

## PORT EDWARDS PUBLIC SCHOOLS

### Board of Education Policy

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#### HARASSMENT IN THE WORK PLACE

The School District of Port Edwards does not tolerate harassment in any form, including sexual harassment, and will take all necessary and appropriate action to eliminate it, up to and including discipline of offenders. It is the policy of the School District to maintain and ensure a working environment free of any form of harassment or intimidation toward and between employees, school board members, volunteers and applicants.

"Employee harassment" means behavior toward employees based, in whole or in part, on sex, race, religion, national origin, color, age, disability or any other factor outlined in law which interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment.

All employees and regular volunteers of the District are required to be familiar with, and comply with, the policy of the district prohibiting harassment. This policy prohibits any district employee, school board member, volunteer, student, or applicant, male or female, from harassing an employee, school board member, volunteer or applicant.

Sexual relationships between staff members, where one staff member has supervisory responsibility over the other, are discouraged as a matter of District policy. 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 the uncertainty regarding the consequences of non-compliance.

Sexual harassment is defined to include unwelcome sexual advances, physical contact of a sexual nature or verbal or physical conduct of a sexual nature when:

- a. submission to or acquiescence in such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, compensation, etc., affecting such individual,
- c. such conduct has the purpose or effect of substantially interfering with an individual's work, performance or creating an intimidating, hostile or offensive working environment, even if it leads to no tangible employment consequences.
- d. Such conduct has the effect of causing harm to the professional atmosphere of the school or violates community standards or ethics.

Sexual harassment may include, but is not limited to, deliberate and repeated displays of sexually explicit gestures, verbal comments, or graphic or written materials.

Employees who engage in harassment are subject to disciplinary action, up to and including termination. Board members who engage in harassment are subject to Board action. Volunteers who engage in harassment will be removed from volunteering. Any applicant who engages in harassment will be disqualified from employment. Any student who engages in harassment will be subject to discipline in accordance with board policy.

Any employee, board member, volunteer or applicant who believes they are victims of harassment should report their concerns to the Superintendent or designee as identified in the complaint procedure. Complaints under this policy shall be filed in a timely manner but not more than six months following the alleged event.

It is the intent of the District to create an atmosphere where complaints and alleged complaints will be treated fairly and quickly. If an individual is not comfortable with making a complaint to the Superintendent or designee the complaint may be filed with any other administrator. The administrator will report the complaint to the Superintendent or designee.

The Superintendent shall establish a written procedure for responding to complaints. Said procedure shall include a means for the individual to appeal decisions to the Superintendent and to the School Board.

There shall be no retaliatory conduct against individuals who file a complaint under this policy. Any person who engages in retaliatory conduct against a complainant will be subject to disciplinary action.

Policy Dissemination

- Every employee shall receive a copy of this policy and administrative rules on harassment upon hiring.
- Information will be posted at each work place advising employees and volunteers of the policy and the procedures for filing a complaint.
- Once each year, every employee will be reminded, in writing, of the harassment policy and complaint procedures.

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LEGAL REF.: Titles VI & VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972  
Title IX, Education Amendments of 1972  
Section 504, Rehabilitation Act of 1973  
Age Discrimination Act of 1975  
EEOC Guidelines (29 CFR – Part 1604.11)  
Sections 111.31 Wisconsin Statutes  
111.32(13)  
111.36(1)(b)  
118.20  
947.0125  
947.013

CROSS REF.: 512, Rule – Workplace Harassment Complaint Procedure  
512, Exhibit – Workplace Harassment Complaint Form

Adopted: 08/13/92  
Reviewed:  
Revised: 04/12/05

**WORK PLACE HARASSMENT COMPLAINT PROCEDURES**

Employees, volunteers, board members and applicants who believe they are the victims of harassment should report their concerns to the Superintendent, Principal, or any other administrator or designee. Complaints are to be filed in a timely manner but not more than six months following the alleged event. To assure consistency in handling complaints, any administrator receiving a complaint will report the complaint to the Superintendent.

The following procedures will be used:

1. Any complaint may be presented verbally or in writing to the Superintendent, Principal, or any other administrator or designee. The complaints should include the specific nature of the harassment and corresponding dates. The person making the complaint will need to provide his/her name, address and phone number. If the complaint is verbal, the person receiving the complaint may make a written record and request the complainant to sign such written account. If the complaint is received by someone other than the Superintendent or Principal, it shall be referred to the Superintendent.
2. The Superintendent or Principal shall thoroughly investigate the complaint, notify the person who has been accused of harassment, permit a response to the allegation, and arrange a meeting to discuss the complaint with all concerned parties, if deemed necessary. The Superintendent or Principal shall give a written response to the complaint.
3. In the event that the Principal is the investigating officer, and the complainant is not satisfied with the response of the Principal, he/she may submit a written appeal to the Superintendent indicating the nature of the disagreement. The appeal must be filed within 20 working days after receipt of the Principal's response. The Superintendent may schedule a meeting of all parties to the complaint, if deemed necessary. The Superintendent shall schedule a meeting if requested by the complainant. The Superintendent shall give a written response to the complainant's appeal.
4. If the complainant is not satisfied with the response of the Superintendent, an appeal to the School Board may be filed. The appeal must be filed within 10 working days of receipt of the Superintendent's response. The School Board shall conduct a hearing and provide a written response.
5. There may be other avenues of appeal available to employees through state and federal agencies or the courts.

WORK PLACE HARASSMENT COMPLAINT FORM

Name \_\_\_\_\_

Department \_\_\_\_\_

Job Title \_\_\_\_\_

Immediate Supervisor \_\_\_\_\_

Who was responsible for the harassment? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe the harassment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

First incident: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Approximate date, time and place \_\_\_\_\_

\_\_\_\_\_

What was your reaction? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Subsequent incidents: \_\_\_\_\_

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Approximate dates, times and places \_\_\_\_\_

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What was your reaction? \_\_\_\_\_

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List any witnesses to the harassment: \_\_\_\_\_

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*I understand that these incidents will be investigated, but this form will be kept confidential as much as possible.*

Complainant Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature of Person Receiving Complaint \_\_\_\_\_ Date \_\_\_\_\_

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FOR ADMINISTRATION USE

Dates of investigation of complaint: \_\_\_\_\_

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Date of final report: \_\_\_\_\_

Date of follow-up conference with complainant \_\_\_\_\_

Results: \_\_\_\_\_

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