

Western School District Bylaws & Policies

3362 - HARASSMENT OF STAFF OR APPLICANTS

Harassment of staff (including those who volunteer their services) or applicants for employment is prohibited, and will not be tolerated. This includes inappropriate conduct by any person in the school environment, including other employees, Board members, parents, guests, teachers, contractors, vendors, and volunteers. It is the policy of the District to provide a safe, positive work environment free of harassment for its entire staff.

Harassment through any means, including electronically transmitted methods (e.g., internet, telephone or cell phone, personal digital assistant (PDA), computer or wireless hand held device), may be subject to District disciplinary procedures. Such behavior is considered harassment whether it takes place on or off school property, at any school-sponsored function, or in a school vehicle if it is considered to have a negative impact on the school environment.

Harassment is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a staff member's ability to perform his/her job. This would include harassment based on any of the legally protected characteristics, such as sex, race, color, national origin, religion, age, height, weight, marital status or disability. This policy, however, is not limited to these legal categories and includes any improper harassment that would negatively impact a staff member. This would include such activities as stalking and unwelcomed taunting, teasing, or intimidation.

Any staff member or applicant who believes s/he has been or is the victim of harassment should immediately report the situation to his/her immediate supervisor or the Superintendent at 517-841-8100. If the complaint relates to the Superintendent, it should be filed directly with the Board President. All complaints will be investigated.

Every staff member **must** report any situation that they believe to be harassment. Reports may be made to those identified above.

The investigation will be handled as confidentially as possible under the circumstances. The need to interview the witnesses and the offending individual(s), however, does not allow for total confidentiality in this process. The investigation will be conducted in accordance with AG 3362.

If the investigation finds harassment occurred it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers and contractors, and removal from any officer position and/or a request to resign for Board members.

Retaliation against any person for complaining about harassment, or participating in a harassment investigation, is prohibited. Suspected retaliation should be reported in the same manner as harassment. Intentionally false harassment reports, made to get someone in trouble, are also prohibited. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

The following definitions are provided for guidance only. If a staff member or other individual believes there has been harassment, regardless of whether it fits a particular definition, s/he should report it and allow administration to determine the appropriate course of action.

Harassment

- A. submission to such unwelcomed conduct or communication is made

either an explicit or implicit condition of employment with the School District;

- B. submission to, or rejection of, the unwelcomed conduct or communication is used as the basis for a decision to exclude, expel, or limit the harassed employee in the terms, conditions, or privileges of employment with the School District;
- C. the unwelcomed conduct or communication interferes with the employee's work performance, creates an intimidating, hostile or offensive environment, or otherwise adversely affects the employee's ability to perform.

Sexual Harassment may include, but is not limited to:

- A. verbal harassment or abuse;
- B. pressure for sexual activity;
- C. repeated remarks with sexual or demanding implications;
- D. unwelcome touching;
- E. sexual jokes, posters, cartoons, etc.;
- F. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's safety, job, or performance of public duties.

Notification

Notice of this policy will be **annually** circulated to all school buildings and departments within the District and discussed with staff, as well as incorporated into the teacher, student and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires of the District will be required to review and sign off on this policy and the related complaint procedure.

This policy is not intended to create legal rights or obligations beyond those established by Federal, State, or local law.

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et. seq.
 42 U.S.C. 2000e et. seq.
 Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et. seq.
 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794
 The Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.
 The Handicappers' Civil Rights Act, M.C.L.A. 37.1101 et. seq.
 The Elliott-Larsen Civil Rights Act, M.C.L.A. 37.2101, et. seq.
 Policies on Bullying, Michigan State Board of Education, 7-19-01
 Model Anti-bullying Policy, Michigan State Board of Education, 09-2006