

WORKPLACE VIOLENCE, THREATS, INTIMIDATION, AND HARASSMENT

Policy 522.3

Waunakee Community School District

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The District's goal and expectation is that District officials and employees will maintain a safe, professional, and productive workplace environment that models and contributes to the high-quality learning environment that the District strives to create for District students and for the District's educational programs. In order to create and maintain such a workplace environment, the District places a number of conduct expectations on all District employees, including but not limited to the prohibitions against violence, threats, intimidation, and harassment found in this policy.

Accordingly, the District prohibits all of the following:

1. All forms of workplace violence and threatened workplace violence, such as any of the following:
 - a. Striking, shoving, or kicking another person.
 - b. The infliction, attempt to inflict, or threat to inflict damage to property or any type of physical harm or injury to others, by any means.
 - c. Confining a person against their will or applying any restraint lacking a legitimate purpose that inappropriately limits a person's freedom of movement.
 - d. Any conduct that constitutes a violent crime, as defined under section 939.632(1)(e) of the state statutes.
2. Conduct that occurs out of anger or loss of temper, out of animosity/dislike of another person, or in the context of an interpersonal conflict, that exhibits an intentional, reckless, or negligent disregard for the health, safety, or property of others or for the District's ability to maintain a safe, professional, and productive workplace environment.
3. Any spoken, nonverbal, or physical behaviors or any communications that, by intent or as a reasonably foreseeable consequence (a) inappropriately threaten, intimidate, degrade, harass, or ostracize another person; (b) create an objectively hostile or intimidating work environment; or (c) otherwise unreasonably interfere with District operations or with the work, safety, or well-being of a District employee or another person who is present in a District workplace. When making determinations with regard to allegations of such conduct or communications, the District will consider the severity of any individual incidents, the cumulative effects of multiple incidents, and the extent to which the conduct lacks any legitimate purpose.

Any person who is determined to be responsible for a violation of this policy is subject to appropriate disciplinary action (up to and including possible termination for a District employee) and/or other appropriate consequences that are within the District's lawful authority.

Scope and Application of Policy

1. In addition to conduct by employees, the District retains all lawful authority to receive reports of, investigate, intervene in, and implement an appropriate response to allegations of conduct by any non-employee (e.g., contractors, volunteers, vendors, parents, visitors, former employees, etc.) whose conduct occurs in or affects a District workplace and that may constitute a violation of this policy.

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2. Where there is a sufficient connection to a person's District employment or to a District workplace, the prohibitions identified in this policy may be applied to conduct that occurs away from a District workplace, including while an employee is off duty.
3. To the extent relevant to the alleged offense, and taking into account the totality of the circumstances, the District will evaluate alleged misconduct under this policy based on the reasonably foreseeable effect(s) of the conduct on a reasonable person.
4. This policy is not intended to prohibit or limit reasonable supervisory employment practices, which may include, as examples, (a) the monitoring, observation, and evaluation of an employee's work and conduct; (b) the provision of evaluative feedback; (c) the establishment or documentation of expectations for changes to an employee's behavior, practices, or procedures; and (d) the identification or imposition of negative consequences. Although an employee may sometimes find such supervisory actions to be stressful or upsetting, those actions are not a violation of this policy unless some additional inappropriate element exceeding the boundaries of reasonableness is involved.
5. Even though such conduct can still be a legitimate focus of supervisory/administrative inquiry and possible intervention, not all workplace behavior that (a) hurts a person's feelings; (b) is a manifestation of an interpersonal conflict; or (c) is in some way unkind or upsetting to someone amounts to a violation of the conduct expectations that are the primary focus of this policy.
6. Depending on the totality of the circumstances, the use of profane language or gestures can violate the conduct guidelines established by this policy. Further, profanity is very rarely tolerable in a District workplace due to the educational mission of the District, the District's expectation that employees should model desired behaviors for students, and the unpredictable effects that profanity can have on others. Employees who use profane language or gestures do so at the risk of possible discipline.

Complaints and Reports of Alleged Violations of this Policy

1. Any District employee who has knowledge of a threat of workplace violence under this policy shall, as a first priority, take reasonable steps to secure their immediate personal safety and evaluate their possible statutory obligation to immediately submit a report to law enforcement regarding a threat of violence in a school or targeted at a school.
 - a. Even if it is determined that there is no statutory reporting obligation, any District employee is permitted to report possible criminal conduct to law enforcement.
 - b. An employee who reports an incident or threat under this policy to law enforcement shall, as soon as practicable thereafter, inform at least one of the following administrators of the nature of the report and the related circumstances: the Director of Human Resources, or, if the foregoing are reasonably available, to a school principal.
2. Regardless of whether a report has been made to law enforcement and regardless of the identity of any potential victim or target, all District employees are required to report known, suspected, or threatened instances of physical violence in the workplace to one of the following administrators as soon as reasonably possible: the Director of Human Resources, or,

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if the foregoing are reasonably available, to a school principal.

3. Any person may submit any other reports or complaints regarding known or alleged violations of this policy to any of the following administrators: The Director of Human Resources, or, if the foregoing are reasonably available, to a school principal. The person submitting the report or complaint is encouraged to verify that it was received if they do not receive a reasonably prompt acknowledgment.
 - a. The preferred method of submitting such a report or complaint is in writing, including by an email sent to the appropriate employee's District email address.
 - b. Verbal reports and complaints are also acceptable, but there can be a greater need for the individual to be clear about the nature of the complaint/concern and their expectation for follow-up.
4. General questions or concerns related to this policy should be directed to any of the following administrators: The Director of Human Resources, The District's designated Equal Employment Opportunity Coordinator.
5. The District prohibits retaliation against any employee who, acting in good faith, submits or otherwise participates in the investigation, processing, or resolution of a report or complaint under this policy.

Addressing Alleged Violations of this Policy

Under the supervision of the Director of Human Resources the administration shall ensure that the District takes prompt and appropriate action in response to any complaints or reports that identify or allege a violation of this policy.

1. Priority Evaluation of Threats to School/Employee Safety. As a first priority when receiving a report or complaint of workplace violence, or threatened workplace violence, under this policy, the administration shall promptly evaluate and process such incidents, reports, or complaints according to the District's school safety plan and under any other established procedures for responding to an imminent or ongoing safety concern.
2. General Complaint Processing. Because of the wide range of conduct that is potentially subject to analysis under this policy and due to the varying degrees of the seriousness of possible allegations, the School Board directs the administration to apply a principle of proportionality to the investigation and complaint-processing procedures that are used to address observations, reports, or complaints of possible violations of this policy. In determining a proportional response, the administration shall observe the following guidelines:
 - a. The administration shall utilize the complaint-processing procedures that the District has established under its Equal Opportunity Employment and Nondiscrimination policy to process any complaint that alleges a possible violation of this policy and that also involves an allegation of, or any administratively-identified substantial evidence of, possible unlawful employment discrimination (including unlawful harassment that is based on a legally-protected status).

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- b. The administration may choose to utilize the complaint-processing procedures that the District has established under its Equal Opportunity Employment and Nondiscrimination policy to process other complaints alleging a violation of this policy, even though there is no allegation or substantial evidence that the alleged conduct may have been based on a status or classification that is protected under the state or federal employment discrimination laws.
 - c. At a minimum, a person who submits a written complaint alleging a possible violation of this policy shall be entitled to (1) present their allegations to an administrator who is charged with providing an initial administrative response to the allegations; (2) the receipt of an initial administrative response; and (3) an opportunity to appeal the initial administrative determination to the District Administrator for review or reconsideration.
3. Coordination with Law Enforcement. When an allegation of misconduct under this policy may also constitute a crime, the administration, in consultation with District legal counsel as needed, is expected to make reasonable efforts to coordinate the District's processing of the matter with any related law enforcement proceedings.

Legal References:

Wisconsin Statutes

Subch. II of Chapter 111	[the state fair employment and nondiscrimination statutes, including specific prohibited bases of discrimination]
Section 111.32(13)	[state law definition of sexual harassment in employment]
Section 118.195	[discrimination against handicapped teachers]
Section 118.20	[teacher/administrator discrimination prohibited]
Section 175.32	[mandatory reporting of threats of school violence]
Section 939.632	[violent crime in a school zone]
Section 940.32	[stalking as a criminal offense]
Section 947.0125	[unlawful use of electronic communications]
Section 947.013	[harassment prohibited]
Section 947.019	[threats of death, bodily harm, or damage to property affecting school premises and in other circumstances]

Federal Laws and Regulations

See federal references for Policy 511 (equal opportunity and nondiscrimination)

Cross References:

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