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State of Wisconsin Department of Corrections

Executive Directive 7

SUBJECT: Harassment and Hazing

I. Background

As the Secretary of the Department of Corrections, I am personally committed to the principles and philosophy of equal employment opportunity. The maintenance of a harassment-free work environment is a necessary component of equal opportunity. The Department of Corrections is committed to treating each employee, client and inmate with basic respect and sensitivity.

II. Definitions

A. **Harassment:** Offensive verbal, physical or graphic conduct constitutes harassment when this conduct: 1) has the purpose or effect of creating a hostile, intimidating or offensive working environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment is such offensive behavior when linked to protected status (race, sex, age, etc., for example.)

“Sexual harassment” includes unwelcome sexual advances, unwelcome physical contact, or unwelcome verbal or physical conduct of a sexual nature.

“Unwelcome verbal or physical conduct of a sexual nature” includes, but is not limited to, the deliberate, repeated making of unsolicited gestures or comments, or the deliberate display of offensive sexually graphic materials which is not necessary for business purposes. Sexual harassment also includes general derogatory comments about either females or males.

B. **Hazing** includes persecuting or harassing with meaningless, difficult, or humiliating tasks, or initiation by exacting humiliating performances from or playing rough practical jokes on other employees.

III. Guidelines

Any employee who engages in harassment of any other employee, client or inmate on the basis of age, race, creed, color, handicap, marital status, sex national origin, ancestry, sexual orientation, religion or arrest or conviction record violates state and/or federal laws. Any employee who permits employees under his/her supervision to engage in such

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harassment, whether such acts were authorized or forbidden, or whether the employer knew or should have known of their occurrence also violates state and/or federal law.

Any employee who allows the harassment of another employee by an inmate or client without intervening or reporting the harassment is condoning such activity and is subject to appropriate discipline in accordance with this policy.

Behaviors which will be considered forms of harassment under this policy include, but are not limited to: derogatory jokes, comments or name-calling related to race, ethnicity, religion, sex or sexual orientation; imitating other ethnic groups' accents or behaviors; and the display of nude "pin-up" posters by employees. The attachment to this Executive Directive answers commonly asked questions regarding harassment.

In addition, the Department will not condone any form of conduct that might be considered abusive, disorderly or disruptive, regardless of whether the form of conduct violates state and federal laws. The Department believes that harassment of any kind, including hazing, has no place in the workplace. Hazing disrupts the work environment, is a violation of this policy, will not be tolerated, and will be subject to appropriate discipline in accordance with this policy.

The Department's goal is to provide equal employment opportunity, including a harassment- and hazing-free work environment of all employees. Any employee who believes that he or she is the object of harassment or hazing should attempt to resolve the problem directly with the offending party. If the problem is not resolved at this level, or if the employee is not comfortable attempting resolution directly with the offending party, the employee should contact his or her supervisor. Complaints of harassment may also be filed with the Department of Corrections Office of Diversity and Employee Services (ODES), under the provisions of the Employee Discrimination Complaint Policy, as outlined in Executive Directive 5.

Any allegation of harassment or hazing which comes to a supervisor's attention must be investigated. All proven incidents will be met with counseling or appropriate discipline.

The Department will provide training on the requirements of this harassment policy to all new employees and all new supervisors.

IV. References

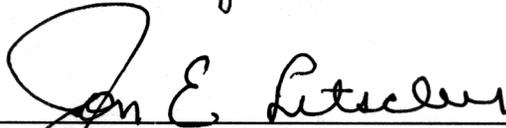
Executive Order 63
Chapter 230, Wisconsin Statutes
Wisconsin Fair Employment Act
Title VII, Civil Rights Act of 1964
Rehabilitation Act of 1973, Sections 503 and 504

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V. Originated By

Bureau of Personnel and Human Resources

Signed this 11 day of May, 2001



Jon E. Litscher
Secretary

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Attachment to Executive Directive 7

Questions Frequently Asked

1 What should I do if I feel that I've been harassed?

Often the most appropriate and effective action you can take is to explain clearly to the other person(s) what behavior you find offensive, why, and ask that it stop. Whether or not the offense was intentional, this action makes it clear that you will not tolerate the behavior. Usually this is enough to stop the behavior.

If you do not feel comfortable in confronting the person(s) directly or if the problem was not resolved through such contact, explain the situation to your supervisor or personnel manager; they are required to stop the behavior if it is indeed harassment, and to take appropriate action to ensure it does not recur. If for some reason the matter is not resolved at the local level, you may contact the DOC ODES Officer and file an Employee Discrimination Complaint. You also have the right to file formal complaints with the state Personnel Commission or the federal Equal Employment Opportunity Commission. Information on your options is available through the DOC ODES at (608) 240-5455.

Must the individual being harassed be the one to charge harassment?

No. If you observe or overhear a co-worker being harassed or if you observe something that offends you (e.g. jokes, printed material, comments about others), take appropriate action. We encourage all employees to take action to help create a harassment-free working environment. Supervisors are required to take action to eliminate harassment from the workplace.

3 What can a supervisor do to demonstrate a sincere effort to prevent harassment in the workplace?

In addition to posting the DOC policy and making sure that all employees have read and understood it, the supervisor should:

- a. Set a positive example in terms of language and behavior;
- b. Make it clear to all staff that jokes and printed material which may be offensive should be kept out of the workplace;
- c. Respond to staff concerns regarding harassment in a serious and timely manner. Charges should be investigated promptly by the appointing authority's designee;
- d. Be aware of the workplace climate and be proactive in terms of prevention, rather than wait for charges to be filed; and

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- e. Be sure to document performance evaluation results and personnel decisions in terms of behavior or other objective criteria.
- 4. Isn't there a danger that this policy will cause problems by encouraging employees to "get" each other or their supervisors by charging harassment?

No. A thorough investigation of a charge of harassment should uncover such interpersonal conflict so that an attempt can be made to resolve it. If an individual falsely and maliciously charges harassment, there may be grounds for discipline for work rule violations. Interpersonal conflict among employees or between subordinate and supervisor are a fact of life in any organization. The problem lies not with policies such as this, but with the underlying conflict itself.

- 5. Does this policy apply to conduct between two employees off the job?

No. However, if the conduct results in harassing behavior on the job or involves violation of a law, there may be consequences related to work rule violations.