

## EMPLOYEE HARASSMENT POLICY

### 1. PURPOSE

The mission of the School District of Colby is **L\*E\*A\*R\*N\*I\*N\*G** (see Policy #110). To accomplish our mission, all employees and students must be allowed to work and learn in an environment free from harassment. Harassment, including but not limited to sexual harassment, in education or in employment is a violation of state and federal law, and is strictly forbidden by Board policy. Harassment interferes with the working or learning effectiveness of students and/or employees. Individuals who experience harassment may process a complaint pursuant to established procedures and may also have remedies under state or federal law.

It is the Board's intention that all incidents of harassment will be dealt with in an appropriate manner. Where appropriate, it is recommended that incidents of harassment be discussed with the person who has committed the action to make it clear that the behavior is offensive and unwelcome. The Board recognizes, however, that additional action may be necessary or appropriate. In those instances, action under the appropriate student or staff disciplinary procedures is authorized. The Board may enact further procedures to enforce this policy.

The fact that someone did not intend to sexually harass an individual is generally not considered a defense to a complaint of sexual harassment. Rather, sexual harassment includes any conduct of a sexual nature which is unwelcome and likely to be objectionable to a reasonable person. Each school is encouraged to develop and implement, at every opportunity, educational experiences that advance this policy. Schools are encouraged to develop and enforce disciplinary rules consistent with this policy.

### 2. DEFINITIONS

**a. Harassment** is written, verbal or physical conduct, which may include electronically transferred material, 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, sex, race, creed, national origin, color, marital status, pregnancy, etc. In addition, other types of harassment, including but not limited to harassment based on race, nationality or national origin religion, disability or other protected class, characteristic or status are equally unacceptable under Board policy, and may be illegal under state or federal law. Such harassment includes, but is not limited to, such behavior as the following:

1. Creating an environment that is intimidating, hostile or offensive to an individual or group due to his, her or their membership in a protected class.
2. Unprofessional comments in any work environment respecting an individual's protected characteristics, e.g. gender, race, etc.
3. Insults or name-calling based on an individual's protected characteristics, e.g. gender, race, etc.
4. "Jokes" or other remarks that a reasonable member of a protected class would find demeaning to such individuals' race, color, gender, religion or other protected characteristic.
5. Physical, verbal or psychological abuse based on an individual's protected characteristics, e.g. gender, race, etc.

**b. Sexual harassment** means unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. Sexual harassment may include but is not limited to such behavior as:

1. Deliberate, repeated unsolicited gestures or comments of a sexual nature.
2. Display of offensive sexually graphic materials which is not necessary for legitimate purposes, such as educational or business reasons.

3. Unwelcome or unwanted sexual advances. This includes but is not limited to acts such as patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact which is considered unacceptable by another individual.
4. 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 grade status.
5. Written or verbal abuse or joking that is sexually oriented and reasonably considered unacceptable by another individual. This includes commenting about an individual's body or appearance where 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 or actions that offend others.
6. Engaging in any type of sexually oriented conduct that would unreasonably interfere with another's work or learning performance. This includes extending unwanted sexual attentions to someone such that personal productivity or time available to work at assigned tasks is reduced.
7. Creating an environment that is intimidating, hostile or offensive because of unwelcome or unwanted sexually oriented conversations, suggestions, requests, demands, physical contacts, attentions or sexually oriented materials including but not limited to photographs and posters.
8. It is the policy of the Board that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the work place, in that it inherently interferes with the educational process and by its nature involves elements of coercion by reason of the relative status of a staff member to a student.

### 3. POLICY DISSEMINATION TO STAFF

- a. Initially upon employment and annually thereafter, all employees will be informed of this policy and procedures.
- b. An inservice for administrators and supervisors will be presented annually in which an understanding of harassment, the board policy and complaint procedures, and importance of vigilance will be emphasized.
- c. This policy will be posted in each building.

### 4. PROHIBITION

Harassment as defined in this Policy is strictly prohibited. Individuals who, upon investigation, are determined to have engaged in harassment under the provision of this policy may be subject to disciplinary action. In the case of employees, this action may include but is not limited to reprimand, suspension or termination. In the case of students, disciplinary action may include, but is not limited to, suspension, expulsion or other discipline as deemed appropriate by the Board. In the case of others engaged in the conduct at district programs and activities, discipline may include, but is not necessarily limited to, removal and prohibition from participation in such activities or programs. The Board will seriously investigate any charge of harassment. Any such charge found or determined to have been knowingly false or unfounded when made will be treated as an abuse of this policy and a serious offense.

### 5. APPLICABILITY

This policy applies to all off-site activities such as school-sponsored trips and athletic events and at all times on school premises. This policy applies to all employees, students, and those participating in any and all programs in any manner.

### 6. HARASSMENT COMPLAINT PROCEDURE

All complaints of harassment will be investigated. A file of the complaint, investigation, findings and actions will be prepared and maintained by the building principal. Repeated or particularly serious violations of this policy regarding harassment will have serious consequences, and may result in referral to the appropriate authorities.

The complainant should be informed that certain harassment is required to be reported to state agencies and he/she will be informed if further action must be taken.

#### 7. REPORTING PROCEDURE

Any employee or student who believes he or she has experienced harassment forbidden under this policy should contact a responsible adult who will then contact an administrator about the incident and the administrator will file a written report. A copy of the written report of said incident shall be forwarded to the Superintendent immediately. The building principal/supervisor will fully investigate the complaint, notify the person who has been accused of harassment and submit a report of the results of the investigation to all parties and the Superintendent of Schools within ten(10) working days of the complaint. The building principal/supervisor may exercise discretionary authority to discipline the employee or student involved if satisfied that the evidence as presented warrants disciplinary action. If the alleged offender is a building principal/supervisor, the victim should file a written report with the Superintendent of Schools. The Superintendent will conduct the investigation according to the same time line.

*In cases where the harassment charge is against the Superintendent, the Board of Education President or their designee will be responsible for conducting the investigation.*

If the complainant is not satisfied with the disposition of the case by the building principal/supervisor, he/she may issue a written appeal to the Superintendent of Schools indicating the nature of the disagreement with the report. The Superintendent of Schools shall review the matter with the appropriate parties and provide a response to the appeal within twenty (20) working days.

If the complainant is not satisfied with the disposition of the case by the Superintendent, he/she may request a hearing with the School District of Colby Board of Education. The Board will hear evidence regarding the matter and take appropriate action to resolve the matter as soon as possible. The right to confidentiality, of both the complainant and of the accused, will be respected consistent with the district's legal obligations, provided it does not interfere with the district's ability to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

#### **Alternate Procedures**

The following procedures may be used at the discretion of the student, the parent, or the building supervisor/principal, for younger students or students with special education needs:

In the event there are difficulties with establishing dates, times and other facts regarding the alleged behavior, persons who have or may have been harassed will receive appropriate assistance in preparing the complaint, and may also be offered counseling services as deemed appropriate to their age, disability, and nature and severity of the alleged harassment.

**LEGAL REFERENCE:** Wisconsin Stats. 111.3-111.375, 118.13, 118.195, 118.20  
Wisconsin Administrative Code – PI 9.41  
Education Amendments of 1972 – Title IX  
Civil Rights Act of 1964 – Title VII  
Rehabilitation Act of 1973 – Section 504  
Americans with Disabilities Act of 1990  
Individuals with Disabilities Education Act Amendments of 1997  
Civil Rights Act of 1991

**CROSS REFERENCE:** Policy #411 – Equal Educational Opportunities  
Rule #411.1 – Harassment Complaint Procedures  
Exhibit #411.1 – Harassment Complaint Form  
Policy #511 – Equal Employment Opportunities