

SCHOOL DISTRICT OF WAUZEKA-STEUBEN

**EMPLOYEE HARASSMENT
(Includes Sexual Harassment and Bullying)**

The most productive and satisfying educational environment is one in which education is accomplished in a spirit of mutual trust and respect. In such an environment, harassment or bullying of employees and other members of the school community for any reason has no place. Harassment is offensive, impairs morale, undermines the integrity of the employment relationship, and causes serious harm to the productivity, efficiency, and stability of the educational institution. Furthermore, harassment on the basis of a protected characteristic is illegal and is prohibited by state and federal law. Harassment may be subtle, manipulative, and may not always neatly fit into a legal definition.

The School District of Wauzeka-Steuben prohibits any actions or words which can be construed as sexual or other harassment, and considers such actions or words to be a violation of the District's Equal Employment Opportunity Policy, Harassment and Bullying Policies, and/or work rules. Harassment is prohibited in all school buildings, property and educational environments, including any property or vehicle owned or used by the District. Educational environments include, but are not limited to, every activity under District supervision.

The District retains the right to make a referral to law enforcement officials for possible legal action with regard to the conduct of employees, board members, students and volunteers.

In general, harassment means persistent, unwelcome, unwanted, and deliberate conduct or actions directed toward an individual. The District shall not discriminate against employee or applicant on the basis of race, color, creed, political or religious affiliation, gender, religion, national origin, age, pregnancy, marital status, handicap, disability, ancestry, citizenship, sexual orientation, military service, use or nonuse of a lawful product off school premises during nonworking hours or any other reason prohibited by state or federal law. Exceptions to this policy may only be made in accordance with state and federal law.

Harassment in an employment context exists whenever:

1. Submission to harassing conduct is made a term or condition of an individual's employment, either explicitly or implicitly;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Definitions

Harassment is verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment, or interferes with the individual's work or learning performance; it may consist of a single act, or a course of conduct. Harassment may include, but is not limited to conduct relating to an individual's membership in a protected class, age, gender, race, creed, national origin, color, marital status, pregnancy, etc.

Sexual harassment includes unwelcome sexual advances, unwelcome physical contact of a sexual nature, or unwelcome verbal or physical conduct of a sexual nature. "Unwelcome verbal or physical conduct of a sexual nature" includes, but is not limited to, the deliberate, repeated making of unsolicited gestures or comments or the deliberate, repeated display of offensive, sexually graphic materials which are not necessary for business purposes. Sexual harassment may include but is not limited to actions such as:

1. Unwelcome or unwanted sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact which is considered unacceptable by another or other individual(s).
2. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment or educational status.
3. Verbal abuse or joking that is sexually oriented and considered unacceptable by another individual. This includes commenting about an individual's body or appearance when such comments go beyond mere courtesy; telling "dirty jokes" that are clearly unwanted and considered offensive by others; or any other tasteless, sexually oriented comments, innuendoes, gestures, or actions that offend others.
4. Engaging in any type of sexually oriented conduct that would unreasonably interfere with another's work or educational performance. This includes extending unwanted sexual attentions to someone such that personal productivity or time available to work at assigned tasks is reduced.
5. Creating a work or learning environment that is intimidating, hostile, or offensive because of unwelcome or unwanted, sexually oriented conversations, suggestions, requests, demands, physical contacts, or attentions. Also, the existence or display of sexually suggestive or graphic materials including, but not limited to, photographs, magazines, and posters.
6. Unwelcome verbal or physical conduct directed at another individual because of that individual's gender, other than the conduct described above, that has the purpose or effect of substantially interfering with that individual's work or school performance.

The District prohibits retaliation against anyone for filing complaints about discrimination and/or harassment, or for participating in the investigation of such complaints. Harassment of employees, volunteers, students, or Board members will not be tolerated. The School District of Wauzeka-Steuben will investigate alleged violations of this policy in a responsible and timely manner and take appropriate and timely action for violations of the policy.

Violations of this policy by an employee may result in discipline, up to and including termination. Violations of this policy by a Board member may result in sanctions imposed by the Board and/or an action seeking the removal of the Board member under state law. Violations of this policy by a student may result in disciplinary action up to and including suspension or expulsion. Violations of this policy by a volunteer may result in loss of the opportunity to continue as a volunteer and removal from all District premises.

Any employee, volunteer, or Board member who becomes aware of or witnesses harassment or bullying has an obligation to report it to the appropriate authority under this policy. Failure to properly report

violations of this policy may lead to discipline of employees and sanctions for volunteers and Board members.

Any employee or volunteer who believes s/he has been subject to harassment in violation of this policy may file a complaint in accordance with established District procedures found in 512-Rule, Discrimination and Harassment Complaint Procedure.

Notice of this policy and applicable complaint procedures shall be given in accordance with legal requirements.

Legal References: Wisconsin Statutes Sections §§ 118.13, 111.31, 111.32(13), 111.36(1) (b) and (br), 947.013, 947.025; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Equal Employment Opportunities Commission Guidelines (29); C.F.R. – Part 1604.11)

Cross References: Policies 411 Equal Educational Opportunities, 411-Rule Student Discrimination and Harassment Complaint Procedure, 511 – Equal Opportunity Employment, 522.5 Political Activities by Staff, 533.2 Nepotism; Employee Handbook

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