

EMPLOYEE ANTI-HARASSMENT AND BULLYING

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 and bullying. The Board of Education will not tolerate, condone, or allow harassment or bullying by any employee or non-employee who conducts business with the School District. Harassment and bullying are detrimental to the health and safety of employees and are disruptive to the workplace and educational environment.

Definitions

- A. **Workplace Bullying.** Workplace bullying is a deliberate or intentional action or behavior, using words or actions that is intended to cause fear, intimidation or harm.
- a. Bullying includes aggressive and hostile behavior that substantially interferes with an employee's work or creates an objectively hostile or offensive environment.
 - b. Bullying may be a repeated behavior and usually (but not always) involves an actual or a reasonable perception of an imbalance of power between the bully and the target.
 - c. Bullying behavior may be motivated by an actual or perceived distinguishing characteristic such as, but not limited to, age, race, religion, sex or sexual orientation, disability, citizenship, marital status, pregnancy, national origin, creed, color, political or religious affiliation, ancestry, arrest or conviction record, military service, gender identity, gender non-conformity, gender expression, or transgender status.
 - d. Bullying behavior can be physical or verbal, and can involve direct interaction between the aggressor-bully and the target(s), or it can be indirect (such as orchestrating others to engage in acts of bullying, facilitating bullying conduct by others, taking secretive or covert actions, etc.).
 - e. Bullying does not include a non-abusive or non-retaliatory exercise of management rights to assign tasks, appropriately monitor work, evaluate performance, provide constructive criticism, reprimand for misconduct or take disciplinary action against employees pursuant to the Employee Handbook.
 - f. Not all behaviors that (a) hurt another person's feelings; (b) are a manifestation of an interpersonal conflict; or (c) are in some ways unkind amount to acts of bullying. However, such negative behaviors are still a legitimate subject of concern and regulation within the workplace environment. It shall be the goal of the District to help staff recognize and acknowledge that even one-time instances of unkind acts are inappropriate and problematic.
- B. **Workplace Harassment.** Workplace harassment is any behavior by or toward employees based, in whole or in part, on age, race, religion, sex or sexual orientation, disability, citizenship, marital status, pregnancy, national origin, creed, color, political or religious affiliation, ancestry, arrest or conviction record, military service, use or nonuse of a lawful product off school premises during nonworking hours, declining to attend a meeting or to participate in any communication about religious matters or political matters, the authorized use of family or medical leave or worker's compensation benefits, genetic information, gender identity, gender non-conformity, gender expression, transgender

- status or other factor prohibited by state or federal law which substantially interferes with an employee's work or creates an intimidating, hostile or offensive environment.
- a. Acts of harassment include conduct that is unwanted, deliberate or repeated.
 - b. Harassment may be in the form of unsolicited comments (oral or written); gestures; graphic material; physical contacts; or verbal, nonverbal or physical conduct directed toward another individual.
 - c. Examples of acts of harassment include physical intimidation, force or assault, humiliation, bigoted epithets, vandalism, extortion, oral or written threats, taunting, put downs, name calling, threatening looks or gestures, false accusations, social isolation, retaliating against another student for reporting harassment or bullying, or any other behavior that substantially interferes with an employee's work or creates an objectively hostile or offensive environment.
- C. Cyber-Bullying. Cyber-bullying is defined as bullying that involves the use of digital technologies, including but not limited to, e-mail, cell phones, text messages, instant messages, chat rooms and social media.
- a. Cyber-bullying is prohibited and treated the same as all other types of workplace bullying.
 - b. Examples of cyber-bullying include, but are not limited to, the following misuses of technology: harassment, teasing, intimidating, threatening or terrorizing another person or group of people by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images or website postings, including blogs or any other messages, via cyberspace.
- D. Sexual Harassment. Sexual harassment means any unwelcome sexual advances; requests or demands for sexual favors; and other verbal, nonverbal or physical conduct of a sexual nature, including but not limited to sexual activity, which creates an offensive, hostile or intimidating environment or substantially interferes with an employee's work.
- a. Verbal harassment: This includes, but is not limited to, discussing sexual activity, commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "sexual jokes" or any other tasteless sexual-oriented comments, innuendos, gestures or actions that may offend others.
 - b. Display of inappropriate gestures or sexually graphic or illicit materials: This includes, but is not limited to, photographs, drawings, movies, videos, websites, posters and so forth, regardless of their form.
 - c. Engaging in sexual activity: This includes, but is not limited to, touching oneself or others in a sexually suggestive or sexually gratifying manner.
 - d. Requests or demands for sexual favors: This includes, but is not limited to, subtle or blatant expectations, pressures or requests for any type of sexual favor which may or may not be accompanied by an implied, stated promise of preferential treatment or threat of negative consequences.
 - e. Unwelcome physical contact: This includes, but is not limited to, inappropriate touching, patting, pinching, hugging, intentionally brushing against another's body, pulling at another's clothing or forcing another to a wall or corner through body position or movement.
- E. Sexual Violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age or use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give consent). Acts that fall into the category of sexual violence include rape, sexual assault, sexual battery, sexual abuse and sexual coercion.
- F. Target. A target is an individual subjected to workplace harassment or bullying by his or her peers, co-workers and/or supervisors.

- G. Offensive, Hostile or Intimidating Work Environment. An offensive, hostile or intimidating work environment exists when one's behavior within a workplace creates an environment that is difficult for another person to work in or where an employee feels scared or uncomfortable to be in.
- H. Retaliation. Acts of retaliation include, but are not limited to, harassment escalation, unsatisfactory evaluation, threats, differences in employment treatment, sarcasm or unwanted comments to or by peers.

PROHIBITING HARASSMENT OR BULLYING

- A. Any person who engages in any form of workplace bullying or harassment (whether under this policy or under the District's student-focused policies) or any act of retaliation in violation of this policy is subject to disciplinary action, up to and including discharge from employment.
- B. In addition, any supervisory employee who fails to reasonably respond to a report of workplace harassment or bullying or to reasonably act on their knowledge of a violation of this policy will likewise be subject to employment-related consequences, up to and including discharge from employment.
- C. In situations in which cyber-bullying originated off District property or from a non-District computer or telecommunication device, but is brought to the attention of school officials, any disciplinary action shall be based upon whether the conduct is determined to be severely disruptive of the educational process so that it markedly impedes the day-to-day operations of a school. Such conduct includes, but is not limited to, harassment, bullying or making a threat off school grounds through cyberspace that is intended to endanger the health, safety or property of others at school, a District employee or a school board member.

REPORTING

- A. Any person who believes that he/she has been the subject of workplace harassment and/or bullying may file a complaint in accordance with established discrimination and harassment complaint procedures or may complain directly to his/her immediate supervisor or the superintendent. Filing a complaint or otherwise reporting, in good faith, workplace harassment, bullying or retaliation will not reflect upon the individual's employment status nor will it affect his/her benefits received from the District.
- B. Any person who is aware of or witnesses workplace harassment, bullying or retaliation is encouraged to report the behavior, and will be supported by involved staff members in reporting the incident to the proper authorities. Any District employee who becomes aware of or witnesses workplace harassment, bullying or retaliation is expected to report the behavior even when that employee is not a direct target.
- C. All reports and complaints regarding workplace harassment or bullying shall be taken seriously, promptly and thoroughly investigated and responded to as appropriate.
- D. The District will respect the confidentiality of both the target and the accused consistent with applicable law, and will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with District personnel as early as possible in connection with any report, complaint or investigation of workplace bullying or harassment. District personnel will make an effort to notify the individual if District personnel determines that it is not possible to proceed on a confidential basis, though District personnel will proceed if it determines that it is in the best interests of all students and staff.

LEGAL REF.: Sections 111.31 Wisconsin Statutes

111.32(13)

111.321

111.322

111.36

118.20

120.13(1)

947.0125

947.013

Title IX, Education Amendments of 1972

Title VI and VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972

Section 504 of the Rehabilitation Act

Age Discrimination Act of 1975

Pregnancy Discrimination Act

Immigration Control and Reform Act of 1986

Title II of the Americans with Disabilities Act of 1990

Civil Rights Act of 1991

Equal Employment Opportunities Commission Guidelines (29 C.F.R. – Part 1604.11)

Cross Ref. – Policies

AC Nondiscrimination

ACA Public Notification of Nondiscrimination

Policy Adopted: July 28, 1987

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