

## **Sparta Area School District**

### Article 329 - Harassment of Personnel

The Sparta Area School District is committed to providing a workplace free of harassment. All employees, volunteers, board members, and applicants are entitled to work in an environment where the conduct of others does not unreasonably interfere with work performance. The authority for the Board of Education to regulate such conduct includes Title VI of the Civil Rights Act of 1964, Wisconsin Fair Employment Statute, United States Supreme Court decisions, and Equal Employment Opportunity commission regulations and guidelines. For purposes of this policy, harassment refers to conduct that is sufficiently severe or pervasive such that an abusive or hostile working environment exists. Such conduct may be physical, verbal, or written, and includes threats as well as actions.

No employee, volunteer, board member, or applicant shall be subject to harassment directed at any of the following categories: 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.

Administration is charged with creating and maintaining a workplace free of harassment. This policy and related Board policies and administrative rules define harassment and sexual harassment, encourage the filing of complaints, protect confidentiality, discourage retaliation, provide a clear understood complaint process, establish sanctions for violations of board policies, and provide for the education of all staff regarding these policies.

### Sexual Harassment in the Workplace

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

All employees, school board members, applicants and regular volunteers of the District are required to be familiar with, and comply with, the policy of the district prohibiting sexual harassment. This policy prohibits sexual harassment of any form.

It is the policy of the District that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in that it interferes with the educational process and involves elements of coercion by reason of the relative status of a staff member to a student.

Sexual relationships between staff members, where one staff member has supervisory responsibilities 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 a 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, unwelcome requests for sexual favors, 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 or a student's status;
- 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 defensive working environment, even if it leads to no tangible employment consequences; or
- 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 or verbal or physical conduct of a sexual nature, whether repeated or not, that is sufficiently severe to create a hostile environment.

Retaliation against anyone reporting or thought to have reported sexual harassment behaviors is prohibited. Such retaliation shall be considered a serious violation of the policy and shall be independent of whether a charge or informal complaint of sexual harassment is substantiated.

Any employee, board member, volunteer or applicant who believes they are victims of sexual harassment should report their concerns to the building principal or Superintendent as identified in the complaint procedure.

#### Other Forms of 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, volunteer, board member, or applicant.
- B. Striking, shoving, kicking, throwing objects at, or any form of physical aggression directed at an employee, volunteer, board member, or applicant.
- 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, volunteer, board member, or applicant 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, volunteers, board members, or applicants and that have no legitimate business purpose.

### Complaint Procedures

Employees, volunteers, board members and applicants who believe they are the victim of harassment should report their concerns to the building principal or superintendent. 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 building principal or superintendent, the complaint may be made with any other adult employee.

Any employee receiving a harassment complaint will prepare an incident report and immediately notify the building principal or superintendent. The superintendent will appoint a complaint manager to conduct an investigation and recommend action, if appropriate.

Retaliation in any form against any employee, volunteer, board member, applicant or student for complaints or participation in any investigation of alleged harassment is prohibited.

### Policy Dissemination

1. Every employee, regular volunteer, and board member will receive a copy of the District's policy on harassment and sexual harassment yearly.
2. Discussion of harassment and sexual harassment will be included at an age appropriate level and in the proper context as part of the curriculum.
3. Employees will attend an inservice in which an understanding of harassment, sexual harassment, the Board Policies, complaint procedures and importance of vigilance will be emphasized.
4. Information will be posted at each building advising employees, students and volunteers of the policy and the procedures for filing a complaint.

### Disciplinary Procedures

Employees, volunteers, board members, applicants, and students who engage in harassment shall be subject to disciplinary action. Discipline may include one or more of the following actions: notification of law enforcement officials, letter of correction, suspension and expulsion. Employees who engage in harassment shall be subject to disciplinary action up to and including termination. All discipline shall be conducted in conformance with appropriate collective bargaining agreements.

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.

The Board further recognizes that state law grants authority to administration to suspend and the Board to expel any student who endangers the property, safety or health of an employee regardless of whether the endangering activity takes place at school.

Legal Reference:                   Wisconsin Statutes  
  111.31 et. Seq. (Wisconsin Fair Employment Act)  
  120.13(1)(b)  
  Federal Statutes  
  Title VI of the Civil Rights Act of 1964  
  Title IX  
  Section 504  
  Americans with Disabilities Act  
  Age Discrimination in Employment Act

Cross Reference:                   Administrative Rule 329 – Employee Harassment Complaint Procedure  
  Appendix J -Forms – Harassment Reporting Form  
  Harassment Investigation Checklist

Adopted:                               April 27, 2004

Revised: