
BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

POLICY

No. 3400.10

EMPLOYEE HARASSMENT AND BULLYING

UNLAWFUL HARASSMENT

The Pewaukee Public Schools are committed to providing a professional work environment. The Board of Education shall strive to maintain a work environment free from all forms of unlawful discrimination and unlawful harassment, and shall insist that all employees and others acting on the District's behalf be treated with dignity, respect and courtesy. The Pewaukee School District prohibits all forms of unlawful discrimination against students, employees, and other persons in all aspects of the District's programs, activities, and operations. The term "unlawful discrimination" encompasses any unlawful policy, practice, conduct, or other unlawful denial of rights, benefits, or privileges that is based on any legally-protected status or classification (e.g. race, national origin, sex, disability, religion, etc.). Various state and federal laws establish the actions that do (and do not) constitute unlawful discrimination with respect to each protected status or classification. Where applicable, unlawful harassment that is based on a legally-protected status is one form of unlawful discrimination.

The District shall not tolerate harassment that affects an employee's terms and conditions of employment or that interferes unreasonably with an employee's work performance, or that creates an intimidating, hostile, or offensive working environment. The workplace is to be free from unlawful harassment. Unlawful harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as race, color, creed, sex, age, disability, religion, national origin, marital status, sexual orientation, ancestry, military or veteran status, arrest or conviction record, or any other characteristic protected by state, federal or local law. This policy applies to all District employees, vendors, and visitors.

Unlawful Harassment can arise from a broad range of unwelcome physical, psychological or verbal behavior which can include, but is not limited to, the following:

- Physical or mental abuse;
- Racial, ethnic, or religious insults or slurs;
- Taunting based on any personal protected class characteristic described above;
- Unwelcome sexual advances or requests for sexual favors;
- Requests for sexual favors used as a condition of employment or affecting any personnel decision, such as hiring, promotion, compensation, etc.
- The display of derogatory posters, cartoons or drawings;
- Uninvited letters, telephone calls, social media posts/messages or any other communication method, looks, gestures, touching, teasing, jokes, remarks or questions of a sexual nature;
- Jokes, insults or slurs based on any personal protected class 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); or
- Other inappropriate verbal or physical conduct.

In determining whether harassment is sufficiently severe or pervasive to create a hostile work environment, the harasser's conduct should be evaluated from the objective standpoint of a "reasonable person."

This policy applies not only to the workplace during normal business hours, but also to all work-related functions, whether on or off the school district premises, and to business-related travel as well as the cyber workplace.

Sexual harassment, unwelcome sexual advances, requests for sexual favors, or other physical, verbal or visual conduct based on sex constitute sexual harassment when:

1. An employee of the school district conditioning the provision of aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school district's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092 (f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(30)

Sexual harassment may include, but is not limited to, explicit propositions, sexual innuendo, sexually suggestive comments, sexually-oriented kidding or teasing, practical jokes, jokes about gender-specific traits, profane or obscene language or gestures, the display of profane or obscene printed or visual material, and physical contact such as patting, pinching or brushing against another person's body.

Employee Responsibility: All employees are responsible for ensuring that unlawful harassment does not occur.

The District intends to comply with both the letter and spirit of the law in making certain that unlawful harassment does not exist in its policies, regulations and operations. Anyone who believes that he or she has been the subject of unlawful harassment or has knowledge of violations of this policy shall report the matter in accordance with established complaint procedures. All reports regarding unlawful employee harassment shall be taken seriously 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 in good faith under this policy. The District shall take appropriate and necessary action to eliminate unlawful employee harassment. Actions that are determined to be unlawful harassment shall be subject to disciplinary action, up to and including dismissal.

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

BULLYING

Policy Statement: The District is committed to providing fair and equal employment opportunities and to providing a professional work and student learning environment free of all forms of bullying.

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:

- a. Substantially interfering with any employee's work or a student's education;
- b. Substantially interfering with a person's ability to participate in or benefit from any school activity or program;
- c. Endangering the health, safety, or property of the target(s) of the behavior;
- d. Creating a threatening, intimidating, hostile, or offensive environment within any District school, activity, or program; or
- e. Substantially disrupting the orderly operation of the school.

“Cyber-bullying” is defined as bullying that involves the use of digital technologies, including but not limited to, e-mail, cell phones, text messages, videos, 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.).

In determining whether bullying has occurred, the conduct that the targeted employee was subjected to should be evaluated from the objective standpoint of a "reasonable person."

Not all behaviors that (1) hurt another person’s feelings; (2) are a manifestation of an interpersonal conflict; (3) are legitimate employment actions initiated by a supervisor and/or his/her designee or (4) are in some way unkind amount to acts of bullying. 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.

Employee Responsibility: All employees are responsible for ensuring that bullying does not occur. Anyone who believes that he or she has been the subject of bullying or has knowledge of violations of this policy shall report the matter in accordance with established complaint procedures. All reports regarding bullying shall be taken seriously 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 in good faith under this policy. The District shall take appropriate and necessary action to eliminate bullying. Actions that are determined to be bullying shall be subject to disciplinary action, up to and including dismissal.

All employees have a duty to report incidents of alleged bullying to their immediate supervisor, Title IX Coordinator or designated equal employment officer. Employees who fail to report incidents of alleged bullying may be subject to disciplinary action, up to and including dismissal. In addition, supervisory employees who fail to respond to 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.

All supervisors are responsible for the implementation of this policy and for ensuring that employees know and understand this policy and accompanying complaint procedures. A copy shall be posted on the web site, on all District workroom bulletin boards, given to all individuals hired by the District, and distributed annually to all District employees.

PROPOSED:	September 22, 1997
ADOPTED:	October 6, 1997
REVISED:	February 1, 1999; October 24, 2005; February 14, 2011 & June 22, 2015; June 24, 2019; October 12, 2020; October 27, 2025

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]

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]

[Section 504 of the Rehabilitation Act of 1973](#) [employment discrimination based on handicap; reasonable accommodations]

[Age Discrimination Act of 1967](#) [age discrimination in employment]

[Pregnancy Discrimination Act](#) [pregnancy discrimination in employment]

[Americans with Disabilities Act of 1990](#) [disability discrimination in employment; reasonable accommodations]

[Genetic Information Nondiscrimination Act of 2008](#) [employment discrimination based on genetic information]

[Uniformed Services Employment and Reemployment Rights Act \(USERRA\)](#) [employment discrimination on the basis of military service]

[Immigration and Nationality Act \(Title II, Chapter 8, Act 274B\)](#) [employment discrimination based on national origin and citizenship status]

[11 U.S.C. §525](#) [employment discrimination based on certain bankruptcy-related statuses and proceedings]

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

POLICY

No. 3400.10

EMPLOYEE HARASSMENT AND BULLYING

PROCEDURES

The Director of Human Resources is designated by the Board as the Complaint Officer, and is responsible for coordinating federal regulation, state law, and District policy concerning employee harassment. Complaints are to be filed with the Assistant Superintendent for Business Services if the subject of the complaint is the Director of Human Resources. If the subject of the complaint is the Superintendent, the complaint should be filed with the Board President. The Board President may then bring the matter to the Board for the Board's consideration of the appointment of an outside party to investigate the matter.

Any employee or other person acting in the District's behalf who believes he or she has been the victim of unlawful harassment by a student, District employee or any third person, shall report the alleged acts immediately to the appropriate person(s) designated by Board policy and these procedures. The District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the Complaint Officer. Use of formal reporting forms is not mandatory.

Any employee or other person acting in the District's behalf who believes that he/she has been the subject of unlawful harassment should report the matter immediately to the Director of Human Resources in accordance with the District's employee harassment complaint procedures. If the subject of the complaint is the Director of Human Resources the employee or other person acting in the District's behalf should report the matter immediately to the Director of Business Services. If the subject of the complaint is the Superintendent, the employee or other person acting on the District's behalf should report the matter immediately to the Board President. The Board President may then bring the matter to the board for the Board's consideration of the appointment of an outside party to investigate the matter.

The District shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the District's legal obligations, and the necessity to investigate allegations of harassment and take disciplinary actions when the conduct has occurred.

The following steps should be taken in the course of handling any complaint and employee harassment:

Step I: Any complaint shall be presented in writing or orally to the appropriate Complaint Officer. 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 the phone number of the complainant.

If the complaint is submitted orally, the Complaint Officer shall take down the facts as presented and read them back to the complainant who shall sign or initial, if possible, as verification.

If agreed to by the complainant, the complainant may be tape recorded by the Complaint Officer, or a voluntary witness may be present.

The Complaint Officer or complainant shall reduce the complaint to a written statement (The employee harassment report form may be used for *this* purpose).

Step II: The appropriate Complaint Officer shall:

- a. Notify the person who has been accused of harassment (at a time and date determined by the Complaint Officer).
- b. Thoroughly investigate, and
- c. Permit a response to the allegation

The results of the investigation of each complaint filed under these procedures shall be reported in writing to all the parties involved and the Superintendent by the Complaint Officer within a reasonable period of time of receipt of the written complaint. (If the Superintendent is the subject of the complaint, the Board President shall report the results of the investigation directly to the Board for review and action. Upon receipt of the report, the Superintendent shall take such action as appropriate based upon the results of the investigation. All parties involved shall be notified in writing of any action taken as a result of the complaint.

Step III: If the complainant is not satisfied with the action taken by the Superintendent, the party may file a request for formal review with the Board within ten (10) working days after receipt of the Step II answer. The Board shall, within thirty (30) working days give a written answer to the complaint within ten (10) working days following completion of the review.

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Wisconsin Equal Rights Division or the State Superintendent of Public Schools, initiating civil action or seeking redress under state criminal statutes and/or federal law.

Any District action taken pursuant to this Board policy and these procedures shall be consistent with the requirements of any applicable collective bargaining agreements, Wisconsin statutes, and District policies. The District shall take such disciplinary action as deemed necessary and appropriate, including warning, suspension, expulsion or immediate discharge to end the employee harassment and/or prevent its recurrence.

In the event that the identity of the alleged harasser prevents adherence to this procedure, it shall be the responsibility of the Complaint Officer to determine the appropriate Step 2 or Step 3 action to be taken as a part of this procedure.

EMPLOYEE BULLYING COMPLAINT PROCEDURE

The Director of Human Resources is designated by the Board as the Complaint Officer, and is responsible for coordinating federal regulation, state law, and District policy concerning employee bullying. Complaints are to be filed with Assistant Superintendent for Business Services if the subject of the complaint is the Director of Human Resources. If the subject of the complaint is the Superintendent, the complaint should be filed with the Board President. The Board President may then bring the matter to the Board for the Board's consideration of the appointment of an outside party to investigate the matter.

Any employee or other person acting in the District's behalf who believes he or she has been the victim of bullying by a student, District employee or any third person, shall report the alleged acts immediately to the appropriate person(s) designated by Board policy and these procedures. The District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the Complaint Officer. Use of formal reporting forms is not mandatory.

Any employee or other person acting in the District's behalf who believes that he/she has been the subject of bullying should report the matter immediately to the Director of Human Resources in accordance with the District's employee bullying complaint procedures. If the subject of the complaint is the Director of Human Resources the employee or other person acting in the District's behalf should report the matter immediately to the Director of Business Services. If the subject of the complaint is the Superintendent, the employee or other person acting on the District's behalf should report the matter immediately to the Board President. The Board President may then bring the matter to the board for the Board's consideration of the appointment of an outside party to investigate the matter.

The District shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the District's legal obligations, and the necessity to investigate allegations of harassment and take disciplinary actions when the conduct has occurred.

The following steps should be taken in the course of handling any complaint and employee harassment:

Step I: Any complaint shall be presented in writing or orally to the appropriate Complaint Officer. If the complaint is submitted in writing, it should include the specific nature of the bullying and corresponding dates, and also include the name, address and the phone number of the complainant.

If the complaint is submitted orally, the Complaint Officer shall take down the facts as presented and read them back to the complainant who shall sign or initial, if possible, as verification.

If agreed to by the complainant, the complainant may be tape recorded by the Complaint Officer, or a voluntary witness may be present.

The Complaint Officer or complainant shall reduce the complaint to a written statement (The employee bullying report form may be used for *this* purpose).

Step II: The appropriate Complaint Officer shall:

- a. Notify the person who has been accused of harassment (at a time and date determined by the Complaint Officer),
- b. Thoroughly investigate, and,
- c. Permit a response to the allegation

The Complaint Officer may arrange a meeting between the parties if the Complaint Officer deems that it would be an appropriate intervention in the matter. The results of the investigation of each complaint filed under these procedures shall be reported in writing to all the parties involved and the Superintendent by the Complaint Officer within a reasonable period of time of receipt of the written complaint. (If the Superintendent is the subject of the complaint, the Board President shall report the results of the investigation directly to the Board for review and action. Upon receipt of the report, the Superintendent shall take such action as appropriate, based upon the results of the investigation. All parties involved shall be notified in writing of any action taken as a result of the complaint.

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Wisconsin Equal Rights Division or the State Superintendent of Public Schools, initiating civil action or seeking redress under state criminal statutes and/or federal law.

Any District action taken pursuant to this Board policy and these procedures shall be consistent with the requirements of any applicable collective bargaining agreements, Wisconsin statutes and District policies. The District shall take such disciplinary action as deemed necessary and appropriate, including warning, suspension, expulsion or immediate discharge to end the employee bullying and/or prevent its recurrence.

In the event that the identity of the alleged perpetrator prevents adherence to this procedure, it shall be the responsibility of the Complaint Officer to determine the appropriate Step 2 action to be taken as a part of this procedure.