

## EMPLOYEE HARASSMENT

All School District employees have the right to work in an environment where they are treated with respect and dignity and are free of all forms of harassment. The Board of Education will not tolerate, condone, or allow harassment by any employee or non-employee who conducts business with the School District. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation, or national origin.

The Board of Education considers harassment and discrimination of others to be forms of serious employee misconduct. Therefore, the School District shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this policy can lead to discipline up to and including discharge.

**Cross References:** Use of District Telecommunication Systems 363 (522.7)  
Bullying Policy, 443.71

**Legal References:** Title VII of 1964 Civil Rights Act Section 703  
Title IX of 1972 Education Amendments  
Wisconsin State Statute 111.31, 111.32(13), 111.321, 111.322,  
111.36, 118.20, 120.13(1), 947.0125, 947.013  
Wisconsin Administrative Code PI 9.02, 9.03

**Adopted Date:** September 28, 1992

**Amended Date:** October 22, 2012

## EMPLOYEE HARASSMENT

### Definitions

The Appleton Area School District (AASD) is committed to maintaining and ensuring a learning and working environment that is free of harassment. The District will not tolerate any form of harassment which includes but is not limited to verbal harassment, non-verbal harassment, physical harassment, unwelcomed harassment, sexual harassment, bullying and cyber-bullying.

#### **Verbal Harassment**

Unsolicited or unwelcome verbal conduct, including but not limited to innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes, unwelcome flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to or submit to unwelcome conduct.

#### **Non-Verbal Harassment**

Unsolicited or unwelcome non-verbal conduct, including, but not limited to sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, electronic messaging, email, the internet or other such sources as a means to express or obtain sexual or discriminatory material, printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls or obscene gestures, or any material which inappropriately raises the issues of sex or discrimination.

#### **Physical Harassment**

Unsolicited or unwelcome physical contact, which may include touching, hugging, massages, kissing, pinching, patting, or regularly brushing against the body of another person.

#### **Unwelcomed Harassment**

For the purpose of this policy, conduct is unwelcome when the person subjected to the conduct did not solicit or incite the conduct and regarded the conduct as undesirable or offensive. Conduct may be unwelcome despite participation by the offended employee and despite the fact that the offended employee does not tell the accused the conduct is unwelcome.

#### **Sexual Harassment**

1. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
  - a) Submission to such conduct is made either explicitly or implicitly a term of condition of employment; or
  - b) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

## 512-Rule

2. Any verbal, written, visual or physical act that creates a hostile, intimidating or offensive work environment or interferes with an individual's job performance.

### **Bullying**

Bullying includes aggressive and hostile behavior that is intentional and involves an imbalance of power between the bully and the bullied. This behavior may include but is not limited to physical and verbal assaults, nonverbal or emotional threats or intimidation, harassment, social exclusion and isolation, and extortion.

### **Cyber-Bullying**

Cyber-bullying is harassment through technology. Cyber-bullying includes, but is not limited to the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful email messages, instant messages, text messages, digital pictures or images, website postings, and social media.

### **Other Forms of Harassment**

Persistent and unwelcome conduct or actions on the basis of race, color, religion, national origin, disability, sex, arrest or conviction record, marital status, sexual orientation, membership in the military reserve, use or nonuse of lawful products away from work, and other protected categories under federal or state law are prohibited under this policy.

## **Complaint Procedure**

Any employee encountering harassment is encouraged but not required to inform the person that his or her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment in order to provide the fullest basis for investigation.

Any employee who believes that he/she is being harassed shall report the incident(s) as soon as possible to a supervisor, the Director of Personnel Services or the Superintendent so that an investigation can be conducted and, if necessary, steps may be taken to protect the employee from further harassment, and so that appropriate remedial action, where appropriate, may be initiated. All such reports will be investigated promptly and will be kept confidential within the boundaries of the investigation and the law.

The Board of Education will not permit or condone retaliation against an employee who files a harassment complaint, makes a report of harassment, or participates in an investigation. Retaliation is a violation of this policy and shall be reported immediately. Any employee found to have retaliated against another employee for filing a harassment complaint, reporting harassment, or participating in an investigation will be subject to the same disciplinary action as provided for harassment offenders. Complaints for retaliation shall be reported and processed in the same manner as complaints for harassment.

Any complaint by an employee alleging harassment shall be addressed in accordance with the following procedures:

## 512-Rule

### Step 1

Any employee (the complainant) who believes he/she has been subjected to harassment shall promptly inform a supervisor, the Director of Personnel Services or the Superintendent of the harassment.

The complainant may file a written complaint in accordance with this procedure, or may first attempt to resolve the situation informally with his/her supervisor.

A supervisor who has received information about an incident of harassment, or who has observed such an incident, shall report it to the Director of Personnel Services, whether or not the complainant files a written complaint.

If the informal resolution has been unsuccessful or if the complainant wishes to bypass informal procedures, the complainant will submit a *Harassment Complaint* form that includes the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the harassment, and any other pertinent information which may assist in investigating and resolving the complaint. The form is to be submitted to the Director of Personnel Services.

### Step 2

Upon receipt of the completed form, the supervisor and the Director of Personnel Services shall initiate an impartial investigation of an allegation of harassment within five (5) working days of receiving notice of the behavior.

### Step 3

Within fifteen (15) working days of the receipt of the complaint, the Director of Personnel Services will inform the parties of the determination of the investigation. The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that harassment occurred, the report shall include any corrective action(s) that have been or will be taken to address the behavior, correct the effect on the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

### Step 4

The complainant or the person accused may appeal any findings to the Board of Education within ten (10) working days of receiving the written report of the Director of Personnel Services' findings. The letter of appeal should state why the party is not satisfied with the response from the Director of Personnel Services.

Upon receiving an appeal, the Board of Education shall schedule a hearing as soon as practicable to determine whether the disposition stands, the disposition is reversed or whether further action on the part of administration needs to take place.

The Board shall render its decision within fifteen (15) working days of receipt of the letter of appeal.

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