

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED:	February 16, 1989	FILE SECTOR:	PERSONNEL
DATE REVISED:	November 16, 1995	POLICY TITLE:	HARASSMENT IN THE
DATE REVISED:	November 19, 1998		WORKPLACE
DATE REVISED:	March 18, 2004		
DATE REVISED:	January 23, 2006		
DATE REVISED:	October 29, 2012		
DATE REVISED:	November 26, 2018		

Medford Area Public School District (MAPSD) does not tolerate harassment in any form and will take all necessary and appropriate action to eliminate it. It is the policy of MAPSD to maintain and ensure a working environment free of any form of harassment or intimidation toward any person.

For this policy, "person" shall be defined as employee, paid or unpaid, Board of Education (BOE) member, volunteer, student or applicant.

Any person who works in MAPSD is required to be familiar with, and comply with, the policy prohibiting harassment.

Harassment is an individual act or pattern of abusive or degrading conduct towards another based in whole or in part, on sex, race, color, age, ancestry, arrest or conviction record, membership in the military reserve, national origin, creed, marital status, sexual orientation or disability, which substantially interferes with performance or creates an intimidating, hostile or offensive work environment, and is considered a form of discrimination according to state and federal law.

Sexual harassment can be by a person of the same or opposite gender, and 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:

- Submission to or acquiescence in such conduct is made either explicitly or implicitly a term or condition of an individual's employment status.
- 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.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment, even if it leads to no tangible employment consequences.
- 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/or repeated displays of sexually explicit gestures, verbal comments, graphic or written materials, verbal or physical conduct of a sexual nature, whether repeated or not, that is sufficiently severe to create a hostile environment.

No person shall threaten or insinuate, either explicitly or implicitly, that any person's refusal to submit to sexual advances will adversely affect that person's school performance, employment, work status, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment, or career development. Nor shall any person promise, imply or grant any preferential treatment for engaging in sexual conduct.

Anyone who engages in harassment is subject to disciplinary action, up to and including termination, and referral to authorities for criminal prosecution.

Any person who believes they are a victim of harassment should report their concerns to their building administrator. Complaints under this policy shall be filed in a timely manner.

It is the intent of MAPSD to create an atmosphere where complaints will be treated fairly and quickly. If an individual is not comfortable with making a complaint to their building administrator, the complaint may be filed with any other administrator. The administrator will report the complaint to the district administrator unless the district administrator is allegedly involved as a party to or the focus of the complaint, in which case it shall be reported to the BOE president.

The right to confidentiality, of the complainant and the accused, will be respected consistent with the district's legal obligations, provided it does not interfere with the district's ability to investigate allegations of misconduct and to take corrective action.

Retaliation against anyone reporting or thought to have reported harassment is prohibited. Such retaliation shall be considered a serious violation of the policy and shall be independent of whether a charge or complaint of harassment is substantiated. Encouraging others to retaliate also violates the policy.

Policy Dissemination

- This policy and procedure will be made available to all employees on not less than an annual basis.
- New employees will attend an inservice in which an understanding of harassment, this BOE policy and complaint procedures and importance of vigilance will be emphasized.
- Information will be posted at each building advising any person of this policy and the procedures for filing a complaint.

CROSS REFERENCE: JBA & Employee Handbooks

LEGAL REFERENCE: Title VI & VII of the Civil Rights Act of 1964, §111.32(13), 118.195, 118.20, 947.0125, 947.013 Wis. Stats., Title IX, Education Amendments of 1972, EEOC Guidelines (29 C.F.R. - Part 1604.11), Age Discrimination Act of 1975, & Americans with Disabilities Act of 1970

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DATE REVISED: November 19, 1998	WORKPLACE
DATE REVISED: March 18, 2004	(COMPLAINT PROCEDURE)
DATE REVISED: January 23, 2006	
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The building administrator is generally responsible for compliance with state and federal regulations concerning harassment in their building. However, if the complainant is uncomfortable reporting to their building administrator or any other administrator noted in this policy, or if the administrator is allegedly involved as a party to, or the focus of the complaint, the complainant may present the complaint to the district administrator or the BOE president. The term “days” when used in this policy shall mean calendar days, excluding Saturdays, Sundays and legal holidays.

If the complainant goes to a BOE member instead of following the steps prescribed in this policy, the BOE member will immediately refer the matter to the BOE president, or, if the BOE president is allegedly involved as a party to or the focus of the complaint, to the district administrator.

Step 1

Any complaint shall be presented in writing or orally to their building administrator, or in the case of district office personnel, to the district administrator. Oral complaints will be handled informally. If the complaint is submitted in writing, it should include the specific nature of the harassment, corresponding dates as well as the name, address and phone number of the complainant. The building administrator or other administrator shall notify the district administrator. However, if the complainant is uncomfortable reporting to any administrator noted in this policy, or if the administrator is allegedly involved as a party to, or the focus of the complaint, the complainant may present the complaint to the district administrator or the BOE president.

Step 2

The building administrator or other administrator shall fully investigate the complaint; notify the person who has been accused of harassment; develop a response to the allegation; and arrange a meeting as soon as possible or within 5 days after receipt of the written complaint to discuss the complaint with all concerned parties. The building administrator or other administrator will promptly file a copy of the complaint and response with the district administrator.

Step 3

If the complainant is not satisfied with the answer of the building administrator or other administrator, they may submit a written appeal to the district administrator indicating the areas of disagreement with the response and reason underlying such disagreement. Such appeal must be filed within 10 days after receipt of the building administrator's or other administrator's response. The district administrator 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 district administrator shall give a written response to the complainant's appeal within 30 days after receipt of the notice of appeal. The district administrator may exercise authority to discipline the person involved if they feel satisfied that the evidence as presented warrants the discipline. If the party involved is a BOE member, findings and recommendations shall be made to the full BOE.

Step 4

If the complainant or the district administrator is not satisfied with the results of Step 3, they may file an appeal requesting a hearing with the BOE president within 10 days after the decision in Step 3 has been rendered. If the BOE president is allegedly involved, party to or the focus of the complaint, the appeal in Step 4 shall be filed with the BOE.

Step 5

If the complainant or the district administrator wishes to pursue the matter further, either party may file an appeal requesting a hearing with the BOE within 10 days after the decision in Step 4 has been rendered. The BOE will conduct a hearing about the matter and may take appropriate action in order to resolve any misconduct and/or the complaint.