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512

## EMPLOYEE HARASSMENT

The Evansville Community School District is committed to providing a professional and welcoming work environment. The Board of Education shall strive to maintain a work environment free from all forms of discrimination and harassment, including sexual harassment, and shall insist that all employees and others acting on the District's behalf be treated with dignity, respect and courtesy. 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. Harassment consists of unwelcome conduct, described below, whether verbal, physical, or visual, that is based on a person's protected status, such as race, religion, political or religious affiliation, disability, sex, sexual orientation, gender expression, gender identity, gender non-conformity, age, national origin, citizenship, marital status, ancestry, color, creed, pregnancy or any other basis protected by law. The prohibitions of this policy applies to all District employees.

Complaints of harassment, including sexual harassment under state law and federal law other than Title IX, will be addressed in this Policy and Policy 512 Rule. Complaints of sexual harassment under Title IX will be addressed in Policy 511.12.

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

- Racial, ethnic or religious insults or slurs
- Persistent name calling, using an employee as the focal point of jokes, offensive comments/remarks
- Physically or socially excluding an employee from work related activities
- Pushing, poking, tripping, assaulting or threatening assault
- Damaging an employee's property or work area
- Nonverbal threats or gestures that convey threatening, intimidating or insulting messages

Conduct which may constitute sexual harassment under this Policy and Policy 512 Rule includes, but is not limited to, the following:

- Unwelcome sexual advances or requests for sexual favors
- The display of foul or obscene printed or visual material, derogatory posters, cartoons or drawings
- Uninvited letters, telephone calls, looks, gestures, touching, teasing, jokes, remarks or questions of a sexual nature, sexual innuendo, suggestive comments, foul or obscene language or gestures
- Sexually-oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits
- Physical contact such as patting, pinching or brushing against another person's body.

This policy applies not only to the workplace during normal business hours, but also to all work-related functions, whether on or off the District premises, and to business-related travel as well as virtual workplace. Harassment through the use of technology is also covered by this policy, and is also in violation of the District Acceptable Use and Internet Use Policy for Students, Staff and Guests (Policy #363.2/554).

Unwelcome conduct of the sort described above constitutes sexual harassment when:

1. Submission to such conduct is or is threatened to be a condition of employment;

2. Submission to or rejection of such conduct is used or is threatened to be used as the basis for employment decisions; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

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 website, on all District work room bulletin boards, given to all individuals hired by the District, and distributed annually to all District employees.

Harassment in violation of this policy is a basis for disciplinary action, up to and including discharge.

Legal Ref.: Sections 111.31 Wisconsin Statutes (Declaration of Policy)

111.32(13) (Definitions)

111.321 (Prohibited Bases of Discrimination)

111.322 (Discriminatory Actions Prohibited)

111.36 (Sex, Sexual Orientation: Exceptions and Special Cases)

118.20 (Teacher Discrimination Prohibited)

120.13(1) (School Board Powers)

947.0125 (Unlawful Use of Computerized Communication Systems)

947.013 (Harassment)

Title VII of the Civil Rights Act of 1964

Regulations Implementing Title VII of the Civil Rights Act (29 C.F.R.-Part 1604.11)

Regulations Implementing Title IX of the Education Amendments of 1972 (34 C.F.R.-Part 106.51)

Local Ref: Policy #512 Rule –Employee Harassment Complaint Procedure

Policy #512 Form – Employee Harassment Report Form

Policy 363.2/554 - Acceptable Use and Internet Use Policy for Students, Staff and Guests

Policy #511.12 – Title IX Prohibition of Sexual Harassment Against Employees