing Title IX of the Education Amendments of 1972 \(34 C.F.R. - Part 106.51\)](#) [sex discrimination in employment in educational programs]

CROSS REFS: Policy AG, Nondiscrimination in District Programs, Activities, and Operations  
Employee Handbook

# HARASSMENT AND BULLYING COMPLAINT FORM

If you believe you have been the victim of bullying or harassment as defined by Board policy, you must immediately fill out this complaint form completely and return it to your principal or immediate supervisor, unless the principal or supervisor is the subject of your complaint in which case you must deliver this form to the Superintendent. The District will process your complaint(s) in accordance with established procedures and the terms of the *Employee Handbook*.

1. Name: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Home phone or number where you can be reached: \_\_\_\_\_
4. Position and work site: \_\_\_\_\_
5. Name of Immediate Supervisor: \_\_\_\_\_
6. Please state date(s) of the event or series of events causing the complaint: \_\_\_\_\_  
\_\_\_\_\_
7. Please state your complaint including the harm alleged and policy violated: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Please state specific facts of which you are aware to support your complaint and the names of any witnesses who may be able to corroborate your statements (list all details and attach additional sheets if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Please state the remedy sought: \_\_\_\_\_
10. If you will be represented in pursuing your complaint, please identify that individual or organization (if known): \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Submitted