

DESOTO AREA SCHOOL DISTRICT

512-Rule

HARASSMENT OF EMPLOYEES GUIDELINES

This rule provides all staff with the administration's process for enforcing the Board's Harassment of Employees policy.

A. DEFINITIONS

1. Sexual Harassment

Sexual harassment is a form of sex discrimination. A discriminatorily abusive environment can and often will detract from employees' job performance, discourage employees from remaining on the job, or keep them from advancing in their careers. Conduct that rises to the level of sexual harassment includes the following:

- a. Deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe or pervasive to interfere substantially with an employee's work performance or to create an intimidating or offensive work environment. Such conduct includes offensive gestures, leering, unnecessary following, sexual comments about an employee's appearance or body, "dirty jokes," and written or verbal comments about an employee's personal sex life.
- b. Unwelcome sexual advances. Examples of this behavior include patting, pinching, brushing against, hugging, cornering, kissing, fondling, or any other similar, deliberate physical contact that is unwelcome.
- c. Deliberate, repeated display of offensive sexually graphic materials. Such materials include photographs, drawings, posters, cartoons, etc.
- d. Requests or demands for sexual favors tied to an implied or expressed promise of preferential employment treatment or threat of negative employment consequence.

The conduct described above may be considered to be sexual harassment regardless of whether the parties involved are of the same or opposite gender.

2. Harassment

A safe and productive work environment must be free of any form of harassment. Conduct that rises to the level of harassment, in addition to that detailed in the above definition of sexual harassment, includes the following:

- a. Deliberate, repeated making of verbal or written comments that insult, degrade or stereotype an employee or group of employees because of sex, sexual orientation, race, national origin, ancestry, color, age, creed, religion, pregnancy, marital status, disability, arrest or conviction record, membership in the national guard, state defense force, or any other reserve component of the military forces of Wisconsin or the United States, use or nonuse of lawful products off the employer's premises during nonworking hours, or any other reason prohibited by state or federal law.
- b. Striking, shoving, kicking, throwing objects at or any form of physical aggression directed at an employee.
- c. Engaging in or threatening to engage in action (verbal, physical or written) that has no legitimate business purpose and which would reasonably cause an employee to fear for his or her physical safety or emotional welfare.
- d. 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 and that have no legitimate business purpose.

B. COMPLAINT PROCESS

1. Philosophy

The complaint investigation and resolution procedure will protect the legitimate interests of both the complaining employee and the party charged with harassment. The process must be conducted in an expedient, fair, thorough and confidential manner.

The District will not tolerate harassment against District employees perpetrated by Board members, administrators, employees (co-workers), volunteers, students, parents or others who come into contact with District employees on-the-job.

2. Procedure

The following procedure spells out the formal process for complaint resolution. Prior to initiating a formal complaint, an employee may first attempt to informally resolve the situation. This could include directly addressing the matter with the harassing party or requesting a conflict resolution. However, informal resolution is not a requirement of this administrative rule, as the following process may be invoked at any time. Employees who wish to file a complaint are urged to do so as promptly as possible. Any employee who believes that he or she is the victim of harassment should follow the steps set forth below:

Step 1 The complainant will inform an administrator (Building Principal, Special Education Director or District Administrator) of the harassment. The complainant will be provided with a complaint form and statement form (see 512-Exhibit(1), Formal Employee Harassment Complaint and 512-Exhibit(2), Employee Harassment Complaint Statement Form), which the complainant will complete. Upon receipt of the forms, the Building Principal, Special Education Director or the District Administrator will investigate the complaint by following the District's investigation checklist (see 512-Exhibit(3), Employee Harassment Complaint Checklist).

- Step 2 Within 15 working days of the receipt of the complaint, but sooner if at all possible, unless a notice is given of the need for an extension of the investigation, the Building Principal, Special Education Director or the District Administrator will complete the disposition form and inform all parties of the determination (see 512-Exhibit(4), Disposition of Employee Harassment Complaint).
- Step 3 If any party is not satisfied with the disposition, a written appeal may be submitted to the District Administrator. The letter of appeal must be received in the District Administrator's office within 10 working days after the party was notified of the disposition. The District Administrator shall meet with the party and other necessary individuals at a mutually agreeable time. The District Administrator will respond to the appeal within 10 working days of the meeting.
- Step 4 If any party is not satisfied with the District Administrator's response, a written appeal may be filed with the Board of Education as well as forwarding a copy of the appeal to the District Administrator's office. The letter of appeal should state why the party is not satisfied with the District Administrator's response. The letter of appeal must be received by the Board within 10 working days after notification of the District Administrator's response. Within 20 working days of the receipt of the appeal, the Board shall meet with the party and the administration. The Board shall determine whether the disposition stands, the disposition is reversed or whether further action on the part of administration needs to take place. The Board's written determination will be presented to the party and others affected within 10 working days of the Board meeting.

3. STATE & FEDERAL CLAIMS

Employees who believe they are victims of harassment may also file claims with state and federal agencies, including the Wisconsin Equal Rights Division, the Federal Equal Employment Opportunity Commission, or the Federal Office of Civil Rights. There are strict deadlines for filing such claims. The deadlines run from the last date of the harassment, not from the date that the employer resolves the internal complaint. However, it is important for the employee to file a complaint using this procedure in order to allow the District the opportunity to address the harassment and to prevent it from occurring in the future.

4. CONFIDENTIALITY

The confidentiality of all parties involved in a harassment complaint investigation shall be strictly respected. Only individuals with a need to know or who are necessary to fully understand the facts will be included in the process. The administration recognizes that in some instances anonymity may be requested. However, in order to conduct a thorough investigation, the identification of individuals may be unavoidable.

C. DISCIPLINE

An employee who is determined to have engaged in harassment will be subject to discipline. The level of discipline imposed will depend on the facts of the situation. These facts include the amount of harm inflicted, the severity or pervasiveness of the activity, and the employees' disciplinary record. Discipline may include a reprimand, suspension without pay, or discharge.

A student who has engaged in harassing activity directed at an employee, regardless of whether the activity takes place at school or while attending a school activity, will be subject to discipline, up to and including suspension and expulsion. The level of discipline will depend on the harm inflicted, the severity or pervasiveness of the activity, and the student's behavioral record.

D. EDUCATION

Awareness of the Board's policy and this administrative rule is essential to the District's efforts to maintain a working environment that is free of harassment. To that end, the following educational steps will be required:

1. Upon employment with the District, each new employee will receive a copy of the District's harassment policy and rules. The employee will sign an acknowledgement of receipt of the policy and rule.
2. The policy and rule will be reviewed annually with all employees in a meeting with their supervising administrator.
3. Administrators will receive an annual inservice in which the policy, rule, judicial decisions, and legislative changes are reviewed.

APPROVED: March 10, 2008
