

POLICY 4111
EMPLOYEE HARASSMENT

The Kenosha Unified School District seeks to provide fair and equal employment opportunities and to maintain a professional work and academic environment comprised of people who respect one another and who believe in the district's high ideals. Harassment is a form of misconduct that undermines the integrity of the district's employment and academic relationships. All employees and students must be allowed to work and learn in an environment that is free from intimidation and harassment.

All new employees will receive a copy of the employee harassment policy and other harassment educational information as a part of the initial employment process and at other times as appropriate and necessary.

Harassment or similar unacceptable activities that could become a condition of employment or a basis for personnel decisions, or which create a hostile, intimidating or offensive environment are specifically prohibited by the district. Intimidation and harassment can arise from a broad range of physical or verbal behaviors (by employees or by non-employees, such as outside contractors or members of the community) which can include, but is not limited to, the following:

- physical or mental abuse;
- offensive or derogatory comments to any person, either directly or indirectly, based on the person's membership in any protected class;
- racial, ethnic or religious insults or slurs;
- unwelcome sexual advances, touching or demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment or academic status;
- sexual comments, jokes, or display of sexually offensive materials;
- sex-oriented name-calling or bullying;
- inappropriate staring at another individual or touching of his/her clothing, hair, or body;
- asking personal questions about another individual's sex life; and
- repeatedly asking out an employee who has stated that he/she is not interested.

These activities are offensive and are inappropriate in a school atmosphere and in the workplace. This is a serious issue not just for the district but also for each individual in the district. It is the responsibility of the administration and all employees to ensure that these prohibited activities do not occur. An employee or supervisor may be held individually liable as a harasser and subject to the same penalties that may be imposed upon employers under state or federal law.

Any employee who engages in harassment or similar unacceptable behavior, or retaliates against another individual because the individual made a report of such behavior or participated in an investigation of a claim of harassment or similar unacceptable behavior, is subject to immediate discipline, up to and including discharge. Any employee who witnesses or otherwise becomes aware of harassment or similar unacceptable behavior has an affirmative duty to report said conduct to his or her supervisor, or to the administration.

Any person who believes that he or she has been the subject of prohibited harassment or similar unacceptable behavior or retaliation should report the matter immediately to the Office of Human Resources or, in the

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alternative, the superintendent/designee. All such reports will be investigated promptly and will be kept confidential within the bounds of the investigation and the law.

LEGAL REF: Wisconsin Statutes

Sections 111.31-111.395 (Fair employment standards - employment discrimination)
118.195 (Handicapped teacher discrimination)
118.20 (Teacher discrimination, including sexual harassment)
Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 (Race, color, national origin discrimination; general employment discrimination)
Title IX, Education Amendments of 1972 (Sex discrimination)
Section 504, Rehabilitation Act of 1973 (Handicap discrimination)
Age Discrimination Act of 1975 (Age discrimination)
Pregnancy Discrimination Act (Pregnancy, childbirth or related medical conditions discrimination)
Immigration Control and Reform Act of 1986 (Citizenship discrimination)
Americans with Disabilities Act of 1990 (Disability discrimination)
Civil Rights Act of 1991 (Penalties for discrimination law violations)
Equal Employment Opportunities Commission Guidelines (29 C.F.R. - Part 1604.11)
(Employee sexual harassment)

CROSS REF.: 4110 Equal Employment Opportunity and Affirmative Action
4260 Personnel Records
Employee Handbook

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: April 22, 1991

REVISED: March 11, 1997
March 9, 1999
June 27, 2000
September 23, 2014
October 28, 2014
March 28, 2017

RULE 4111
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The Office of Human Resources/designee is designated as the complaint officer and is responsible for responding to harassment complaints.

- Step 1: The district will allow a complainant the opportunity to resolve discrimination or harassment complaint on an informal basis, if the complainant asks to do so. Upon such request by the complainant, the building principal (or person designated by the superintendent if no principal is available) will facilitate a meeting between the complainant and the alleged harasser/discriminator. If the parties resolve the matter, the principal shall prepare a written statement outlining the resolution. If the complainant is not satisfied with the outcome of the meeting, the district will formally investigate the complaint.
- Step 2: To begin the formal complaint process, a complaint shall be presented in writing to the complaint officer. The complaint should include the specific nature of the harassment and corresponding date; names of those who may have witnessed the alleged harassment, and the name, address and phone number of the complainant. The complaint may be dictated to the complaint officer and signed by the complainant upon review of the written complaint. The complaint officer shall acknowledge in writing the receipt of the complaint. The complaint officer shall thoroughly investigate the complaint, notify the person who has been accused of harassment, and permit a response to the allegation. If the complaint officer deems appropriate, he/she will arrange a private meeting to discuss the complaint with all concerned parties within ten (10) working days after receipt of the written complaint. The complaint officer shall give a written answer to the complainant within fifteen (15) working days after receipt of the complaint. The written answer shall only include a statement as to whether there was a finding of a policy violation and that appropriate remedial action has been implemented.
- Step 3: If the complainant is not satisfied with the answer from the Office of Human Resources, he/she may submit a written appeal to the superintendent of schools or designee indicating with particularity the nature of disagreement with the answer. The appeal must be filed within 15 working days after the receipt of the answer in step 2. The superintendent shall arrange a meeting with the complainant and other affected parties, if requested by the complainant, at a mutually agreeable time to discuss the appeal. The superintendent shall give a written answer to the complainant's appeal within 15 working days.
- Step 4: If the complainant is not satisfied with the answer of the superintendent, he/she may file the complaint with the board of education by submitting a written appeal to the superintendent within 10 working days after receipt of the superintendent's answer. The board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The board shall give a written answer to the complaint within 10 working days following the completion of the hearing.

Nothing in these procedures shall preclude persons from filing a complaint directly, or on appeal, with designated agencies as authorized by state and federal laws (e.g., U.S. Office of Civil Rights, Equal Rights Division of the Department of Workforce Development) and/or with courts having proper jurisdiction