

#### **411.2/511.1 HARASSMENT POLICY**

The School District of Whitefish Bay is committed to an education environment that is free of harassment of any form. It is therefore the policy of the District to:

1. Prohibit and discourage any individual (employee, applicant for employment, parent, student or other individual doing business or having a relationship with the District) from harassing any other individual associated with the District;
2. Provide a harassment-free educational environment;
3. Address any instances of harassment in a timely manner;
4. Provide on-going educational awareness of the problem of harassment in all forms; and
5. Provide procedures for filing and pursuing claims of harassment.

The District will not tolerate any form of prohibited harassment and will take all necessary and appropriate action to eliminate it, including discipline or discharge of employees and suspension or expulsion of students.

#### DEFINITION OF PROHIBITED HARASSMENT

Harassment is prohibited if it is based upon a protected group status. In that regard, no person shall be subject to harassment on the basis of sex, race, color, religion, national origin, ancestry, creed, pregnancy, age, marital or parental status, sexual orientation, arrest or conviction record, or physical, mental or emotional disability or any other basis protected by state or federal law.

Prohibited harassment may include, but is not limited to, the following:

1. Verbal harassment, including epithets, kidding, derogatory comments, slurs or ethnic jokes;
2. Physical harassment, including patting, pinching, or intentional brushing against another's body;
3. Physical interference with movement, activities or work;
4. Visual harassment, including derogatory cartoons, drawings or posters; and
5. Demands for sexual favors, whether or not accompanied by implied or overt promises of preferential treatment or threats.

This policy applies to all District employees, applicants for employment, parents, students, and other individuals doing business or having any dealings with the District.

#### HARASSMENT COMPLAINT AND DISTRICT RESPONSE

A report of harassment and the subsequent investigation will be handled confidentially, to the extent possible. No information regarding the initial report, the complaint, or the investigation will be released by the District unless required by law or, if necessary, for the purpose of taking corrective action.

Violations of the District's harassment policy will result in discipline of the individual involved. In the case of an employee harassing a student, the discipline to the employee may range from a warning to termination, depending on the facts. In the case of a student harassing another student, the discipline to the student may range from a warning to expulsion from school, depending on the facts. In the case of

other violations of the policy, appropriate action will be determined following the investigation process.

The District recognizes that false or fraudulent claims of harassment may be filed. The District will treat all harassment claims as valid claims unless and until the District's investigation reveals that the complaint was filed falsely, fraudulently, or for an improper purpose. The District reserves the right to discipline any person filing a false or fraudulent claim of harassment. The discipline shall be determined based upon the facts and circumstances of the individual case.

The District forbids retaliation against anyone who reports an incident of harassment or files a complaint of harassment.

This policy applies to all District employees, applicants for employment, parents, students and other individuals doing business or having any dealings with the District.

Adoption Date	-	6/29/94, 6/12/96
Legal Reference	-	Sections 111.31-111.395, 118.13, 118.195-118.20 Wis. Stats., PI 9, Wis. Admin. Code Title VII, Title IX
Cross Reference	-	411-2-Rule, Student Harassment Complaint Procedures 411.2-Exhibit 511-Rule, Employee Discrimination Complaint Procedures

#### **411.2 – Rule HARASSMENT COMPLAINT PROCEDURE**

Any individual who believes he/she has been subjected to harassment by another individual or an employee, applicant for employment, parent/guardian, or other individual doing business or having any dealings with the District, or any parent/guardian who believes his/her child has been subjected to harassment should report the harassment. The report should be presented in writing to the Principal/Associate Principal or Guidance Counselor in the building where the alleged harassment occurred, or to the administrator or supervisor who is primarily responsible for the program where the alleged harassment occurred. If the student or parent/guardian is not comfortable making the complaint to one of the aforementioned individuals, the complaint should be submitted to the Director of Human Resources & Special Services.

In the event a complaint is made to a staff member, the staff member shall immediately report the complaint to the Principal or Director of Human Resources & Special Services, as appropriate. All complaints of harassment should receive immediate attention and investigation, and should be reported to the Director of Human Resources & Special Services.

The District forbids retaliation against anyone who reports an incident of harassment or files a complaint of harassment.

Any person who files a written complaint alleging harassment will receive a written acknowledgment within five (5) working days that the complaint has been received. Each complaint will be thoroughly investigated within fifteen (15) working days after receipt, unless additional time is needed to conduct the investigation. The investigation shall be conducted by the Director of Human Resources & Special Services or other individual designated by the District Administrator. The investigation shall include conferring with the person(s) involved in the alleged harassment and shall include a written summary of the investigation.

If the investigation reveals that the complaint is valid, prompt action designed to curtail the harassment and to prevent its recurrence will be taken. If appropriate, the matter shall also be reported to the appropriate social service or law enforcement agency.

If the complaining party is dissatisfied with the decision of the investigating party, the matter may be appealed to the District Administrator, in writing. The District Administrator shall review the appeal and may, if appropriate, conduct a further investigation into the matter. The District Administrator shall render a decision with respect to the appeal within ten (10) working days following receipt of the appeal.

If the complainant is dissatisfied with the District Administrator's decision, the complainant may appeal the decision, in writing, within thirty (30) days following the District's decision to the State Superintendent of Public Instruction. Appeals may also be made to the Office of Civil Rights.

Appeals under 20 U.S.C. §1415 and Wis. Stats. Ch. 115, relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education of a child with an exceptional educational need, shall be resolved through the procedure authorized by Wis. Stats. Ch. 115, Subch. V, and shall not be subject to these procedures. Complaints under 20 U.S.C. §1231(e)-3 and 34 C.F.R. §76.780-76.782, commonly referred to as EDGAR complaints, that the state or a subgrantee is violating a federal statute or regulation that applies to a program, shall be referred directly to the State Superintendent of Public Instruction.

Adoption Date - 6/12/96; 1/24/06

**411.2-Exhibit**

**SCHOOL DISTRICT OF WHITEFISH BAY  
HARASSMENT REPORTING FORM**

Name of reporting person \_\_\_\_\_

Date of incident \_\_\_\_\_ Time of incident \_\_\_\_\_

Names of person(s) alleged to have done the harassing \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name(s) of any witnesses \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe the alleged harassment as accurately as possible. Include descriptions of all physical and verbal behavior that you feel are of a harassing nature. (Use back of this form or additional paper if necessary.)

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I authorize the School District of Whitefish Bay Administration to review this complaint with the accused individual.

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Parent/Guardian

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Date

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Student

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Administrator

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Employee