

Policy #: 512

SCHOOL DISTRICT OF WEBSTER

Date Adopted: September 21, 1993

Date Revised: January 18, 2021

Policy Title: Employee Harassment (includes sexual harassment and bullying)

The School District of Webster is committed to providing fair and equal employment opportunities and to providing a professional work and student learning environment free of all forms of harassment and bullying.

- **Harassment:** The District shall not tolerate harassment based on any personal characteristic described in the District's Equal Opportunity Employment Policy. Harassment and other unacceptable activities that could alter conditions of employment, or form a basis for personnel decisions, or interfere with employee's work performance are specifically prohibited. Sexual harassment, whether committed by supervisory or non-supervisory personnel, is unlawful and also specifically prohibited. In addition, the District shall not tolerate acts of non-employees (volunteers, vendors, visitors, etc.) that have the effect of harassing District employees in the workplace. Harassment can occur as a result of a single incident or a pattern of behavior where the purpose or effect of such behavior is to create an intimidating, hostile or offensive working environment. Harassment encompasses a broad range of physical and verbal behavior that can include, but is not limited to, the following:
 1. Unwelcome sexual advances, comments or innuendos;
 2. Physical or verbal abuse;
 3. Jokes, insults or slurs based on any personal characteristic (*such comments are unacceptable whether or not the individual within the protected class is present in the workplace to overhear them and whether or not a member of a class professes to tolerate such remarks*);
 4. Taunting based on any personal characteristic described in the District's Equal Opportunity Employment Policy; and/or
 5. Requests for sexual favors used as a condition of employment or affecting any personnel decisions such as hiring, promotion, compensation, etc.
- **Bullying:** Bullying is defined as systematic or repeated infliction (or attempted or threatened infliction) of physical harm or psychological/emotional distress on one or more students, staff, or other persons. It involves purposeful or intentional written, spoken, nonverbal, or physical behavior, including but not limited to any threatening, intimidating, insulting, degrading, or dehumanizing conduct, gesture, or communication that has the effect of doing any of the following:
 1. Substantially interfering with any employee's work or a student's education;
 2. Substantially interfering with a person's ability to participate in or benefit from any school activity or program;
 3. Endangering the health, safety, or property of the target(s) of the behavior;
 4. Creating a threatening, intimidating, hostile, or offensive environment within any District school, activity, or program; or
 5. Substantially disrupting the orderly operation of the school.

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“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 (e.g., Twitter™ or Facebook™). Cyber-bullying is prohibited and treated the same as all other types of bullying.

Bullying is deliberate/purposeful conduct, but intent/purpose may properly be inferred from the totality of the circumstances (e.g., where the behavior is persistent/repeated or where the responsible party reasonably should have been able to foresee the consequences of his/her actions and the manner in which his/her conduct would be likely to be perceived by the target(s) of the conduct).

Bullying 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; etc.).

Not all behaviors that (1) hurt another person’s feelings; (2) are a manifestation of an interpersonal conflict; or (3) are in some way unkind amount to acts of bullying. However, such negative behaviors are still a legitimate subject of concern and regulation within the school environment. Further, it shall be a goal of the District’s workplace and educational programs to help staff, students and others recognize and acknowledge that even one-time instances of, for example, name calling, negative teasing, put-downs, or excluding others (when inclusion was readily possible) are inappropriate and problematic for a number of reasons.

All employees are responsible for ensuring that harassment and bullying do not occur. The District intends to comply with both the letter and spirit of the law in making certain that harassment and bullying do not exist in its policies, regulations and operations. Anyone who believes that he or she has been the subject of harassment or bullying or has knowledge of violations of this policy shall report the matter in accordance with the District’s employment and harassment discrimination complaint procedures. All reports regarding employee harassment or bullying shall be taken seriously, treated fairly and promptly and thoroughly investigated. Individual privacy shall be protected to the extent possible. There shall be no retaliation against any person who files a complaint under this policy. The District shall take appropriate and necessary action to eliminate employee harassment and bullying. Actions that are determined to be harassment or bullying shall be subject to disciplinary action, up to and including dismissal.

All employees have a duty to report incidents of alleged harassment or bullying to their immediate supervisor or designated equal opportunity employment officer. Employees who fail to report incidents of alleged harassment or bullying may be subject to disciplinary action up to and including dismissal. In addition, supervisory employees who fail to respond to harassment or bullying complaints or to act on their knowledge of violation of this policy will likewise be subject to disciplinary action, up to and including dismissal.

This policy and related complaint procedures shall be published annually and distributed to all staff. District staff will be required to sign an acknowledgment of receipt of the policy and procedure on an annual basis. Training shall be conducted annually on this policy for all staff in the District.

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COMPLAINT PROCEDURE:

Step 1.

Any complaint shall be presented in writing or orally to the Superintendent or, in the event that the complaint is about the Superintendent, it shall be submitted to the President of the Board of Education. If the complaint is submitted in writing, it should include the specific nature of the harassment and corresponding dates and also include the name, address and phone number of the complaining employee.

Step 2.

The Superintendent or his/her designee, or the Board President as the case may be, shall thoroughly investigate the complaint, notify the person who has been accused of discriminating and permit a response to the allegation, and arrange a meeting to discuss the complaint with all concerned parties within three (3) working days after receipt of the written complaint, if deemed necessary. The person investigating shall give a written answer to the complaint.

Step 3.

If the complaining employee is not satisfied with the answer received by the investigator of the complaint, the employee may submit a written appeal to the Board of Education indicating with particularity the nature of disagreement with the answer and reason underlying such disagreement. Such appeal must be filed within five (5) working days after receipt of the investigator's answer. The Board President shall arrange a meeting with the complaining employee and other affected parties, if requested by the complainant, at a mutually agreeable time to discuss the appeal. The Board President or designee shall give a written answer.

Legal References:

WISCONSIN STATUTES

- [Section 111.31](#) [declaration of fair employment policy]
- [Section 111.32\(13\)](#) [definition of sexual harassment in employment]
- [Section 111.321](#) [prohibited bases for discrimination]
- [Section 111.322](#) [discriminatory actions prohibited]
- [Section 111.36](#) [sex discrimination prohibited in employment, including sexual harassment]
- [Section 118.20](#) [teacher/administrator discrimination prohibited]
- [Section 120.13\(1\)](#) [school board power to set rules of conduct and order]
- [Section 947.0125](#) [unlawful use of electronic communications]
- [Section 947.013](#) [harassment prohibited]

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FEDERAL LAWS

- [Title VII of the Civil Rights Act of 1964](#) [race, color, religion, sex and national origin discrimination prohibited in employment]
- [Regulations Implementing Title VII of the Civil Rights Act \(29 C.F.R. – Part 1604.11\)](#) [employment discrimination; sexual harassment]
- [Regulations Implementing Title IX of the Education Amendments of 1972 \(34 C.F.R. – Part 106.51\)](#) [sex discrimination in employment in educational programs]