

**School District of River Falls
Ad-Hoc Policy Committee**

February 2, 2026 - 6:00 PM

District Office

852 E Division Street

River Falls, Wisconsin 54022

Personnel Committee members: Stacy Johnson Myers (Chair), Alison Page, & Alan Tuchtenhagen

A quorum of the Board may be present for information-gathering purposes only.

Agendas can be viewed at <https://www.rfsd.k12.wi.us/district/school-board.cfm> or at
<https://meetings.boardbook.org/Public/Organization/1447>

1. CALL TO ORDER - 6:00 PM

2. MANNER OF PUBLIC NOTIFICATION OF MEETING

3. HEARING OF VISITORS OR DELEGATIONS

4. CONSENT AGENDA - NEOLA POLICY UPDATES: INITIAL READINGS

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Description: The Policy Committee is conducting the initial readings of the following NEOLA policies as part of the review process. Approval by the Policy Committee will advance these policies to the full School Board for the first reading.

Policies Recommended for Initial Approval:

- Policy 4111 - Creating a Position
- Policy 4112 - School Board-Staff Communications
- Policy 4120.01 - Job Descriptions
- Policy 4120.04 - Employment of Substitutes
- Policy 4121 - Criminal History Record Check and Employee Self-Reporting Requirements
- Policy 4122 - Nondiscrimination and Equal Employment Opportunity
- Policy 4122.01 - Drug-Free Workplace
- Policy 4122.02 - Nondiscrimination Based on Genetic Information of the Employee
- Policy 4130 - Assignment and Transfer
- Policy 4131 - Reduction in Staff
- Policy 4139 - Staff Discipline
- Policy 4160 - Physical Examination
- Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty
- Policy 4211 - Whistleblower Protection
- Policy 4214 - Staff Gifts
- Policy 4215 - Use of Tobacco and Nicotine By Support Staff
- Policy 4216 - Support Staff Dress and Appearance
- Policy 4217 - Weapons Prohibited for Support Staff
- Policy 4220 - Evaluation of Support Staff
- Policy 4230 - Ethics and Conflict of Interest
- Policy 4231 - Outside Activities of Support Staff
- Policy 4310 - Employee Expression in Noninstructional Settings
- Policy 4340 - Grievance Procedure
- Policy 4362.01 - Threatening Behavior Towards Staff Members
- Policy 4410.01 - Compensation for Part-Time Staff
- Policy 4425 - Benefits
- Policy 4430.01 - Family & Medical Leave of Absence (FMLA)
- Policy 4440 - Job-Related Expenses
- Policy 4531 - Unauthorized Work Stoppage

Recommended Action: Approve the above-listed NEOLA policies for the initial reading by the Policy Committee and recommend them for the first reading.

5. NEOLA POLICY 4120 - EMPLOYMENT OF SUPPORT STAFF 72

Description: This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

Recommended Action: Approve Neola Policy 4120 - Employment of Support Staff for the initial reading by the Policy Committee and recommend it for the first reading.

6. NEOLA POLICY 4124 - NOTICE OF REASONABLE ASSURANCE OF EMPLOYMENT 75

Description: This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

Recommended Action: Approve Neola Policy 4124 - Notice of Reasonable Assurance of Employment for the initial reading by the Policy Committee and recommend it for the first reading.

7. NEOLA POLICY 4140 - TERMINATION AND RESIGNATION 76

Description: This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

Recommended Action: Approve Neola Policy 4140 - Termination and Resignation for the initial reading by the Policy Committee and recommend it for the first reading.

8. NEOLA POLICY 145 - SCHOOL BOARD MEMBER ANTI-HARASSMENT 77

Description: This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

Recommended Action: Approve Neola Policy 145 - School Board Member Anti-Harassment for the initial reading by the Policy Committee and recommend it for the first reading.

9. NEOLA POLICY 1662 - EMPLOYEE ANTI-HARASSMENT 89

Description: This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

Recommended Action: Approve Neola Policy 1662 - Employee Anti-Harassment for the initial reading by the Policy Committee and recommend it for the first reading.

10. NEOLA POLICY 3362 - EMPLOYEE ANTI-HARASSMENT 101

Description: This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

Recommended Action: Approve Neola Policy 3362 - Employee Anti-Harassment for the initial reading by the Policy Committee and recommend it for the first reading.

11. NEOLA POLICY 4362 - EMPLOYEE ANTI-HARASSMENT 113

Description: This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

Recommended Action: Approve Neola Policy 4362 - Employee Anti-Harassment for the initial reading by the Policy Committee and recommend it for the first reading.

12. NEOLA POLICY 1213 - STUDENT SUPERVISION AND WELFARE 125

Description: This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

Recommended Action: Approve Neola Policy 1213 - Student Supervision and Welfare for the initial reading by the Policy Committee and recommend it for the first reading.

13. NEOLA POLICY 3213 - STUDENT SUPERVISION AND WELFARE 127

Description: This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

Recommended Action: Approve Neola Policy 3213 - Student Supervision and Welfare for the initial reading by the Policy Committee and recommend it for the first reading.

14. NEOLA POLICY 4213 - STUDENT SUPERVISION AND WELFARE

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Description: This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

Recommended Action: Approve Neola Policy 4213 - Student Supervision and Welfare for the initial reading by the Policy Committee and recommend it for the first reading.

15. SCHEDULE NEXT POLICY AD-HOC COMMITTEE MEETING

Description: Upcoming committee meeting dates, times, and locations will be reviewed.

Recommended Action: Set the meeting schedule as follows:

Ad-Hoc Policy Committee meeting: Monday, March 2, 2026, 6:00 p.m.

The meeting will be held in the District Office conference room at 852 E. Division Street.

16. ADJOURN



Book Neola Policy Templates for Processing
 Section 4000 Support Staff Templates
 Title CREATING A POSITION
 Code po4111 - DB 1/13/26
 Status
 Legal Immigration Reform and Control Act of 1986
 8 U.S.C. 1255a

4111 - **CREATING A POSITION**

The School Board recognizes the need to establish positions which, when filled by competent, qualified support staff, will assist the District in achieving the educational goals set by the School Board. The District employs only persons authorized to work in the United States.

The Director of Human Resources and Leadership Development shall verify all new full-time and part-time employees' and substitutes' identity and authorization to work in the United States according to Federal law.

The School Board reserves the right to:

- A. ~~fix and prescribe the duties to be performed by all personnel;~~
- B. ~~create new positions;~~
- C. ~~specify the number of persons within each job category;~~ and
- D. ~~set the initial salary for a new position. ~~() not covered by civil service rules () not currently covered by an established salary structure, range, or schedule.~~~~

~~In the exercise of its authority to create new positions, the Board shall give primary consideration to:~~

- A. ~~the number of students enrolled;~~
- B. ~~the special needs of the District;~~
- C. ~~the special needs of the students;~~
- D. ~~the operational services of the District.~~
- E. ~~_____.~~

The School Board may create a new position or increase the number of support staff in an existing position.

~~The Board shall, upon the advice of the _____, consider the advisability of creating a new support position or of increasing the number of support staff in an existing position.~~

~~The Board delegates the right to fix and prescribe the duties of support staff to the _____.~~



Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	SCHOOL BOARD-STAFF COMMUNICATIONS
Code	po4112 - DB 1/12/26
Status	
Legal	Garcetti v. Ceballos, 547 U.S. 410 (2006) Samuelson v. LaPorte Comm. Sch. Dist., 526 F.3d 1046 (7th Cir. 2008)

4112 - **SCHOOL BOARD-STAFF COMMUNICATIONS**

The School Board welcomes collegial conversations and interactions with employees that further the interest and insight into the District and its operation. Typically, School Board members rely on an invitation from staff for school and building visits. The School Board has a legitimate interest in maintaining order and facilitating the efficient resolution of concerns by directing that employee communications to the School Board move initially through the chain of command to the District Administrator/Superintendent. Employees are expected to follow the established chain of communication as described in this policy. Failure to do so may result in employee discipline.

~~[Select this option if the District's policy manual contains an organizational chart.]~~

~~[] The basic lines of communication in the chain of command are shown in Policy _____.~~

A. Staff Communications to the School Board

All communications from staff members related to the performance of their job duties or responsibilities to the School Board, or its committees, will be submitted through the Superintendent. This procedure is not intended to deny any staff member the right to raise matters of concern regarding the District operations to the School Board through established procedures when no resolution is reached by the administration.

B. School Board Communications to Staff

All official communications, policies, and directives of the School Board, that are of staff interest and concern to the staff, will be communicated through the Superintendent, who will also keep staff members fully informed of the School Board's challenges, problems, concerns, and actions. (→) School Board member communications with staff will also be consistent with the expectations in School Board Bylaw 0144.5 - School Board Member Behavior, Communications, and Code of Conduct. ~~[NOTE: Select this option only if the Board has adopted Policy 0144.5.]~~

C. Social Interaction

Both staff and School Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since individual School Board members have no special authority, except when they are convened at a legal meeting of the School Board, or vested with special authority by School Board action, discussions between staff and School Board members related to the performance of job duties or responsibilities may be inappropriate. violations of the chain of command.



Book Neola Policy Templates for Processing
Section 4000 Support Staff Templates
Title JOB DESCRIPTIONS
Code po4120.01 - DB 1/12/26
Status

4120.01 - JOB DESCRIPTIONS

The School Board recognizes that it is essential for District and employee accountability ~~that for each~~ staff member~~s~~ to be fully aware of the duties and responsibilities of ~~his/her~~ their position. Job descriptions document and describe the essential functions for support staff positions and thereby promote organizational effectiveness and efficiency. Therefore, the Human Resources Department will maintain a current, comprehensive, and coordinated set of job descriptions for support staff positions.

~~[-]~~ The job description of the Superintendent will be included in the School Board policy manual.

~~All support staff job descriptions will be approved by the _____ and will be maintained _____.~~

As long as the provisions of the job descriptions are not inconsistent with School Board policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees.

~~[-]~~ Each job description will contain the following provision:

~~"The employee will remain free of any alcohol or illegal substance in the workplace in compliance with Policy 4122.01 throughout his/her employment in the District."~~

~~[-]~~ Employees will be evaluated, at least in part, against their job descriptions. ~~Additional evaluations- considerations are addressed in School Board Policy 4220 Staff Evaluation and Educator Effectiveness~~

~~[-]~~ Job descriptions will be brief, factual, and, wherever possible, generically descriptive of similar jobs.

~~[-]~~ Each job description will include the requirement that the staff member serve as a positive role model for students in how to conduct themselves as citizens and as responsible, intelligent human beings. In particular, each job description will indicate the staff member's responsibility to help instill in students the belief in and practice of ethical principles and democratic values.

~~[-]~~ Each job description will include a statement that reserves authority to the Superintendent to assign additional duties and responsibilities as necessary within the scope of the employment position.

~~During the hiring process, the current job description for the position for which the individual(s) interviewing will be reviewed with the candidate. The emphasis during the review will be placed upon the essential functions of the position.~~

Upon employment by the School Board, the staff members will receive a copy of the current job description for the position for which they have been employed. The employee's immediate supervisor Director of Human Resources and Leadership Development will review this job description with the staff member as part of the employment orientation process.

From time-to-time, the School Board recognizes that the Superintendent may find it necessary to revise job descriptions. Revisions and updates will be facilitated by the Human Resources Department. ~~From time to time, the School Board further recognizes that the Superintendent may find it necessary to revise job descriptions.~~

~~[] During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.~~

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description will be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

~~[] The Superintendent will prepare administrative guidelines necessary for the proper implementation of this policy.~~

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Book Neola Policy Templates for Processing
 Section 4000 Support Staff Templates
 Title EMPLOYMENT OF SUBSTITUTES
 Code po4120.04 - DB 1/12/26
 Status
 Legal 118.19, Wis. Stats.
 P.I. 3.03(8), Wis. Adm. Code

4120.04 - **EMPLOYMENT OF SUBSTITUTES**

The School Board recognizes its responsibility to procure the services of substitute support staff in order to prevent the interruption of the operation of the schools.

The names of potential substitute personnel and the positions in which they may substitute will be maintained by the **Human Resources Department**.

Proper certification will be on file if the position requires certification. A satisfactory background check will be conducted consistent with Policy 4121 - Criminal History Record Check and Employee Self-Reporting Requirements.

~~[] The School Board will not employ (but may continue to employ) the spouse or child of any School Board member.~~

~~[] The School Board will not employ (but may continue to employ) the () children, siblings, spouse, parents, in laws, or bona fide dependents (IRS criteria) of a School Board member () children, siblings, spouse, parents, in laws, or bona fide dependents (IRS criteria) of a regular full time support employee **[END OF OPTIONS]**.~~

~~[] Relatives of staff members may be employed by the School Board, provided the staff member being employed is not placed in a position in which they are supervised directly by the staff member who is related.~~

~~[] Preference will be given to candidates for substitute employment who are residents of this School District.~~

~~[] The employment of substitute support staff prior to approval by the School Board is authorized when their employment is required to maintain continuity of services in the District. [] Retroactive employment will be recommended to the School Board at the next meeting.~~

Prior to the end of the school year, District-employed substitutes, who the District intends to employ for the ensuing school year, will receive a letter of reasonable assurance of continued employment.

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Book Neola Policy Templates for Processing
Section 4000 Support Staff Templates
Title CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS
Code po4121 - DB 1/12/26
Status
Legal 111.335, Wis. Stats.

4121 - CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS

To ensure the safety of students and staff, it is the policy of the School Board that criminal background investigations be conducted on any paid staff member. Criminal background investigations will also be conducted on university interns and student teachers, and on those wishing to volunteer in the District. Background investigations will be completed prior to paid or volunteer service begins beginning.

Employment may be offered pending the return and disposition of such background checks. All offers of employment are contingent upon the results of such checks. If an applicant has committed a crime that substantially relates to the circumstances of the particular position for which the applicant is applying, the District may take that offense into consideration when deciding whether to employ the individual. The District may refuse to employ an individual who has been convicted of a felony and who has not been pardoned for that felony.

Knowingly falsifying any of the information in pre-employment documents, such as an application for employment or background check questionnaire, will be sufficient grounds for not being hired or for discharge.

Criminal background investigation paperwork, including forms and records obtained through processing, will be considered confidential and will not be released or disseminated unless required by law.

All District employees will notify their immediate supervisor or building principal as soon as possible, but no more than three calendar days after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

- 1) crimes involving school property or funds;
- 2) crimes involving fraudulent or unauthorized attempt to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
- 3) crimes that occur wholly or in part on school property or at a school-sponsored activity;
- 4) a misdemeanor which involves moral turpitude [e.g., an act or behavior that gravely violates moral sentiments or accepted moral standards of the community]; ~~or~~
- 5) a misdemeanor which violates the public trust; ~~or~~
- 6) major traffic offenses (e.g., operating under the influence of an intoxicant or other drug, reckless driving, operating after suspension/revocation, failure to report an accident, refusal to take a breath test). Minor traffic offenses (e.g., non-moving violations, speeding, failure to yield, failure to obey a traffic signal, unattended vehicle, illegal parking) do not need to be reported. However, if an employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff, other than the staff member's own family, in any vehicle, they must report any traffic offense (not including parking tickets).

Per the School District of River Falls Employee Handbook, Employees who notify their supervisor or building principal of an arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the offenses as indicated above will be subject to being placed on administrative leave, suspension, or termination, as permitted by law. Failure to report under this section may result in disciplinary action.

up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

Adopted from retired policy 533.1

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~~Criminal History Record Check~~

~~To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant the District Administrator recommends for employment on the District's support staff. Any contracts with outsourced services, employment agencies, or temporary services must require such providers to conduct and retain a criminal history record check of individuals providing service to the District.~~

~~Such an inquiry shall also be made for substitutes who may be employed by the District.~~

~~The District Administrator shall establish the necessary procedures for obtaining any criminal history on the applicant.~~

~~Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the District Administrator may employ the person on a provisional basis until the report is received.~~

~~All information and records obtained from such inquiries are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications.~~

~~Employee Self-Reporting Requirement~~

~~All District employees shall notify the District Administrator as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any criminal or municipal offense.~~

~~The requirement to report a conviction or deferred adjudication applies to major traffic offenses (e.g., operating under the influence of an intoxicant or other drug, reckless driving, operating after suspension/revocation, failure to report an accident, refusal to take a breath test). Minor traffic offenses (e.g., non-moving violations, speeding, failure to yield, failure to obey a traffic signal, unattended vehicle, illegal parking) do not need to be reported.~~

~~However, if an employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff, other than the staff member's own family, in any vehicle they must report any traffic offense (not including parking tickets).~~

~~Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.~~

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po4122 - DB 1/12/26
Status	
Legal	111.31 et seq., Wis. Stats. 111.335(d)(2), Wis. Stats. 118.195, Wis. Stats. 118.20, Wis. Stats. Fourteenth Amendment, U.S. Constitution 20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974 20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act 29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended 38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act 42 U.S.C. 2000 et seq., Civil Rights Act of 1964 42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964 42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 1973, as amended 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975 42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended 29 C.F.R. Part 1635, The GINA Regulations 34 C.F.R. Part 110, The Age Discrimination Act Regulations

4122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

The School Board does not discriminate in the employment of support staff on the basis of race, color, national origin, age, sex (including gender status, change of sex, sexual orientation, or gender identity) pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other legally protected category in its programs and activities, including employment opportunities.

Notice of the School Board's policy on nondiscrimination and the identity of the ~~School~~ District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment **13** statements or general information publications.

Definitions

Words used in this policy will have those meanings defined herein; words not defined herein will be construed according to their plain and ordinary meanings.

Compliance Officer (CO) an employee designated by the School Board to be responsible for coordinating the District's efforts to comply with state and federal nondiscrimination laws and for receiving formal complaints of pupil discrimination.

Complainant is the individual who alleges, or is alleged, to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Military status refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, **Reserve Duty**, and performance of duty or training by a member of Wisconsin organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Respondent is the individual who has been alleged to have engaged in discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School-District community means students and ~~School Board~~ employees (i.e., administrators, ~~and~~ professional, and support staff), as well as School Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the School Board.

Third Parties include, but are not limited to, guests and/or visitors on ~~School~~-District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the School Board, and other individuals who come in contact with members of the ~~School~~-District community at school-related events/activities (whether on or off District property).

District Compliance Officers

The School Board designates the following individuals to serve as the District's Compliance Officers (also known as Civil Rights Coordinator; hereinafter referred to as the COs).

~~[DRAFTING NOTE: Neola suggests the School Board appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination/retaliation that pertains to the other CO, as appropriate.]~~

Mark Inouye

Director of Student Services/Title IX Coordinator - Students

715-425-1800

852 E. Division Street
River Falls, WI 54022

mark.inouye@rfsd.k12.wi.us

Nate Schurman

Director of Human Resources/Title IX Coordinator - Staff

715-425-1800

852 E. Division Street
River Falls, WI 54022

nate.schurman@rfsd.k12.wi.us

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail)

The names, titles, and contact information of these individuals will be published annually:

- A. on the School District's website.
- B. () in the ~~staff~~Employee Handbook.
- C. () in the ~~School District Annual Report to the public.~~
- D. () ~~on each individual school's website.~~
- E. () ~~in the School District's calendar.~~
- F. () _____.

The COs are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation, or denial of equal access. The COs will also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination in Employment Act of 1975, and the Genetic Information Nondiscrimination Act (GINA) to students, their parents, staff members, and the general public. () ~~Any sections of the District's agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the School Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts. [END OF OPTION]~~ A copy of each of the Acts and regulations on which this notice is based is available upon request from the CO.

Reports and Complaints of Discrimination and Retaliation

Employees are required to report incidents of discrimination and/or retaliation to an administrator, supervisor, or other supervisory employees so that the School Board may address the conduct. Any administrator, supervisor, or other supervisory employees who receives such a report will provide it to the CO within two (2) days.

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior.

Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her gender status, sexual orientation, and gender identity.

Any questions concerning whether alleged conduct might violate this prohibition should be brought to the CO's attention promptly.

Employees who believe they have been discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint will not adversely affect the Complainant's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to discrimination/retaliation. COs will accept reports of discrimination/retaliation directly from any member of the School District community or a Third Party, or receive reports that are initially filed with another School Board District employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or ~~[] Option 1~~ the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigations. ~~[END OF OPTION 1] [] Option 2~~ the Superintendent will designate a specific individual to conduct the process necessary for an informal or formal investigation. ~~[END OF OPTION 2]~~

The CO will provide a copy of this policy to the Complainant and the Respondent. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

Any School Board District employee who directly observes discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one (1) of the COs within two (2) days. Additionally, any School Board District employee who observes an act of discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other School Board District employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the Complainant within two (2) business days to advise the Complainant of the District's School Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure (See Form 4122 F2)

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to discrimination or retaliation may seek resolution of the complaint through the procedures described below. The complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Once the complaint process begins, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of discrimination or retaliation with the United States Department of Education Office for Civil Rights (OCR), the Wisconsin Equal Rights Division, or the Equal Employment Opportunity Commission (EEOC).

Complaint Procedure

A Complainant who alleges discrimination/retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) the CO; or 3) to the Superintendent or other supervisory employees. Any complaint received regarding the Superintendent or a School Board member will be referred to the School Board's legal counsel, who will assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint will be reported to the Superintendent, who will coordinate with the other appointed/designated CO, or, if appropriate, appoint/designate another individual to serve as CO for the complaint regarding a CO.

Due to the sensitivity surrounding complaints of discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, Superintendent, or other supervisory employees, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of **their understanding of** the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO will ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) days of receiving the complaint, the CO or designee will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and **upon request** provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) days.

~~[] [OPTION 1] Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint. [] [OPTION 2] Investigations will be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO will keep the complainant reasonably informed of the investigation's progress. [END OF OPTIONS]~~

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any **other** witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO or designee will prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of discrimination/retaliation as provided in School Board policy and State and Federal law as to whether the Respondent has engaged in harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used.

~~(↔)~~ The CO may consult with the School Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may ~~(↔)~~ in consultation with the Superintendent or School Board President, if the matter involves the Superintendent, ~~[END OF OPTION]~~ engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the Superintendent either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A summary of the Superintendent's final decision will be provided to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days, or as quickly as possible if additional time is necessary due to the availability of necessary witness(es) or documents. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

~~[] The decision of the Superintendent will be final.~~

OR

[] A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the School Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Superintendent, who will forward the request to the School Board President.

In an attempt to resolve the complaint, the School Board will meet with the concerned parties and their representatives within twenty (20) days of the receipt of such an appeal. A copy of the School Board's disposition of the appeal will be sent to each concerned party within ten (10) days of its decision. The decision of the School Board will be final.

[END OF OPTIONS]

The School Board reserves the right to investigate and resolve a complaint or report of discrimination/retaliation regardless of whether the Complainant pursues the complaint. The School Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the School Board **or its designee**.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint will not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the School Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

All records generated under the terms of this policy will be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.

During the course of an investigation, the CO will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action Monitoring

If warranted, appropriate remedial action will be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The School Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The School Board will vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

When imposing discipline, the Superintendent will consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the School Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct and/or the Employee Handbook.

Where the School Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the School Board and/or Superintendent will be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging discrimination/retaliation, or participates as a witness in an investigation, is prohibited. Neither the School Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the School Board promotes preventative educational measures to create greater awareness of discriminatory practices. The Superintendent will provide appropriate information to all members of the School District community related to the implementation of this policy and will provide training for District staff where appropriate. All training, as well as all information provided regarding the School Board's policy and discrimination in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy will retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315 - Information Management) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the School Board to fulfill its responsibilities;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;

- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
 - I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
 - J. dated written determinations to the parties;
 - K. dated written descriptions of verbal notifications to the parties;
 - L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
 - M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.
 - N. copies of the School Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the School Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
 - O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
 - P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**
- [DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]**
- Q. ~~()~~ documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
 - R. ~~()~~ copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
 - S. ~~()~~ copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;
 - T. ~~()~~ copies of any notices sent to the Complainant and alleged perpetrator in advance of any interview or hearing;
 - U. ~~()~~ copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) created or received as part of an investigation will be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Records, and Policy 8330 - Student Records for not less than three (3) years, but longer if required by the District's records retention schedule.



Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	DRUG-FREE WORKPLACE
Code	po4122.01 - DB 1/12/26
Status	
Legal	Drug-Free Workplace Act of 1988, 41 U.S.C. 8101 et seq.

4122.01 - DRUG-FREE WORKPLACE

The School District of River Falls is committed to maintaining an alcohol and drug-free workplace. Therefore, the following activities and conduct by employees are strictly prohibited:

1. Manufacturing, distributing, dispensing, possession, use or selling of alcohol and controlled or illegal substances at the workplace;
2. Using or possessing drug paraphernalia (e.g., water pipes, pot pipes, roach clips, joint rollers) at the workplace for purposes prohibited by the state controlled substances law;
3. Being under the influence of alcohol and/or controlled or illegal substances at the workplace;
4. Using prescription medication at the workplace in an unauthorized or illegal manner.

For the purposes of this policy, 'workplace' includes any school building, school-owned vehicle, school property, or school-related activity in which students are under the supervision of employees.

Employees engaged in the performance of a grant received directly from the federal government will notify the Superintendent of any criminal drug statute conviction occurring in the workplace within the time period specified by law. The Superintendent will notify the appropriate federal agency of the conviction.

Adherence to the District's drug-free workplace policy is a condition of employment. Any employee who violates this policy will be subject to disciplinary action, including, but not limited to: referral for a drug or alcohol evaluation, referral to the Employee Assistance Program, reassignment, suspension, or termination. In addition, employees who violate this policy may be referred for prosecution.

If a supervisor reasonably suspects that an employee has violated this policy, the District reserves the right to require an alcohol or drug test. Reasonable suspicion must be based on specific and accurate observations made by a supervisor. Observations include, but are not limited to, appearance, behavior, speech, or body odors of the employee. The test will be conducted in a confidential manner. Refusal to consent to testing may result in disciplinary action.

This policy does not prohibit:

- administering medication to students in alignment to Policy 5330 - Administration of Medication/Emergency Care.
- the use of prescription medication by an employee to whom it is prescribed and in the amount prescribed.

The Employee Handbook will include reference to this policy and information related to: the dangers of drug and alcohol abuse in the workplace, available drug or alcohol counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed upon employees for drug or alcohol abuse policy violations.

Adopted from retired Policy 522.1

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The Board believes that quality education is not possible in an environment affected by the use of illegal drugs and alcohol as well as the abuse of prescription drugs. It will seek, therefore, to establish and maintain a drug free workplace.

Prohibited Acts

The Board prohibits any member of the District's staff from any of the following at any time while on or in District property or while performing duties at a District related activity or event:

- A. manufacturing, possessing, using, distributing, dispensing, or being under the influence of any controlled substance or alcohol;
- B. using, distributing, or possessing drug paraphernalia; or
- C. unlawfully possessing, using, distributing, dispensing, or abusing a prescribed or over the counter medication.

Permitted Acts

Staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member according to Wisconsin and Federal law, and take the prescription in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Staff members who use or possess over the counter medications and take them in accordance with the recommended dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed and/or over the counter medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed and/or over the counter medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken in private, out of the view of students.

Each staff handbook will include () a copy () a summary [END OF OPTIONS] of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff; furthermore, staff members shall be informed that compliance with this requirement is mandatory. () The use of marijuana and/or products containing tetrahydrocannabinols (THC), other than products expressly excluded from the definition of a schedule drug (hemp derived CBD oil, etc.), is still prohibited under Wisconsin law and Board policy. Use of such products even in states which have passed state laws permitting usage is still unlawful under Federal law and Wisconsin law and is not an exception to the drug free workplace policy. [END OF OPTION] () CBD products are prohibited on District grounds and at school events. [END OF OPTION]

Reasonable Suspicion Testing

Staff members shall be required to undergo alcohol and/or drug testing at any time the District has reasonable suspicion to believe that the staff member may have violated this policy.

Disciplinary Action

Any staff member who violates this policy shall be subject to disciplinary action, up to and including termination from District employment in accordance with the Employee Handbook and District policies. In addition to disciplinary action, the District may, at its discretion, refer the staff member to drug and alcohol counseling or to employee assistance or rehabilitation programs and/or may refer the matter to law enforcement.

The District Administrator shall establish whatever programs and procedures are necessary to meet the Federal certification requirements under the Drug Free Workplace Act of 1988 and shall provide these to staff. Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 4161—Unrequested Leaves of Absence/Fitness for Duty.

() Off Work Conduct

Disciplinary action may result from conduct related to drug and alcohol usage even on the staff member's personal time if the circumstances create a connection to or nexus with the staff member's role with the District. Disciplinary action may result if a staff member's conduct involves the depiction of the staff member engaging in use of alcohol or drugs on social media or other outlets in a fashion that tends to provoke public scrutiny, damage the staff member's credibility, depict inappropriate involvement of minors, or in some fashion diminish the staff member's ability to safely and effectively perform his or her duties. If the District administration becomes aware of such circumstances, it will investigate the matter even though the events occurred on one's personal time and not on District property or at a District event.

Use of Resources for Treatment

The District makes available resources to assist staff members in overcoming substance abuse. However, the decision to seek diagnosis and accept treatment for substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.



Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po4122.02 - DB 1/12/26
Status	
Legal	42 U.S.C. 2000ff et seq. Title II, The Genetic Information Nondiscrimination Act of 2008 29 C.F.R. Part 1635

4122.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The School Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The School Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information ~~also is~~ **also** prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.

The identity of the Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) will be posted throughout the District and published in any District statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the District as required by Federal and State law and on the District website.

In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq., and 29 C.F.R. Part 1635 ("GINA"), the School Board will not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave, or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application for employment process. Employees and applicants for employment will not be penalized for providing genetic information in good faith in response to a request from a School Board employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the School Board.

~~[] The School Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The School Board prohibits its employees and agents including commercial background investigation agents from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it will immediately be redacted and not shared beyond the point of first receipt.~~

As used in this policy, "genetic information" means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for or receipt of genetic services or the participation in clinical research

that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the School Board's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it will be treated as a confidential medical record in accordance with the law.

The District's Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) is responsible for overseeing the School Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to ensure the School Board's compliance with GINA. This person will be responsible for working with the School Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The Compliance Officer also will verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members, and that all requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) are accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning will read as follows:

Genetic Information Nondiscrimination Act of 2008 (GINA) Disclosure Requirement

The Genetic Information Nondiscrimination Act of 2008 or "GINA," prohibits employers and other entities covered by the law, including the School Board, from requesting or requiring genetic information of an employee or applicant or family member of an employee or applicant, except as specifically allowed by law. To comply with GINA, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions concerning compliance with the requirements of GINA may be directed to the GINA Compliance Officer at 715-425-1800 [phone].

~~[] The School Board offers health services, () including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the District and no applicant or employee will be identified or identifiable from the reported information.~~

The grievance procedure for complaints of discrimination in Policy 4122 applies to complaints of discrimination, including harassment, or retaliation prohibited by GINA and may be utilized if a District employee alleges discrimination or harassment on the basis of genetic information or retaliation for identifying, objecting to, or filing a complaint concerning a violation of GINA or this policy.

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Book Neola Policy Templates for Processing
 Section 4000 Support Staff Templates
 Title ASSIGNMENT AND TRANSFER
 Code po4130 - DB 1/12/26
 Status

4130 - **ASSIGNMENT AND TRANSFER**

The School Board ~~of~~ believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the District.

The Superintendent will be responsible for the proper assignment and transfer of support staff members and will attempt to effect the optimum assignment of the support staff in conformance with any applicable contractual or legal requirements and certification requirements. The processes used for the assignment and transfer of support staff will be outlined in the Employee Handbook.

~~The School Board believes that the careful placement of support staff within the District is vital to the utilization of qualified and competent support staff for the successful functioning of the District.~~

~~**[DRAFTING NOTE: BE SURE THAT RESPONSIBILITY FOR EMPLOYMENT ISSUES REGARDING SUPPORT STAFF IS CONSISTENT IN POLICIES 4120, 4130, 4139, 4140, AND 4430. ALTHOUGH NEOLA RECOMMENDS THAT THE DISTRICT ADMINISTRATOR BE RESPONSIBLE FOR SUPPORT STAFF EMPLOYMENT ISSUES, THE BOARD CAN LEGALLY RETAIN SUCH RESPONSIBILITY FOR ITSELF. CHECK THAT THE AFOREMENTIONED POLICIES DO NOT CONFLICT WITH EACH OTHER.]**~~

~~Responsibility for the assignment and transfer of support staff members shall be vested in the () District Administrator () Board **[END OF OPTION]** Superintendent, () subject to and consistent with any applicable terms of the Employee Handbook.~~

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Book Neola Policy Templates for Processing
 Section 4000 Support Staff Templates
 Title REDUCTION IN STAFF
 Code po4131 - DB 1/12/26
 Status

4131 - REDUCTION IN STAFF

It is the responsibility of the School Board to provide the staff necessary for the implementation of the educational program of the District and the operation of the schools and to do so efficiently and economically.

The School Board reserves the right to abolish positions in the District and to reduce the staff whenever reasons of decreased enrollment of students, return to duty of regular staff members after leaves of absence, suspension of schools or territorial changes affecting the District, or other circumstances warrant. **The Superintendent will be responsible for recommending reductions in staff in alignment with the processes outlined in the Employee Handbook.**

~~[] The District Administrator shall develop administrative guidelines for the reduction of staff based on the best interests of the District and consistent with the terms of any applicable interdistrict agreements, and applicable law.~~

~~Any staff member selected for reduction shall be informed with at least _____ () days advance notice. Where appropriate, attrition may be used to achieve the necessary number of position reductions.~~

[] OPTION #1

~~The District Administrator shall determine the appropriate employees for reduction considering all factors deemed important and in the best interests of the District (), including the following:~~

- ~~A. qualifications of the employees being considered for reduction~~
- ~~B. performance of employees, based on performance evaluations~~
- ~~C. input from direct supervisors~~
- ~~D. () length of service to the District **[END OF OPTION]**~~

[] OPTION #2

~~Selection of staff for reduction once positions have been identified, will be based on seniority. The District Administrator or designee shall maintain a seniority list for each building and each job category. When a reduction in force is necessary, the Administrator shall select the least senior employee for reduction, provided that other staff has the necessary certification.~~

~~() The District Administrator may determine that it is necessary to retain the least senior employee when in the best interests of the District, in which case the next least senior employee shall be considered.~~

[END OF OPTIONS]

[] OPTION #1

No employee whose position has been eliminated shall have any right to be contacted by the District in the event that a vacancy opens in the future for which the laid off employee may be qualified. Likewise, no such employee is entitled to a future position or is provided any preference over other applicants. Any employee whose position was eliminated under this policy may file a grievance under Policy 4340. **[Note: This option allows a grievance to be filed which must be consistent with the reduction in force selection made in Policy 4340 – Grievance Procedure.]** Staff whose employment ended with the District due to a reduction in force, shall not be prevented from applying for future positions with the District.

[Note: If this option is selected, staff reduction results in termination of employment and the affected employee is likely entitled to access to the grievance procedure, Policy 4340.]

[] OPTION #2

Any employee whose position has been eliminated shall have a right to be recalled to their position or another vacancy in the District for which the individual is qualified for a period of _____ () years after the date the employee was reduced. If such an employee is offered an opportunity, the employee to return to the same or similar position and rejects the opportunity, shall have no further right to recall.

When a vacancy occurs in a position for which there has been a reduction in staff in the prior _____ () years, the Administrator responsible for hiring shall attempt to make contact in order of greatest length of service to the District at the time of last employment, with former employees that have remaining recall rights. The Administrator shall attempt to make contact at the last known contact information. Any employee that wishes to be contacted for such positions must inform the District office of any change of address or other contact information.

If an employee is recalled, the employee must again qualify for the position, and may be required to undergo pre-employment background checks or physical examinations consistent with School Board policy and applicable law.

[] OPTION #3

Any employee reduced under this policy shall have the following benefits for a period of _____ () year(s):

- A. the District will contact the employee in the event a vacancy opens up in the same or similar position previously held;
- B. if employee returns to employment, the employee shall retain all accrued benefits, including any applicable sick leave accumulation and length of service credit accrued at the time of reduction;
- C. **[Add additional recall benefits if desired]** _____.

(Note: Providing some level of recall benefits reduces the likelihood that reduction in force is a "termination" subject to the statutory grievance procedure.)

[END OF OPTIONS]

Staff Furloughs

A furlough is a temporary reduction in hours for individuals or groups of employees that is intended to be of a short and predetermined duration, either in terms of days, weeks, or until the resumption of school operations. Furloughs differ from lay offs in that a lay off is of an indefinite, potentially permanent nature.

In the event of a temporary disruption to school services due to unforeseen circumstances, such as a public health emergency, natural disaster, or some other disruption to school programming **[Select one of the following options]** the School Board may authorize the District Administrator to temporarily furlough employees by reducing employee hours, provided that a plan is presented to the School Board for consideration the District Administrator may temporarily reduce employee hours as necessary and shall inform the School Board as soon as practicable regarding the actions taken and the plan for managing the circumstances. **[End of Options]**

Furloughs may be targeted to a particular department, building, or program. Furloughs may be used to reduce all employees' hours consistent with the District's needs while minimizing the impact on individual staff members. Generally speaking, furloughs should be administered in a way to avoid any employee from serving a furlough period of a full week or more in a row, wherever possible. This may involve distributing furlough days or blocks of days shorter than a full week, spread out over a period of several weeks or months.

~~Furloughs may be unpaid if based on budgetary concerns, or employees may be allowed to use available accrued paid time off. Furloughs shall be used only in a manner consistent with any individual contract requirements, or other employee rights or benefits, such as FMLA benefits.~~

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Book Neola Policy Templates for Processing
 Section 4000 Support Staff Templates
 Title STAFF DISCIPLINE
 Code po4139 - DB 1/12/26
 Status
 Legal 66.0509(1m)(a), Wis. Stats.
 Franklin v. City of Evanston, 384 F.3d 838 (7th Cir. 2004)
 Garrity v. New Jersey, 385 U.S. 493 (1967)

4139 - STAFF DISCIPLINE

The School Board retains the right and the responsibility to manage the workforce. When the discipline of a staff member becomes necessary, such action shall be consistent with the requirements of any applicable School Board policy, and State and Federal law. The Superintendent may issue discipline when deemed appropriate. This policy does not cover decisions to terminate for termination of a staff member's employment or accepting a staff member's resignation (see Policy 4140 - Termination and Resignation).

Investigation of Possible Criminal Activity

The District may be required to investigate potential wrongdoings on the part of its employees, and such wrongdoing in some cases may involve potential criminal conduct and/or co-occurring law enforcement investigations. Such investigations still require that the employee answer questions relating to the activity, and employees who refuse to answer such questions may be disciplined for failure to cooperate in the investigation. Employees required to respond to questions regarding potential criminal activity are permitted to do so without waiving any Constitutional right against self-incrimination that may apply during the course of a criminal investigation. Employees should be advised of this right, often referred to as a "Garrity Warning". The Garrity Warning informs the employee that the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. (see Form 4139 F1 - "Garrity" Warning)

[] OPTION #1

~~Staff may be disciplined for violations of School Board policy or for other failure to meet the expectations and obligations of their position. Discipline may only be issued when just cause exists to issue discipline. Just cause as used in this policy shall mean that the District has concluded through a preponderance of evidence that a violation has occurred and the level of discipline is appropriate under the circumstances, considering the employee's disciplinary record, and other pertinent factors.~~

[] OPTION #2

Staff may be disciplined for violations of School Board policy or for other failures to meet the expectations and obligations of their position. No staff member may be subject to arbitrary or capricious disciplinary action, or disciplinary action that is otherwise in violation of law.

[END OF OPTIONS]

~~[] OPTION #1~~

~~Disciplinary action will normally follow a progressive discipline model that is designed to correct inappropriate conduct on the part of staff members. Progressive discipline will generally progress as follows:~~

- ~~A. oral reprimand, with a written record placed in the employee file~~
- ~~B. written warning~~
- ~~C. suspension, the length of which is determined by the administration to effect the corrective goal of discipline; and~~
- ~~D. termination, pursuant to Policy 4140—Termination and Resignation~~

~~The Superintendent may skip one or all steps in the progressive discipline model when s/he deems that the severity of the offense requires more substantial discipline, or in the case of termination, where the Superintendent determines that the conduct is so egregious as to require the staff members immediate termination of employment, consistent with Policy 4140—Termination and Resignation.~~

~~[] OPTION #2~~

The Superintendent may issue discipline to staff members when deemed appropriate. The level of discipline may range from oral reprimands to suspension and may lead to termination consistent with Policy 4140 - Termination and Resignation. The level of discipline shall be consistent with the seriousness of the offense as determined by the Superintendent.

~~[END OF OPTIONS]~~

~~[] Management efforts engaged to improve an employee's job performance or address specific performance concerns, including letters of direction, performance improvement plans, mandatory training, etc., are not disciplinary in nature and are not subject to this policy or to Policy 4340 - Grievance Procedure. **~~[END OF OPTION]~~**~~

All instances of staff discipline are subject to the employee grievance procedure, set forth in Policy 4340 - Grievance Procedure.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	PHYSICAL EXAMINATION
Code	po4160 - DB 1/12/26
Status	
Legal	118.25, Wis. Stats. 118.25(2)(a), Wis. Stats. 121.52(3), Wis. Stats. 29 C.F.R. Part 1630 29 C.F.R. Part 1635 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

4160 - **PHYSICAL EXAMINATION**

Upon initial employment, employees will be required to have a health examination, including tuberculin screening. An employee can submit proof of an examination, chest x-ray, or tuberculin test, which was taken within the 90 days prior to an offer of employment. In the event the employee has a positive reaction to the skin test, a chest x-ray will be done at a facility selected by the School District of River Falls. Anyone who has a known automatic positive reaction to the skin test may have a chest x-ray without first undergoing the skin test.

Freedom from tuberculosis in a communicable form is a condition of employment. Those employees who have positive reactions to the skin test will be required to undergo a follow-up examination with a physician. A copy of the results of this examination will be kept on file in the School District administrative offices.

An employee may be exempt from the physical examination requirement for religious reasons if an affidavit has been filed with the School Board claiming such exemption. No employee may be discriminated against by reason of the employee filing such an affidavit.

Notwithstanding the filing of an affidavit, if there is reasonable cause to believe that an employee is suffering from an illness detrimental to the health of students, the School Board may require the employee to undergo a health examination sufficient to indicate whether or not the employee is suffering from such an illness.

The cost of the examination, including tuberculin skin test or chest x-ray, will be paid out of District funds for all permanent and substitute employees. The medical examination report will be completed by a facility selected by the District.

Additional physical exams, for certain employee groups based on job expectations, may be required in accordance with state law.

In addition to the aforementioned, school bus drivers will be required to complete a medical examination report as prescribed by state law. Completion of this report is mandatory prior to being tested for a school bus driver's license.

Certificates of examination will be maintained in separate files within the District, along with any restrictions from the employee's physician. They will be treated as confidential medical records and will only be available to those individuals specifically authorized by law.

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The Board requires any candidate who has been offered employment in a position that involves contact with children or preparation of food for children, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire. Additional testing may be required to assure freedom from tuberculosis in communicable form.

~~[] The Board requires every employee to undergo a physical examination as a condition of ongoing employment every _____ years of employment. **[END OF OPTION]**~~

~~No physical examination may be required of any employee who has filed an affidavit with the _____ requesting such exemption on the basis that the employee relies exclusively on prayer or spiritual healing in accordance with the teaching of a bona fide religious sect, denomination, or organization and that the employee is to the best of his or her knowledge and belief in good health. An employee exempt from the physical examination requirement may still be required to submit to an examination if there is reason to believe the employee may have an illness that is detrimental to the health of students. Such examination shall be only to the extent sufficient to determine whether the employee suffers from such illness.~~

~~[] The District Administrator may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job-related and out of necessity for safe and proper performance of job duties. **[END OF OPTION]**~~

~~Freedom from tuberculosis in a communicable form is a condition of employment.~~

~~[] The Board shall also require the candidate to submit to a test for controlled substances the results of which must indicate there is no evidence of unlawful drug use. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law. **[NOTE: The legality of blanket pre-employment drug testing by a government employer for all positions is uncertain. Courts have concluded that drug tests are not based on a suspicion of drug use are permissible only where the position involves "safety-sensitive" employment. Selecting this option should be done with the advice of legal counsel.]**~~

~~Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 4160-F2).~~

~~Reports of all such examinations or evaluations shall be delivered to the District Administrator, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 4122.02, the successful candidate who is required to submit to a medical examination, as well as the medical health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.~~

~~Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).~~

~~The results of any physical examination conducted in the course of the employment process shall be solely for the purpose of determining employment eligibility or as may otherwise be required by law. Consideration of physical information in employment shall be consistent with the Americans with Disabilities Act (ADA) as amended and the Wisconsin Fair Employment Act (WFEA).~~

~~The Board shall assume any fees for required examinations.~~

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY
Code	po4161 - DB 1/12/26
Status	
Legal	111.32 et seq. the Wisconsin Fair Employment Act 29 C.F.R. Part 1630 29 C.F.R. Part 1635 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

4161 - UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

It is the policy of the School Board to protect the students and employees of this District from the effects of contagious diseases and other circumstances that render support staff members unable to perform their duties.

The School Board authorizes the Superintendent to place a support staff member on sick leave or suspend a support staff member for physical or mental disability to perform assigned duties in conformance with the law.

The Superintendent may require that the support staff member submit to an appropriate examination by a healthcare provider designated by the support staff member, a healthcare provider designated and compensated by the District, or both.

The staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the School Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation, and School Board Policy 4122.02 - Nondiscrimination Based on Genetic Information of the Employee, the Superintendent shall direct the provider designated by the School Board to conduct the examination, not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider, it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the support staff member is found to be unable to perform assigned duties, the support staff member shall be placed on a leave of absence pending further determination of ability to perform duties, including evaluation of any reasonable accommodations in the event of the existence of a disability.

Should a support staff member refuse to submit to the examination requested by the Superintendent, such refusal shall subject the support staff member to disciplinary action. **Disciplinary action can include, but is not limited to, suspension or termination.**

The Superintendent may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 4430.01 - Family & Medical Leave of Absence ("FMLA") as provided by law.

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Book Neola Policy Templates for Processing
Section 4000 Support Staff Templates
Title WHISTLEBLOWER PROTECTION
Code po4211 - DB 1/26/25
Status

4211 - WHISTLEBLOWER PROTECTION

The School Board expects all of its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, and School Board policies, ~~and administrative procedures~~. The School Board expects employees to report to their immediate supervisors any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, ~~or agent of an agency,~~ or independent contractor which is doing business with the School Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare. Additionally, employees are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee, ~~or agent of an agency,~~ or independent contractor which is doing business with the School Board.

It is the responsibility of an employee who is aware of conduct on the part of any School Board member or employee that possibly violates Federal or State law, or School Board policy, to call this conduct to the attention of the employee's immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the Superintendent.

After such a report is made, the immediate supervisor will ask that the report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such a report as long as the employee made such a report based on a reasonable and good faith belief that the report is accurate and not based on the employee's intent to harm, harass, intimidate, or retaliate against another individual.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the School Board has the authority to correct, and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a School Board member, the employee shall report to the Superintendent, who is authorized to engage the School Board's legal counsel to manage an investigation concerning the matter. If the report concerns the Superintendent, the employee shall make the report to the School Board President, who is authorized to engage the School Board's legal counsel to manage the investigation.

Upon receipt of a report made by a staff member pursuant to this policy, an investigation ~~shall will be~~ commenced ~~as soon~~ as possible and shall be handled expeditiously.

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Book Neola Policy Templates for Processing
Section 4000 Support Staff Templates
Title STAFF GIFTS
Code po4214 - DB 1/12/26
Status

4214 - STAFF GIFTS

The School Board generally discourages the presentation of gifts to staff members by students and their parents beyond nominal value to avoid the appearance of favoritism and to avoid the embarrassment of students who are unable or whose parents are unable or unwilling to provide support staff with gifts.

Support staff may only accept gifts of nominal value (the amount as defined in Policy 4230 - Ethics and Conflict of Interest) from students and their parents, or token items often distributed by companies through their public relations or marketing programs. Other gifts must be graciously declined for compliance with this policy.

It shall not be considered a violation of this policy for an employee to receive entertainment, food, refreshments, meals, health screenings, amenities, or beverages that are provided in connection with a conference sponsored by an established or recognized educational organization, or as may be approved by the Superintendent.

Gifts that are intended for the benefit of the District shall be referred to the Superintendent for proper processing in accordance with Policy 7230 - Gifts, Grants, and Bequests.

The Superintendent may approve acts of generosity to individual staff members in special situations.

Upon the recommendation of the Superintendent, the School Board shall consider, as appropriate, the presentation of recognition gifts to members of the staff who have rendered service for a period of time.

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Section 4000 Support Staff Templates

Title USE OF TOBACCO AND NICOTINE BY SUPPORT STAFF

Code po4215 - DB 1/12/26

Status

Legal 111.321, Wis. Stats.
 120.12(20), Wis. Stats.
 20 U.S.C. 6081 et seq.
 20 U.S.C. 7182

4215 - USE OF TOBACCO AND NICOTINE BY SUPPORT STAFF

The School Board recognizes that the use of tobacco products, as well as other nicotine delivery systems, such as electronic smoking devices, are a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The School Board is acutely aware of the serious health risks associated with the use of these products, both to users and non-users, and that their use or promotion on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. The School Board also believes accepting tobacco industry gifts or materials will send an inconsistent message to students, staff, and visitors.

It shall be a violation of this policy for any support staff of the District to use, consume, display, promote, or sell any tobacco products, tobacco industry brand, tobacco-related devices, imitation tobacco products, or electronic smoking or vaping devices, regardless of content, including smoking as defined in this policy, at any time on school property or at off-campus, school-sponsored events. ~~(→)~~The School Board authorizes the Superintendent to take reasonable measures related to the School Board's expectation that the promotion and display of tobacco and related products on school property or at off-campus, school-sponsored events is prohibited.

It shall be a violation of this policy for the District to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products retailer. This includes, but is not limited to, donations, monies for sponsorship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the District.

Exceptions

It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in instructional or work-related activities in school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

FDA-approved cessation products or tobacco dependence products are exempt from this policy for adults and staff eighteen (18) years and older. Staff using such products and bringing them to any school property or school-sponsored activity are responsible for the safekeeping of these products at all times and are responsible for assuring that no students are able to obtain access to these products.

~~(→) Instruction in the history and purpose of traditional tobacco that has been used as a part of faith and tradition in the Native American and American Indian communities is an exception to this policy.~~

Policy Specific Definitions

The term "Any time" means during normal school and non-school hours: twenty-four (24) hours a day, seven (7) days a week.

The term "Electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

The term "Imitation tobacco product" means any edible non-tobacco product designed to resemble a tobacco product, or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include, but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

The term "Off-campus, school-sponsored event" means any event sponsored by the school or School District that is not on school property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances, or theatrical productions.

The term "School property" means all facilities and property, including land, whether owned, rented, or leased by the District, and all vehicles owned, leased, rented, contracted for, or controlled by the District used for transporting students, staff, and visitors.

The term "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. This specifically includes marijuana and hemp plant-derived substances, whether or not legally sold in Wisconsin, including CBD products, Delta 8 THC, Delta 9 THC, or any other variation thereof. "Smoking" also includes carrying or using an activated electronic smoking device.

The term "Tobacco products retailer" means retailers whose primary business is to sell tobacco and/or tobacco-related products.

The term "Tobacco industry" means manufacturers, distributors or wholesalers of tobacco products, electronic smoking devices, or tobacco-related devices; this includes parent companies and subsidiaries.

The term "Tobacco industry brand" means any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product, company, or manufacturer of tobacco products.

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Book Neola Policy Templates for Processing
Section 4000 Support Staff Templates
Title SUPPORT STAFF DRESS AND APPEARANCE
Code po4216 - DB 1/12/26
Status

4216 - **SUPPORT STAFF DRESS AND APPEARANCE**

The School Board believes that support staff members set an example in dress and appearance for their students to follow.

The School Board authorizes the development of standards for staff dress and appearance that promote a professional educational atmosphere that gives consideration to the impact on the educational process and the diversity of **the** District's staff.

Staff members are expected to dress professionally at all times, except when engaged in an activity that would require other attire. Fridays or other special days can be more casual. ~~(-) When assigned to District duty, all support staff members shall:~~

- A. ~~[] be physically clean and neat;~~
- B. ~~[] dress in a manner consistent with their support responsibilities;~~
- C. ~~[] dress in a manner that communicates to others a pride in personal appearance;~~
- D. ~~[] dress in a manner that does not cause damage to District property;~~
- E. ~~[] present themselves in such a way that does not disrupt the educational process or cause a health or safety hazard.~~

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 Section 4000 Support Staff Templates
 Title WEAPONS PROHIBITED FOR SUPPORT STAFF
 Code po4217 - DB 1/12/26
 Status
 Legal 120.13(1), Wis. Stats.
 175.60, Wis. Stats.
 939.22(10), Wis. Stats.
 941.295, Wis. Stats.
 943.13, Wis. Stats.
 948.605, Wis. Stats.
 948.61, Wis. Stats.
 18 U.S.C. 921(a)(3)
 18 U.S.C. 922
 20 U.S.C. 7151

4217 - WEAPONS PROHIBITED FOR SUPPORT STAFF

The School Board prohibits support staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle, to the extent permitted by law:

↔ without the permission of the Superintendent.

~~[] This prohibition does not apply to unloaded firearms in a locked vehicle or locked firearms case, or to separately stored ammunition, that is on any part of school grounds used as a parking facility () provided, however, that the firearm case or rack is not visible to those passing by the vehicle (i.e., the case is in the vehicle trunk or, if not possible, covered with a blanket or in some fashion shielded from vision.)~~

Concealed Carry Permit Holders

Nothing in this policy prohibits an employee with a properly issued permit to carry a concealed weapon from exercising his/her their rights consistent with Wisconsin's concealed carry law and the State and Federal gun-free school zones laws. However, a staff member who is the holder of a concealed carry permit license issued or recognized by the State of Wisconsin may not, by virtue of Wis. Stat. 948.605(2)(b)1r, possess a concealed weapon anywhere in or on school grounds, including parking areas.

~~[] As Staff members who are a concealed carry permit licensees may not carry a concealed weapon or otherwise store a weapon or ammunition in his or her their personal vehicle while transporting students for school-sponsored events or school-related purposes in his or her own vehicle. This does not apply to the transportation of students related by blood or marriage to the staff member if only such students are being transported.~~

Definition of "Weapon"

For this policy, the term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to firearms (including, but not limited to, firearms as defined in 18 U.S.C. 921(a)(3)), guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives (subject to the exceptions below), razors with unguarded blades, clubs, electric weapons (as defined in 941.295(1c)(a), Wis. Stats.), metallic knuckles, martial arts weapons, chemical agents, ammunition, and explosives.

Exceptions to this policy include:

- A. weapons under the control of law enforcement personnel while on duty, or qualified former law enforcement officers, off-duty law enforcement officers, or out-of-state law enforcement officers;
- B. ~~()~~ items approved by ~~() a Principal ()~~ the Superintendent, ~~() the School Board [END OF OPTION]~~ as part of a class or individual presentation under adult supervision, including but not limited to hunters' education course, if used for the purpose of and in the manner approved (working firearms, except those protected at all times by a cable or trigger lock, and live ammunition shall never be approved);
- C. ~~()~~ theatrical props used in appropriate settings **when approved by the Superintendent;**
- D. ~~()~~ starter pistols used in appropriate sporting events; and
- E. ~~()~~ a knife lawfully used for food consumption or preparation, or a knife used for a lawful purpose within the scope of the person's employment.

The Superintendent may refer a staff member who violates this policy to law enforcement officials. The staff member may also be subject to disciplinary action, up to and including termination, as permitted by applicable School Board policy.

Any staff member who has reason to believe that a person has or will violate this policy shall report to the **school building** Principal or their supervisor immediately. Failure to report such information may subject the staff member to disciplinary action, up to and including termination. The staff member may also confront the person if the staff member believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

~~This policy shall be published and distributed to staff members annually. Publication is not a precondition to enforcement of this policy.~~

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Book Neola Policy Templates for Processing
Section 4000 Support Staff Templates
Title EVALUATION OF SUPPORT STAFF
Code po4220 DB 1/12/26
Status

4220 - **EVALUATION OF SUPPORT STAFF**

The School Board recognizes the importance of implementing a program of support staff member evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the School Board's evaluation plan for support staff are:

- A. **1** to improve and reinforce the skills, attitudes, and abilities which enable a support staff member to be effective in achieving assigned job goals;
- B. **1** to identify and remediate weaknesses which prevent a support staff member from achieving the goals of assigned duties.

The Superintendent shall develop and implement a plan for support staff member evaluations.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	ETHICS AND CONFLICT OF INTEREST
Code	po4230 - DB 1/12/26
Status	
Legal	19.59, 19.42(7), 946.13, Wis. Stats. 2 C.F.R. 200.12 2 C.F.R. 200.113 2 C.F.R. 200.318 7 C.F.R. 3016.36(b)(3) 7 C.F.R. 3019.42

4230 - ETHICS AND CONFLICT OF INTEREST

The proper performance of school business is dependent upon the maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by School Board members and the District's employees, ~~officers, and agents~~ is essential to the School Board's commitment to earn and keep public confidence in the ~~School~~ District.

For these reasons, the School Board adopts the following guidelines designed to avoid the occurrence or appearance of any conflicts of interest. These guidelines apply to all District employees, ~~officers, and agents~~, including members of the School Board. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all support employees, ~~officers, and agents~~. Support employees are expected to perform their duties in an ethical manner and free from an actual conflict of interest or from situations that create the appearance of a conflict of interest, in a manner consistent with 19.59, Wis. Stats. The School Board's interest in enforcing this policy is to assure that the decisions and actions of public employees retain the public's trust. Therefore, even a conflict relationship that can be viewed as beneficial to the District or that was intended to be beneficial to the District, may still be a violation of this policy.

- A. No support employee, ~~officer, or agent~~ shall engage in or have a personal, ~~or financial,~~ or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the employee's, ~~officer's, or agent's duties~~ and responsibilities in the school system. Specifically, support employees must perform their duties in a manner that does not violate criminal conflict of interest laws pursuant to 946.13, Wis. Stats. by having a private pecuniary interest in an amount that exceeds \$15,000, but also lesser valued conflicts that nonetheless create the appearance of using one's public position to secure a private pecuniary interest and/or benefit.
- B. Support staff employees, ~~officers, or agents~~ shall not directly supervise a relative employed by the District or employed in a position contracted for by the District.
- C. Support employees, ~~officers, and agents~~ shall not engage in business, private practice of their profession, the rendering of services, anything of substantial value, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any employee, student, client, or parents of such students or clients in the course of their employment or professional relationship with the ~~School~~ District.

Included, by way of illustration, rather than limitation, are the following:

1. the provision of any private lessons or services for a fee, unless the provision of services is arranged outside of school and is separate from and in addition to regular support provided to students as part of the staff member's regular duties ~~(-)~~ ~~of the service is not provided to students enrolled in one or more class with a support staff member~~ **[END OF OPTION]**;
2. soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees;

3. the use, sale, or improper divulging of any privileged information about a student or client granted in the course of the employee's, ~~officer's or agent's~~ employment or professional relationship with the ~~School~~ District through their access to ~~School~~ District records;
4. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;
5. the requirement of employees, students, or clients to purchase any private goods or services provided by an employee, ~~officer or agent~~ or any business or professional practitioner with whom any employee, ~~officer or agent~~ has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

D. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the ~~School~~ District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the Superintendent before entering into any private relationship.

E. Professional employees, ~~officers, and agents~~ shall not make use of materials, equipment, or facilities of the ~~School~~ District for their own personal financial gain or business interest. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or ~~the checking out the use of school-owned curriculum items from an instructional materials center~~ for private practice.

F. Support employees, ~~officers, and agents~~ shall not participate in the selection, award, and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit, or in which a dependent of the employee has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild, or adopted child under the age of eighteen (18); or individual for whom the employee provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee or the employee's dependent who is under the direct or indirect administrative control of the professional employee or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.

Support employees, ~~officers, and agents~~ may not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

~~[]~~ However, pursuant to Federal rules, the ~~School~~ District has set standards for when an employee, ~~officer, or agent~~ may accept a gift of an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$ _____ or less. **[END OF OPTIONAL LANGUAGE]**

[DRAFTING NOTE: Section 200.318 of Title 2 of the Code of Federal Regulations allows for non-Federal entities (Districts) to set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. In such a situation, "nominal value" must be defined. Nominal value is frequently defined as anything of a value less than \$25, however, local standards may differ.]

G. Support employees, ~~officers, and agents~~ must disclose any potential conflict of interest which may lead to a violation of this policy to the ~~School~~ District. Upon discovery of any potential conflict of interest, the ~~School~~ District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery, or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

H. Support employees, ~~officers and agents~~ found to be in violation of this conflict of interest policy will be subject to

~~[]~~ discipline in accordance with Policy 4139 - Staff Discipline.

~~[]~~ discipline as specified in the Employee Handbook.

~~[]~~ the following disciplinary actions: **[insert School District's disciplinary actions]**

[DRAFTING NOTE: The School District has discretion over the appropriate disciplinary actions. For example, the School District may suspend or terminate the individual's employment, transfer the individual, end the District's professional relationship with that individual, or temporarily re-assign the individual. All disciplinary actions must be in accordance with applicable Federal, State, and local law, as well as any applicable School Board policy or employee handbook provisions.]

~~[]~~ No support staff employee may accept or engage in any employment, consulting, advising, or other professional activity with any organization other than the District, whether the employee will receive compensation for such outside activity or not, without first ~~()~~ providing notice to ~~()~~ obtaining the approval of **[END OF OPTIONS]** the Superintendent.

In the event that, within the course of administering a Federally funded grant program or service to the District, any employee that identifies a conflict of interest, a potential conflict of interest, or that the appearance of a conflict of interest may arise in the course of administering the Federal grant funds, the employee must immediately notify either the Federal agency administering the grant in a manner consistent with that particular agencies rules on conflict of interests, or the District employee directly responsible for grant compliance. Such notice shall be provided at the earliest possible time.

It is a violation of this policy to take action or to refrain from taking action, or for an employee to otherwise use the employee's public position to obtain a financial gain or anything of substantial value for oneself or the employee's immediate family, as defined in 19.42(7), Wis. Stats.

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Book Neola Policy Templates for Processing
Section 4000 Support Staff Templates
Title OUTSIDE ACTIVITIES OF SUPPORT STAFF
Code po4231 - DB 1/12/26
Status

4231 - OUTSIDE ACTIVITIES OF SUPPORT STAFF

The School Board expects support staff members to avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten an employee's effectiveness within the ~~School~~ District, the ~~s~~Superintendent will evaluate the impact of such interest, activity, or association upon the support staff member's responsibilities. Staff members are expected to notify the superintendent of involvement in any outside organization, association, or the like if the staff member's role as a member of the District's staff is tied directly to involvement in the identified outside activity. Additionally, staff members are expected to notify the superintendent of involvement in any outside activity if the staff member will receive compensation for any outside activities (refer also to Policy 4230 - Ethics and Conflict of Interest).

- A. ~~F~~ Staff members should not give work time to an outside interest, activity, or association without a valid reason to be excused from assigned duties.
- B. ~~F~~ Staff members will not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- C. ~~F~~ Staff members will not engage in business transactions on behalf of private enterprises in which the staff member may profit by virtue of the staff member's official position or authority or benefit financially from confidential information which the staff member has obtained or may obtain by reason of the staff member's position or authority.
- D. ~~F~~ Staff members will not campaign on school property on behalf of any political issue or candidate for local, State, or National office.
- E. ~~F~~ Staff members should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.
- F. ~~F~~ Staff members should refrain from expressions that would disrupt harmony among their co-workers or interfere with the maintenance of discipline by school officials.



Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	EMPLOYEE EXPRESSION IN NONINSTRUCTIONAL SETTINGS
Code	po4310 - DB 1/12/26
Status	
Legal	Pickering v Board of Ed., 391 U.S. 563 (1968) Connick v Myers, 461 U.S. 138 (1983) Heffernan v City of Paterson, 136 S.Ct. 1412 (2016) Garcetti v Ceballos, 547 U.S. 410 (2006)

4310 - **EMPLOYEE EXPRESSION IN NONINSTRUCTIONAL SETTINGS**

The School Board acknowledges the right of its support staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the District, however, including matters related to the performance of their job duties or responsibilities, the support staff member's expression must be balanced against the interests of this District.

The following employee expectations are adopted by the School Board to help clarify and, therefore, avoid situations in which the support staff member's expression could conflict with the District's interests. In such situations, the employee should:

- A. (↔) state clearly that the expression represents personal views and not necessarily those of the ~~School~~ District;
- B. (↔) refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;
- C. (↔) not make threats or abusive or personally-defamatory comments about co-workers, administrators, or officials of the District; **and**
- D. (↔) refrain from making public expressions which the employee knows to be false or are made without regard for truth or accuracy.

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Book Neola Policy Templates for Processing
Section 4000 Support Staff Templates
Title GRIEVANCE PROCEDURE
Code po4340 - DB 1/12/26 (CHECK FORMATTING)
Status
Legal 66.0509(1m), 118.22, 118.24, Wis. Stats.

4340 - GRIEVANCE PROCEDURE

Pursuant to state law, the School Board will provide a grievance procedure for the orderly resolution of employee grievances related to employee discipline, employee terminations, and workplace safety. Any employee of the District has the right to access the grievance procedure provided the grievance is filed in writing within the applicable timelines, and provided that the issue presented by the grievance properly concerns a grievable complaint. However, nothing within this policy or within the written rules and procedures implementing this policy will be construed to:

1. Prevent an employee and the District from voluntarily resolving, or attempting to resolve, an employee's grievance, complaint, concern, or other dispute using informal methods separate from the formal grievance process, such as a mediated resolution or other similar outcome;
2. Grant or confer to any employee any substantive rights or employment protections that would not exist in the absence of this policy and its implementing rules, except for those primarily procedural rights inherent and minimally necessary to an employee's ability to access and use the grievance procedure in the manner defined by state law and by the School Board.

No employee is required to pursue a formal grievance using the procedures established pursuant to this policy, and supervisors and administrators are expected to fulfill their supervisory role(s) with respect to managing employee complaints and concerns, even where an employee is unable to or elects not to pursue a grievance under the formal procedures established by the School Board.

The grievance procedure will provide for grievances to be handled in a timely manner. The procedure will also include an opportunity for a grievant to present his/her grievance before an impartial hearing officer, as well as an appeals process in which the highest level of appeal is the School Board.

No employee or District official will, or attempt to, restrain, interfere with, coerce, discriminate against, and/or retaliate against any employee who files or processes a grievance in good faith. The same protections apply to any person who otherwise participates in the presentation, processing, or resolution of a grievance (e.g., a witness), regardless of whether the allegations presented by the grievance are ultimately sustained. Action taken in bad faith, such as engaging in abuse of the process, providing false information, or engaging in libel or slander in connection with a grievance, are is not protected. Violations of this paragraph may lead to disciplinary action, up to and including termination.

In the event a grievance proceeds to a hearing before an impartial hearing officer, the Superintendent or designee will identify an impartial hearing officer consistent with minimum requirements set forth by the School Board. The role of the hearing officer will include adherence to the following:

1. A hearing officer must agree to comply with all relevant laws and with all applicable School Board policies and District procedures to the extent it is consistent with the law, including laws and policies covering public records, personnel records, and student records.
2. An impartial hearing officer will neither add to, delete from, nor modify any School Board policies or administrative rules or regulations, although it will be within the purview of a hearing officer to reach a conclusion that a given policy, rule or regulation violates applicable law (upholding the determination of the impartial hearing officer is subject to the agreement of the School Board).

This The following defines a timely and orderly review process of decisions concerning: a) employee terminations; b) employee discipline; and c) workplace safety.

Purpose and Applicability:

This procedure provides an employee with the opportunity to address concerns regarding their discipline, termination, or workplace safety matters. Only one subject may be covered in any one grievance. The procedure also outlines how a grievance will be reviewed by an impartial hearing officer, and to appeal to the School Board, where appropriate. The District expects employees and management to exercise reasonable efforts to resolve questions, problems, or misunderstandings prior to utilizing the grievance procedure. A determined effort will be made to settle any grievance at the lowest possible level in the grievance procedure.

If an employee is subject to a contractual grievance procedure, the contractual grievance procedure must be followed as applicable. This procedure does not replace or supersede any statutory provision which is applicable to an employee's employment with the District. Any grievance, or part of a grievance, that is subject to the jurisdiction of a different governmental body or Wisconsin statute, or subject to a different dispute resolution process, is excluded from this grievance procedure. This grievance procedure does not create a legally binding contract or a contract of employment.

Definitions:

Employee: For purposes of discipline and termination under this grievance procedure, an employee is defined to include regular full-time, part-time, and limited term employees. All other individuals employed by the district, including casual employees, temporary employees, and short-term substitutes as well as independent contractors, are specifically excluded from the definition of employee and, therefore, this grievance procedure is not available to them. For purposes of workplace safety under this grievance procedure, an employee will be defined to include regular full-time, part-time, limited term, casual, and temporary employees. All other individuals employed by the District are specifically excluded from the definition of employee and, therefore, this grievance procedure is not available to them.

Discipline: For purposes of this procedure, "discipline" means an employee action that results in a disciplinary suspension or disciplinary demotion. Discipline for purposes of access to this grievance procedure does not include any written or verbal notices, warnings, reprimands, reminders, documentation of staff member acts, and/or omissions placed in a personnel file, non-disciplinary wage, salary, or benefit adjustments, improvement plans, or suspensions with pay; verbal disciplines will be documented, but are not subject to the grievance procedure. The purpose of written and verbal notices, warnings, reprimands, or reminders is to alert the employee that failure to correct the behavior may result in disciplinary suspension, without pay, disciplinary termination, or disciplinary demotion.

Termination: For purposes of this procedure, termination means a separation from employment by the employer for disciplinary or quality of performance reasons. Termination does not include layoff, reduction in workday, furlough, reduction in workforce, job transfer or reassignment, or the end or completion of temporary employment, which are not subject to the grievance procedure. Unless required by law, where separation from employment results from the District's use of specific statutory procedures for the nonrenewal of a fixed-term employment contract, such separation via nonrenewal is not grievable as a termination.

Workplace Safety: For purposes of this procedure, workplace safety includes any conditions, or anticipated conditions, of employment related to the physical health and safety of the employee filing the grievance, including the safety of the physical work environment, the safe operation of workplace equipment and tools, provision of personal protective equipment, and accident risks. Workplace Safety does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, assignments, and work schedules.

General Provisions:

- A. **Role and Appointment of "Impartial Hearing Officer":** For purposes of this procedure, the role of the "Impartial Hearing Officer" will be to define the issues, identifying areas of agreement between the parties and identifying the issues in dispute, and to hear the parties' respective arguments. The impartial hearing officer will be appointed by the Superintendent based upon the nature of the matter in dispute.
- B. **Time Limits:** Failure to submit or process a grievance by the employee within the time limits specified below, or agreed upon extensions, will constitute waiver of the grievance. Failure of a District representative to meet the time limits specified below will cause the grievance to move automatically to the next step in the procedure within seven (7) days of such failure. A grievance or decision or appeal is considered timely if received by the employer during normal business hours or if postmarked, or emailed, by 12:00 midnight on the due date. The time limits contained in this procedure are to be strictly observed and may only be extended upon the express written consent of the parties.
- C. **Days:** The term "days" as used in this provision means calendar days, excluding holidays. If the last day on which a grievance is to be filed or a decision is to be appealed is a Saturday, Sunday, or holiday, the time limit is the next day that is not a Saturday, Sunday, or holiday.
- D. **Scheduling:** Grievance meetings and hearings will typically be held during the employee's off-duty hours. Time spent in grievance meetings and hearings will not be considered as compensable work time.
- E. **Representation:** The employee will have the right to representation during the grievance procedure at the employee's expense.

Procedure for Grievances Concerning Employee Terminations and Employee Discipline:

The employer and employee may mutually agree, in writing, to waive any step to facilitate or expedite resolution of the grievance.

Step 1: An earnest effort will be made to settle the matter informally between the aggrieved employee and the employee's immediate supervisor. If the grievance is not resolved informally, then it will be reduced to writing by the employee who will submit it to the employee's immediate supervisor within fourteen (14) days after the facts upon which the grievance is based first became known, or should have become known, to the employee. The written grievance will provide a detailed statement concerning the subject of the grievance, the facts upon which the grievance is based, and indicate the specific relief being sought. The supervisor will reply in writing to the employee within fourteen (14) days after receipt of the written grievance.

Step 2: If the grievance is not settled in Step 1, and the employee wishes to appeal the decision of the supervisor, the employee will submit in writing a request for administrative reconsideration to the Superintendent or designee within fourteen (14) days of the date the employee received the initial administrative denial of the grievance, or, if no initial response was provided, within fourteen (14) days of the deadline for providing written grievance. The written grievance must include the name and job title of the grievant and a detailed statement of the grievance, including the issue involved, the relief sought, and the time and date the alleged incident or violation took place, the signature of the grievant, and the date the grievance was filed.

The Superintendent or designee will provide a final administrative response to the grievant in writing within twenty (20) days of the District's receipt of the request for reconsideration. If the grievance has not been resolved and either (1) has been denied in the form of a final administrative response from the Superintendent or designee; or (2) no final administrative response has been provided by the Superintendent or designee by the applicable deadline for such a response, the grievant may continue to pursue the grievance by filing a request for a hearing as provided under Step 3, below.

Step 3: If the grievance is not settled in Step 2, and the employee wishes to appeal the decision of the Superintendent or designee, the employee will submit the written grievance to the Superintendent or designee within seven (7) days after receipt of the supervisor's Superintendent's written answer to request a hearing before an impartial hearing officer. The impartial hearing officer will be appointed by the Superintendent or designee. If timely requested, the hearing will normally be scheduled within thirty (30) days of receipt of the request for hearing. The impartial hearing officer may require the parties to submit documents and witness lists in advance of the hearing in order to expedite the hearing. The impartial hearing officer will have the authority to administer oaths, issue subpoenas at the request of either party, and decide if a transcript is necessary. At the conclusion of the hearing, the impartial hearing officer will render a written decision indicating the reasons for one of four possible decisions:

1. Sustaining the discipline/termination.
2. Modifying the discipline/termination.
3. Denying the discipline/termination.
4. Recommending additional investigation prior to final determination.

The impartial hearing officer will issue the written decision to the employee and employer within thirty (30) calendar days from the date of the hearing or submission of post-hearing briefs. In cases where the impartial hearing officer recommends additional investigation, at the conclusion of the additional investigation, a second, follow-up hearing will be scheduled. The impartial hearing officer may apply relaxed standards for the admission of evidence and may request oral or written arguments and replies.

Step 4: The employer or employee may appeal the decision of the impartial hearing officer to the School Board in writing within seven (7) days of receipt of the written decision of the impartial hearing officer. The decision of the governing body will be final and binding upon the parties.

Level of Review: The role of the School Board, in reviewing the decision of the impartial hearing officer, is to solely address the following questions:

1. Did the impartial hearing officer follow a fair and impartial process?
2. Is there evidence of corruption, fraud, or misconduct by the impartial hearing officer?
3. Did the impartial hearing officer make an error of law which makes the award invalid?
4. Did the impartial hearing officer make an error of fact which makes the award invalid?

After answering the above questions, the School Board will decide to uphold, modify, or reverse the decision of the impartial hearing officer. The School Board will issue its written decision within sixty (60) days from receipt of the appeal.

Procedure for Grievances Concerning Employee Workplace Safety:

The employer and employee may mutually agree, in writing, to waive any step to facilitate or expedite resolution of the grievance.

Step 1: Any employee who personally identifies, or is given information about, a workplace safety issue or incident must notify his/her immediate supervisor of the issue or incident as soon as reasonably practicable. All workplace safety issues and incidents, no matter how insignificant the situation may appear to be, must be reported by an employee to their immediate supervisor within 24 hours after the incident or issue was raised in order to be addressed as part of the grievance procedure.

A written report of the incident or issue, by the person experiencing or anticipating physical health or safety concerns, outlining the events that transpired and proposed resolution, if any, will be submitted to the building principal or direct supervisor for review and consideration within seven (7) days of the incident or issue.

Step 2: After receipt of the written report, the building principal, direct supervisor, or designee will conduct additional investigation, as required, and issue a final report on its findings and conclusions within thirty (30) days of receipt of the written report. Copies of the report will be given to the persons who signed the written incident report as well as to the Superintendent or designee.

Step 3: The employee may appeal the findings and conclusions of the building principal or direct supervisor by submitting a request for administrative reconsideration by the Superintendent or designee within fourteen (14) days of the date the employee received the initial administrative denial of the grievance, or, if no initial response was provided, within fourteen (14) days of the deadline for providing written grievance.

The Superintendent or designee will provide a final administrative response to the grievant in writing within twenty (20) days of the District's receipt of the request for reconsideration. If the grievance has not been resolved and either (1) has been denied in the form of a final administrative response from the Superintendent or designee; or (2) no final administrative response has been provided by the Superintendent or designee by the applicable deadline for such a response, the grievant may continue to pursue the grievance by filing a request for a hearing as provided under Step 4, below.

Step 4: The employee may appeal the findings and conclusions of the Superintendent or designee and request the appointment of an impartial hearing officer within seven (7) days after receipt of the Building Principal's Superintendent's report. The impartial hearing officer will be appointed by the Superintendent or designee.

If timely requested, the hearing will normally be scheduled within thirty (30) days of receipt of the request for hearing. The impartial hearing officer may require the parties to submit documents and witness lists in advance of the hearing in order to expedite the hearing. The impartial hearing officer will have the authority to administer oaths, issue subpoenas at the request of either party, and decide if a transcript is necessary. At the conclusion of the hearing, the impartial hearing officer will render a written decision indicating one of three outcomes:

1. Sustaining the conclusions of the building principal or direct supervisor.
2. Denying the conclusions of the building principal or direct supervisor and ordering additional or alternative remedial measures.
3. Recommending additional investigation prior to final determination.

The impartial hearing officer will issue the written decision to the employee and employer within thirty (30) calendar days from the date of the hearing or submission of post-hearing briefs. In cases where the impartial hearing officer recommends additional investigation, at the conclusion of the additional investigation, a second, follow-up hearing will be scheduled. The impartial hearing officer may apply relaxed standards for the admission of evidence and may request oral or written arguments and replies.

Step 5: The employer or employee may appeal the decision of the impartial hearing officer to the School Board in writing within seven (7) days of receipt of the written decision of the impartial hearing officer. The decision of the School Board will be final and binding upon the parties.

Level of Review: The role of the School Board, in reviewing the decision of the impartial hearing officer, is to solely address the following questions:

1. Did the impartial hearing officer follow a fair and impartial process?
2. Is there evidence of corruption, fraud, or misconduct by the impartial hearing officer?
3. Did the impartial hearing officer make an error of law which makes the award invalid?
4. Did the impartial hearing officer make an error of fact which makes the award invalid?

After answering the above questions, the School Board will decide to uphold, modify, or reverse the decision of the impartial hearing officer. The School Board will issue its written decision within sixty (60) days from receipt of the appeal.

Impartial Hearing Officer Selection Procedures:

In the event an employee grievance related to employee discipline, termination or workplace safety proceeds to a hearing before an impartial hearing officer, the Superintendent or designee will identify an impartial hearing officer consistent with the following minimum requirements:

- The hearing officer will be (1) an attorney who is licensed to practice in the State of Wisconsin; or (2) a current or former school administrator who remains licensed by the Department of Public Instruction as either a superintendent or principal, provided the person demonstrates to the satisfaction of the Superintendent sufficient familiarity with the procedures for conducting a fair and impartial hearing; or (3) such another individual deemed qualified by the School Board provided that the School Board, upon recommendation by the Superintendent, affirmatively approves the individual's alternative qualifications prior to the person serving as a hearing officer.
- If the hearing officer is an attorney, that individual may be an attorney who (or whose firm) represents the District in another capacity only if (1) there is no evidence of bias toward either party; and (2) the attorney, or another attorney from the same firm, is not representing the District in any capacity in connection with the grievance in

question.

- The hearing officer will not be an employee of the District.
- Hearing officers may be identified based on their suitability to hear grievances over particular issues (due to their background and experience). (e.g., an individual may be deemed well-qualified to hear a grievance over a "workplace safety" issue, or perhaps well-suited for grievances other than a grievance over a "workplace safety" issue).
- The hearing officer assigned to any pending grievance must be available to hear the case and render a decision in a timely manner. To the extent that the District has compiled a list of two or more potential impartial hearing officers who the District deems qualified to serve as a hearing officer with respect to any pending grievance, the Superintendent or designee may use a rotational system, random drawing, or similar system to identify the hearing officer who will be contacted first and asked about his/her availability. However, the failure to use such a system will not be deemed an error unless the individual selected as the hearing officer fails to satisfy the statutory requirement of impartiality.

Adapted from Retired Policy 527, 527-Rule (1), and 527 Rule (2)

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It is the policy of the District to treat all employees equitably and fairly in matters affecting their employment. Each employee of the District shall be provided an opportunity to understand and resolve certain matters affecting employment that the employee believes to be unjust. This section shall apply to all regular full-time, part-time, limited, temporary, and seasonal employees.

[CHOOSE OPTION #1 or #2]

[] [OPTION #1] [NOTE: this option reflects the minimum requirements of the law and is the recommended option.]

This procedure is available in the case of any employee's disagreement with discipline or termination of employment, as well as a matter relating to workplace safety.

A grievance shall mean a dispute concerning an employee's discipline or termination of employment or a dispute concerning workplace conditions that affect workplace safety. Only one (1) subject matter shall be covered in any one (1) grievance. A written grievance shall contain:

- A. the name and position of the grievant;
- B. a clear and concise statement of the grievant, including the category of the grievance (i.e., employee termination, discipline, or workplace safety);
- C. the issue involved;
- D. the relief sought;
- E. the date the incident or violation took place;
- F. the specific section of the Policy Manual alleged to have been violated;
- G. the signature of the grievant and the date.

[] [OPTION #2] [DRAFTING NOTE: this option provides a far broader definition of grievance than is required by law.]

This procedure is available for any cause or complaint arising between the District and its employees with reference to a condition of employment. Any District employee(s), who feels they have been treated unfairly, or is dissatisfied with working conditions, should first seek to resolve the problem through informal discussions with their supervisor. In the event informal discussions fail to resolve the problem, the employee(s) may seek formal review and resolution by filing a written grievance.

A grievance shall mean a dispute concerning the interpretation or application of a portion of written District policies or written or expressed procedures and objectives of the District.

[END OF OPTIONS #1 & #2]

All employee grievances must be filed by the aggrieved employee(s). The grievance must be filed within five (5) business days after the employee knew or should have known of the cause of such grievance. The following procedures shall be followed:

[CHOOSE OPTION #3 OR #4]

[] [OPTION #3]

A. District Administrator:

This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) business days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) business days. This step does not apply to any grievance related to action by the Board that directly affects the grievant. **[NOTE: An example of this action is the termination of an employee by Board action which is not subject to review by the District Administrator.]**

B. Hearing Before an Impartial Hearing Officer:

In the event the matter is not resolved to the employee's satisfaction by the District Administrator, the employee may, within five (5) business days of the date of the written decision of the District Administrator, request in writing that the matter be referred for a hearing before an Impartial Hearing Officer. If the District Administrator denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline, or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determines the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board shall appoint a hearing officer for the purpose of conducting the hearing. The Board may appoint a hearing officer or panel of potential hearing officers from which to select an officer for this purpose, either on an ad hoc basis or by resolution adopted for a school year, and delegate to the District Administrator the responsibility to arrange for such hearing with one (1) of the selected officers. When the grievant is the District Administrator, the () Board President () Board's legal counsel **[END OF OPTIONS]** shall be responsible for the selection of a hearing officer and arranging a hearing.

Each grievance shall be heard by a single hearing officer and such hearings shall be private. The employee and the District may present witnesses and each side may select one (1) individual to attend the hearing as a representative. Any employee representative selected shall be at no expense to the District.

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the District Administrator in the initial grievance. Any fees or costs charged by the Impartial Hearing Officer shall be () paid by the District () split evenly between the grievant and the District. **[DRAFTING NOTE: Neola suggests that the option that requires the District to pay the fees or costs charged by the Impartial Hearing Officer be selected to avoid potential Due Process issues.]**

C. Board:

In the event that either party is dissatisfied with the Hearing Officer's decision, that party may, within ten (10) business days, present the grievance in writing to the Board, which shall consider the matter within thirty (30) business days after its receipt unless postponed by mutual agreement. The Board shall review the decision of the Impartial Hearing Officer and may either issue a decision or determine that additional evidence or testimony is necessary and provide for a hearing for that purpose. The Board's decision shall be by a majority vote of a quorum present, which shall be final.

[] OPTION #4

A. Principal/Supervisor:

If an employee believes they have a matter subject to the grievance procedure, the employee shall present the grievance to the Principal/Supervisor. If applicable, the employee shall perform the assigned task and grieve later. The Principal/Supervisor shall, within five (5) business days, inform the employee in writing of their decision.

B. District Administrator:

In the event the Principal's/Supervisor's decision does not resolve the problem, the employee may, within five (5) business days of the date the Principal's/Supervisor's written decision is issued, present their grievance in writing to the District Administrator. This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) business days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) business days. This step does not apply to any grievance related to action by the Board that directly affects the grievant. **[NOTE: An example of this action is the termination of an employee by Board action which is not subject to review by the District Administrator.]**

C. Hearing Before an Impartial Hearing Officer:

In the event the matter is not resolved to the employee's satisfaction by the District Administrator, the employee may, within five (5) business days of the date of the written decision of the District Administrator, request in writing that the matter be referred for a hearing before an Impartial Hearing Officer. The Board shall appoint a Hearing Officer for the purpose of conducting the hearing. If the District Administrator denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline, or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determines the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board may appoint a Hearing Officer or panel of potential Hearing Officers from which to select an officer for this purpose, either on an ad hoc basis or by resolution adopted for a school year, and delegate to the District Administrator the responsibility to arrange for such hearing with one (1) of the selected officers. When the grievant is the District Administrator, the () Board President () Board's legal counsel **[END OF OPTIONS]** shall be responsible for the selection of a Hearing Officer and arranging a hearing.

Each grievance shall be heard by a single Hearing Officer and such hearings shall be private. The employee and the District may present witnesses and each side may select one (1) individual to attend the hearing as a representative. Any employee representative selected shall be at no expense to the District.

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the Principal/Supervisor in the initial grievance. Any fees or costs charged by the Impartial Hearing Officer shall be () paid by the District () split evenly between the grievant and the District. **[DRAFTING NOTE: Neola suggests that the option that requires the District to pay the fees or costs charged by the Impartial Hearing Officer be selected to avoid Due Process issues.]**

D. Board:

In the event that either party is dissatisfied with the Hearing Officer's decision, that party may, within ten (10) business days, present the grievance in writing to the Board, who shall consider the matter within thirty (30) business days after its receipt unless postponed by mutual agreement. The Board shall review the decision of the Impartial Hearing Officer and may either issue a decision or determine that additional evidence or testimony is necessary and provide for a hearing for that purpose. The Board's decision shall be by a majority vote of a quorum present, which shall be final.

[END OF OPTIONS]

This procedure constitutes the exclusive process for the redress of employee grievances for the subject matter referred to herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with the administration, and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by the administration which has final authority, subject to any applicable Board policy or directive, to resolve the matter.

Time limits contained in this grievance procedure outlined above may be extended by mutual consent of the parties. If any applicable time limit for advancing the grievance to the next step in the process is not met, the grievance shall be deemed resolved. Each employee shall be afforded any opportunity to be represented at each step of the grievance procedure by a representative of the employee's choice and at no expense to the District.

For purposes of this grievance procedure, the following definitions shall apply:

- A. Workplace safety** means those conditions related to physical health and safety of employees enforceable under Federal or State law or District rule related to the safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace

violence, and accident risks.

- B. Termination does not include voluntary resignation or retirement, () nor does it include reduction in force under Policy 4131—Reduction in Staff. **[DRAFTING NOTE: SELECTION OF OPTION MUST BE CONSISTENT WITH SELECTION MADE IN POLICY 4131.]**
- C. Employee discipline refers to suspensions, written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file.
- D. Business day means weekdays, excluding any District recognized holiday that falls on a weekday, but does not exclude weekdays during scheduled break periods.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	THREATENING BEHAVIOR TOWARD STAFF MEMBERS
Code	po4362.01 - DB 1/12/26
Status	
Legal	Chapter 947, Wis. Stats.

4362.01 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The School Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate, or are intended to intimidate, a staff member or are reasonably likely to cause concern for his/her/their physical and/or psychological well-being is strictly forbidden. Such actions by any student, parent, visitor, staff member, School Board member, contractor, or agent of the School Board ~~is are~~ prohibited, and the School Board authorizes appropriate corrective and remedial action, including disciplinary action where appropriate, referral to law enforcement, or pursuit of other remedies, including injunctive relief if appropriate. This policy should be read consistently with, and in conjunction with, school safety and the mandatory reporting of threats of violence in Policy 8462.01 - Threats of Violence.

Staff members should report complaints of threatening behavior to their supervisor. If their supervisor is the subject of the threatening behavior, the complaint should be reported to the Superintendent. If the Superintendent is the subject of the threatening behavior, the complaint should be reported to the School Board President.

The ~~S~~supervisor or Superintendent will implement procedures for the investigation and resolution of threatening behavior complaints.

~~[] The District Administrator may administer guidelines to implement procedures for complaints and for investigation, as well as resolution of complaints.~~

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Book Neola Policy Templates for Processing
Section 4000 Support Staff Templates
Title COMPENSATION FOR PART-TIME STAFF
Code po4410.01 - DB 12/1/26
Status

4410.01 - **COMPENSATION FOR PART-TIME STAFF**

The School Board requires that part-time support staff be compensated in an amount appropriate to the position's duties and responsibilities and the portion of time worked, whether it be a fraction of a day or a fraction of a year. The Superintendent will ensure that such arrangements are consistent with any applicable terms of the Employee Handbook, or as applicable, to the collective bargaining agreement, if a member of a certified bargaining unit.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	BENEFITS
Code	po4425 - DB 1/12/26
Status	
Legal	Consolidated Omnibus Budget Reconciliation Act of 1985 Pub. L. 99-272

4425 - **BENEFITS**

It is the School Board’s policy to provide a competitive and comprehensive package of employee benefits to its employees to effectively attract and retain high-quality employees.

[] [OPTION #1]

The specific design and development of employee benefit plans, including health insurance, dental and vision insurance, short-term and long-term disability insurance, and life insurance benefits, will be determined by the Superintendent with approval by the School Board. ~~() The Superintendent may establish an employee benefits committee. [END OF OPTION]~~
[DRAFTING NOTE: If you choose this option the committee meetings may be subject to open meetings law.]
 These programs will be reviewed no less than annually, and where necessary or appropriate, the Superintendent will solicit bids from potential vendors to provide employee benefits or analyze alternative options, such as self-funding insurance plans. The Superintendent will present to the School Board for its approval any proposed changes or contract extensions for such benefits.

A schedule of current benefits will be available in the ~~District office and in the main offices of each school building~~ **Human Resources Department.**

[] [OPTION #2]

~~The Superintendent will establish an employee benefits committee comprised of:~~ **[DRAFTING NOTE: If you choose this option the committee meetings may be subject to open meetings law.]**

- A. ~~() at least one (1) School Board member;~~
- B. ~~() at least one (1) member of the District administrative team;~~
- C. ~~() at least one (1) member of the teaching staff;~~
- D. ~~() at least one (1) member of the instructional support staff;~~
- E. ~~() at least one (1) member of the support staff.~~

~~The Committee will review existing benefits packages on at least an annual basis. The Superintendent may solicit bids from benefits providers if deemed appropriate. Proposals will be forwarded to the Committee for consideration. The Committee will report annually to the School Board regarding current employee benefits and any proposed changes.~~

~~The Superintendent will also present recommendations to the School Board regarding benefits packages.~~

[END OF OPTIONS]

Covered employees will be provided continuation rights to the extent required under applicable provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA).

The School Board retains final authority to establish, modify, rescind, add, or in any way affect employee benefits.

The School Board will determine annually, in conjunction with the budget process, the anticipated shared cost of all employee benefits, specifying both employee and employer share of applicable premiums through School Board action.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")
Code	po4430.01 -DB 1/12/26
Status	
Legal	29 U.S.C. 2601 et seq. 29 C.F.R. Part 825 103.10, Wis. Stats. Wis. Admin. Department of Workforce Development (DWD) 225 National Defense Authorization Act of 2010

4430.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

Introduction

In accordance with Federal and State law, the School Board will provide family and medical leave to support staff. The School Board's Family and Medical Leave Act policy is intended to conform to and comply with, but not exceed, the requirements of the Federal Family and Medical Leave Act of 1993 ("FMLA") and the Wisconsin Family and Medical Leave Act ("WFMLA"). To the extent that this policy is ambiguous or conflicts with the FMLA or the WFMLA, the FMLA and the WFMLA will govern.

Family and medical leave taken under this policy may be covered by Federal law, State law, or both. When leave taken by a staff member under this policy is governed by both Federal and State law, the more generous provision will control in the event of a conflict. However, when leaves are governed by State or Federal law, but not both, the applicable law will control under this policy. In this regard, staff members should note that certain leaves may be covered by both State and Federal law for only a portion of the leave. To the extent permitted by law, leave under the FMLA, leave under the WFMLA and leave granted under the School Board's other policies will run concurrently (at the same time).

Eligibility Requirements

To be eligible for leave under the FMLA, a staff member must have been employed by the School Board for at least twelve (12) months ~~in the past seven (7) years~~ and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave.

To be eligible for leave under the WFMLA, a staff member must have been employed for more than fifty-two (52) consecutive weeks and have worked or been paid for at least 1,000 hours in the preceding fifty-two (52) weeks. The kind and amount of leave available to the staff member under this policy, as well as the staff member's rights during leave, depends upon whether the staff member satisfies the above requirements.

Qualifying Reasons for Leave

The School Board provides family and medical leave for eligible staff members under the following circumstances:

- A. for the birth of the eligible staff member's child and to care for a newborn child;

B. for placement with the eligible staff member of a child for adoption or foster care;

C. to care for an eligible staff member's spouse, child, or parent with a "serious health condition";

The term "child" generally includes a legal ward or a biological, adopted, foster, or stepchild. For leaves governed exclusively by the FMLA, the term also includes a son or daughter for whom the staff member has assumed the day-to-day obligations of a parent. A child must be either under eighteen (18) years of age or unable to care for themselves due to a physical or mental disability or, for leave under State law only, unable to care for themselves due to a serious health condition.

"Parent" includes a staff member's spouse's legal guardian parent or guardian only if the staff member is requesting leave under the WFMLA.

"Spouse" includes a qualified domestic partner for leaves governed by the WFMLA. Domestic partnerships must be registered with the county of residence and proof of such registration may be requested prior to approval of leave. Unregistered domestic partners must demonstrate that they are 1) both over age eighteen (18); 2) not in a domestic partnership or marriage with another individual; 3) they share a common residence; 4) they are not related in any way that would prohibit marriage under Wisconsin law; 5) they consider each other to be immediate family members and agree to be responsible for the other's living expenses.

D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of the staff member's position;

E. because of a qualifying exigency resulting from active military service by of the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves;

Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, which renders the service member medically unfit to perform the member's office, grade, rank, or rating.

Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation, or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers. Leave is available for up to twenty-six (26) weeks in a twelve (12) month period. This type of leave is available for serious injury or illness which results in:

1. inpatient medical treatment, recuperation, or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for the staff member's own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

The Superintendent will determine whether an employee's request for leave qualifies under one (1) of the above categories.

Amount of Leave Available

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, the staff member is entitled to a total of twelve (12) work weeks of leave in ~~() a calendar year () a fiscal year running from July 1 to the following June 30 () a twelve (12) month period marked by each employees' date of hire () a rolling twelve (12) month period measured backward from the date of usage () a twelve (12) month period measured forward from the date of any employee's first FMLA usage~~ **[END OF CALENDAR OPTIONS]** for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above. **[DRAFTING NOTE: If a decision is made to change the manner of counting Federal leave entitlement usage, the change must be made following at least sixty (60) days notice to employees and in a manner such that any employee qualifying for leave during the transition period is afforded whichever counting method during the leave that affords the employee the greatest benefit.]**

~~() Spouses who are both employed by the District may take a combined total of twelve (12) weeks of leave for the birth or placement of a child for adoption or foster care. [DRAFTING NOTE: This option is available under Federal law, but should only be selected upon the advice of District legal counsel for compliance with Wisconsin's marital status discrimination law.]~~

Under the WFMLA, if the staff member satisfies the eligibility requirements set forth above, the staff member is entitled to ten (10) work weeks of leave in a calendar year as follows:

- A. a total of six (6) weeks of leave for the birth of the staff member's natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;
- B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and
- C. a total of two (2) weeks of leave due to the staff member's serious health condition.

School Board policy calls for concurrent Federal/State leave coverage whenever a staff member is eligible for leave under both the FMLA and WFMLA to the extent available under the law. All periods of absence from work due to or necessitated by USERRA-covered service is/are counted in determining an employee's eligibility for FMLA leave.

Definitions of Serious Health Conditions

In conjunction with the certification provided by a healthcare provider, the School Board reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling a staff member to family or medical leave under State or Federal law.

In general, a "serious health condition" under this policy means an illness, injury, impairment, or physical or mental condition that involves one (1) of the following:

A. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital or other care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

B. Absence Plus Treatment

A period of incapacity of more than three (3) consecutive calendar days* (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

*Under the WFMLA, leave may also be available for a "serious health condition" of less than three (3) consecutive days in duration.

C. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

D. Chronic Conditions Requiring Treatment

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

E. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The staff member or their family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider (e.g., Alzheimer's disease, a severe stroke, or the terminal stages of a disease). The continued existence of such a chronic condition is subject to certification no more than once every six (6) months.

F. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, including: cancer (chemotherapy, radiation, etc.); severe arthritis (physical therapy); or kidney disease (dialysis).

Required Staff Member Notice

The staff member must provide the Superintendent with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for the staff member's own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

~~Staff members must should provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. If requested, notice that was not provided timely without reasonable explanation may result in the denial of the leave request.~~

The staff member must provide a written request for leave, the reasons for the requested leave, and the anticipated beginning date and duration of the leave by submitting a FMLA leave request form to the Superintendent (forms available from the U.S. Department of Labor).

When planning medical treatment, the staff member should consult with their supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations, subject to the approval of the staff member's healthcare provider. The staff member is ordinarily expected to consult with their supervisor in order to work out a treatment schedule which best suits the staff member's needs, as well as the District's.

If a staff member must take more leave than originally anticipated, they must notify the Superintendent within two (2) business days of learning of the circumstances necessitating the extension.

Certification By Healthcare Provider

If a staff member requests leave due to their own serious health condition or the serious health condition of their spouse, child, or parent, ~~the School Board requires~~ ~~may require that~~ if requested, the leave request must be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 will be allowed. The School Board reserves the right to certify all information permitted by law.

If requested, the staff member must ~~should~~ provide the fully completed certification to the Superintendent within fifteen (15) calendar days of the date that the certification is provided to the staff member, unless it is not practicable to do so despite the staff member's diligent, good faith efforts. If it is not practicable to return the certification within fifteen (15) calendar days, it ~~must~~ ~~should~~ be returned to the Superintendent as soon as practicable.

If the staff member fails to submit the certification, the leave or continuation of leave may be delayed until the certification is submitted. Further, any absence prior to the date the certification is furnished may be considered unauthorized. A staff member who is absent without authorization may be disciplined, up to and including termination.

The Superintendent will give a staff member a reasonable opportunity to cure any deficiency in a certification, but not fewer than seven (7) calendar days. It is the responsibility of the staff member or family member with a serious health condition to use a healthcare provider who will complete and furnish an accurate certification in a timely manner.

A member of the administration, other than the staff member's direct supervisor, may contact the healthcare provider to clarify illegible answers and to authenticate the certification. If the certification is incomplete or otherwise unclear, the administrator must request that the employee obtain updated or completed information from the healthcare provider and return it directly to the administrator.

If the Superintendent doubts the validity of a certification, the Superintendent may require, at the School Board's expense, that the staff member obtain a second opinion from a School Board-designated provider, not regularly employed by the School Board. If the opinions of the staff member's and the School Board's healthcare providers differ, a third, final, and binding opinion may be obtained. The staff member must cooperate in obtaining a second or third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

The Superintendent may request re-certifications on a periodic basis as permitted by law.

Designation of Leave

In all circumstances, it is the responsibility of the Superintendent to designate leave, whether paid or unpaid, as FMLA leave and to give the staff member notice of the designation and their rights and responsibilities under this policy.

The Superintendent will give the staff member the Notice on each occasion that the staff member notifies their supervisor of the need for leave that may be FMLA-qualifying, including, but not limited to, when the staff member requests another type of leave for an FMLA-qualifying reason. In the case of intermittent or reduced schedule leave, only one notice will be provided unless the circumstances regarding the leave have changed.

Absent extenuating circumstances, the Superintendent will provide to the employee a "Designation Notice" stating whether a request for leave has been approved or denied within five (5) business days. At a minimum, the staff member will be verbally notified whether leave is being designated as FMLA leave within five (5) business days of the date the staff member provides information to the Superintendent sufficient to enable the Superintendent to determine that the leave is being taken for an FMLA-qualifying reason.

The Superintendent will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the payday is less than one (1) week after the verbal notice, in which case the notice must be no later than the subsequent payday).

Manner In Which Leave Can Be Taken

Leave available under this policy may be taken in full and, under certain circumstances, may also be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. Reduced schedule leave is leave that reduces the usual number of working hours per day or week. The staff member must consult with their supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

When leave is governed only by the FMLA, intermittent or reduced schedule leave to be with the employee's newborn child, or after the placement of a child with the employee for adoption or foster care, requires the District's agreement, unless the intermittent or reduced schedule leave is due to a serious health condition.

Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. Medically necessary means there must be a medical need for the leave and the leave can be best accommodated through an intermittent or reduced leave schedule, as certified by the healthcare provider in the Certification.

When leave is governed only by the FMLA, the Superintendent may offer a staff member a temporary transfer to another position for which the staff member is qualified with equivalent pay and benefits that better accommodates the intermittent or reduced schedule leave when the need for leave is foreseeable based on planned medical treatment or the staff member takes such leave for the birth of a child or for placement of a child for adoption or foster care. The staff member may reject this offer in which case there will be no adverse effect on the leave or entitlement to return to the same or similar position following leave. Any time spent by the staff member in an alternative position will not count against the employee's FMLA leave entitlement.

Coordinating Leaves - Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member ~~()~~ must ~~()~~ may ~~[END OF OPTION]~~ use the following leaves provided by the School Board, if available:

- A. vacation or personal leave, if available, for any family or medical leave;
- B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and
- C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

A staff member may not substitute paid leave for unpaid FMLA leave taken under this policy in any situation where the School Board would not normally provide such paid leave.

For leaves governed by the WFMLA, a staff member may substitute paid or unpaid leave, which the staff member has earned and accrued, for leave taken under this policy, if available. The School Board reserves the right to deny substitution as permitted by law.

Any paid leave substituted for unpaid FMLA leave or WFMLA leave will decrease, in whole or in part, the staff member's FMLA and/or WFMLA leave entitlement.

Continuation of Benefits

A staff member will remain eligible for group health insurance benefits under the School Board's group health plan during leave taken under this policy under the same conditions as coverage would have been provided if the staff member had been actively employed during the entire leave. However, the staff member has the option of choosing not to retain such coverage during family or medical leave.

During leave taken under this policy, the School Board will continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law. The staff member will be responsible for paying their portion of health insurance premiums regardless of whether the staff member's family and medical leave is paid or unpaid. It is the staff member's responsibility to make arrangements with the Superintendent for making premium payments for group health insurance during leaves.

To the extent permitted by law, the School Board reserves the right to require the staff member to place up to eight (8) weeks of health insurance premiums in escrow prior to leave, or to discontinue coverage if such premiums are received more than thirty (30) days late.

The staff member's entitlement to benefits other than group health benefits during a period of family or medical leave is determined by the School Board's policy regarding provision of such benefits when a staff member is on other types of leave.

If a staff member fails to return to work or fails to remain at work for a period provided under the law, the District may recover its portion of the premiums paid for medical benefit coverage during the leave, unless the reason for the staff member's failure to return to work is due to the continuation of the serious health condition or the onset of a new serious health condition.

Accrual of Benefits

The use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave. ~~A staff member will not continue to accrue seniority or any other employment benefit during leave taken under this policy, except that such benefit will accrue if the staff member elects to use other leaves provided by the School Board, and if such benefits would normally accrue during such leave.~~

Employment Restoration

A staff member will generally be reinstated to the same position they held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if the staff member had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, the staff member is not entitled to be reinstated.

A staff member who exceeds the FMLA/WFMLA leave, but remains off work under a non-FMLA/WFMLA leave policy, is not entitled to reinstatement to the same or a similar position under the FMLA/WFMLA; however, the staff member **may** be eligible to be reinstated under the non-FMLA/WFMLA leave policy.

A staff member who is able to return to work prior to the expiration of leave must notify their supervisor immediately. Upon such notice, the Superintendent will promptly reinstate the staff member to active employment, provided the staff member has the present skill and ability to perform the essential functions of their job satisfactorily with or without accommodation. However, the reinstatement need not occur until the third business day following the staff member's notification of their ability to return to work.

Fitness For Duty Certification

If leave is due to the staff member's serious health condition, the staff member must present certification to return to work to their supervisor upon returning to work. The staff member's principal attending physician must complete the certification. The certification must indicate that the staff member has been released to return to work. It must also specify any physical or other limitation on the staff member's ability to perform regular or other duties and the duration of the limitations. No certification will be required when the staff member returns from intermittent leave, except as otherwise permitted or required by the Americans With Disabilities Act of 1990.

The certification will be limited to the particular health condition that caused the staff member's need for leave, except as otherwise permitted by the Americans With Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job-related and consistent with business necessity.

Reinstatement may be delayed until the staff member submits the certification. Under such circumstances, if the staff member does not promptly provide a certification or qualify for another leave of absence, the staff member may be disciplined, up to and including termination.

With the staff member's permission, the School Board's healthcare provider may contact the staff member's healthcare provider to clarify and authenticate the certification, but no additional information may be requested or required, and the staff member's return to work may not be delayed while the contact is being made. No second or third fitness for duty certification may be required.

Confidentiality

All medical information relating to leave, whether written or verbal, will be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical certifications and return-to-work statements must be maintained in confidential, secure files separate from personnel files.

No Discrimination

Leave under this policy will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions, or under attendance policies.

Miscellaneous

The Superintendent may designate another administrator to perform their duties under this policy.

A staff member who fraudulently obtains leave under this policy is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent will see that the policy is posted properly.

The Superintendent will provide a copy of the policy upon the request of a staff member.

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Book Neola Policy Templates for Processing
 Section 4000 Support Staff Templates
 Title JOB-RELATED EXPENSES
 Code po4440 - WILL CONSULT WITH FINANCE DEPARTMENT
 Status
 Legal 2 C.F.R. 200.464
 2 C.F.R. 200.474
 2 C.F.R. 200.475

4440 - JOB-RELATED EXPENSES

The School Board ~~()~~ will ~~()~~ may ~~[END OF OPTIONS]~~ provide for the payment of the actual and necessary expenses, including traveling expenses, of any professional staff member of the District reasonably and necessarily incurred in the course of performing services for the District, whether within or outside the District, under the direction of the School Board. ~~()~~ and in accordance with the Superintendent's administrative guidelines ~~[END OF OPTION]~~.

The validity of payments for job-related expenses will be determined by the Superintendent through the travel pre-approval procedures.

Payment and reimbursement rates for per diem meals, lodging, and mileage will be approved by the School Board annually through the approval of the Employee Handbook. The School Board will establish mileage rates ~~()~~ in accordance with ~~()~~ not exceeding ~~[END OF OPTIONS]~~ the Federal Internal Revenue Service prescribed mileage rate.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include, but are not limited to, alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

~~[]~~ Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would 1) require circuitous routing; 2) require travel during unreasonable hours; 3) excessively prolong travel; 4) result in additional costs that would offset the transportation savings; or 5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic, least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis.

~~[]~~ Temporary dependent care costs (as dependent is defined in 26 U.S.C. 152), above and beyond regular dependent care that directly results from travel to conferences, are allowable provided that 1) the costs are a direct result of the individual's travel for the Federal award; 2) the costs are consistent with the District's documented administrative guidelines for all entity travel; and 3) are only temporary during the travel period. Travel costs for dependents are unallowable, except for travel of a duration of six (6) months or more with prior approval of the Federal awarding agency.

~~[DRAFTING NOTE: Choosing this option requires this also to be applicable to all District travel.]~~

~~[] The costs of identifying and providing locally available dependent care resources for conference participants are allowable, as needed.~~

~~**[DRAFTING NOTE: This draft policy includes the Federal rules for commercial airfare and temporary dependent care costs. Based on State or local laws and policies, School Districts may decide that all temporary dependent care costs or commercial airfare costs in excess of the basic least expensive unrestricted accommodations class are unallowable under any circumstance.]**~~

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the District's travel policy ~~() and administrative guidelines [END OF OPTION]~~. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates 1) the participation in the event by the individual traveling is necessary to the Federal award; and 2) the costs are reasonable and consistent with the District's travel policy. Conference costs must be appropriate, necessary, and managed to minimize costs to the Federal award.

The School Board will pay the expenses of professional staff members when they attend professional meetings approved in accordance with the policy of this School Board **and guidelines outlined in the Employee Handbook.** ~~and in accordance with the administrative guidelines of the Superintendent.~~

Whenever a staff member is unable to provide appropriate expense documentation, they may be reimbursed in an amount not to exceed ~~() \$100 () \$50 [END OF OPTIONS]~~ upon written approval of the expenses by the Superintendent.

All travel will comply with the travel procedures and rates established in the **Employee Handbook** ~~administrative guidelines~~. All costs incurred with Federal funds must meet the cost allowability standards within School Board Policy 6110 - Grant Funds.

To the extent that the District's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11⁷ ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services or the President (or designee), must apply to travel under Federal awards.

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Book Neola Policy Templates for Processing
Section 4000 Support Staff Templates
Title UNAUTHORIZED WORK STOPPAGE
Code po4531 - DL 12/1/25
Status
Legal 111.70(4)(L), Wis. Stats.

4531 - UNAUTHORIZED WORK STOPPAGE

The School Board is obligated and committed to ~~provide~~ **providing** certain basic services to students participating in District programs.

Recognizing the fact that a District, for various reasons, could experience an unauthorized work stoppage, the School Board remains committed to providing educational and related services.

Support staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

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Book Neola Policy Templates for Processing
 Section 4000 Support Staff Templates
 Title EMPLOYMENT OF SUPPORT STAFF
 Code po4120 - DB 1/12/26
 Status
 Legal 20 U.S.C. 6319

4120 - EMPLOYMENT OF SUPPORT STAFF

The School Board recognizes that it is vital to the successful operation of the District that positions created by the School Board be filled with qualified and competent support staff.

All employees other than the Superintendent or professional staff members (Policy 0100 – Definitions) are considered support staff.

~~{Choose Only One of the Following Options}~~

~~The School Board shall approve the employment, fix the compensation, and establish the term of employment for each support staff member employed by this District.~~

~~The Superintendent shall approve the employment and establish the term of employment for each support staff member employed by this District. Compensation shall be fixed by an established compensation structure or School Board action.~~

~~{END OF OPTIONS}~~

~~{Choose One of the Following Options, As Appropriate}~~

~~{DRAFTING NOTE: The option selected below must be consistent with the selection made in Policy 4120.01 – Job Descriptions.}~~

~~The School Board shall provide a description of the work schedule, hours of work per week, a determination of whether the employee is exempt or non-exempt for purposes of overtime eligibility (See Policy 6700 – Fair Labor Standards Act). For non-exempt employees, there shall be a clear statement in the job description and employee handbook which states the following: "No non-exempt employee may perform work for the District outside of his/her regular schedule without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment," and for overtime eligible employees, there shall be a clear statement in the job description and employee handbook which states the following: "No overtime eligible employee may perform overtime work for the District without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment."~~

The Superintendent Human Resources Department shall provide a description of the work schedule, hours of work per week, and a determination of whether the employee is exempt or non-exempt for purposes of overtime eligibility (See Policy 6700 - Fair Labor Standards Act (FLSA)). For non-exempt employees, there shall be a clear statement in the job description and employee handbook which states the following: "In order for employees to work beyond their contract hours in any week, prior approval must be obtained from the immediate supervisor. Exceptional cases requiring overtime may be approved after the overtime is worked when all administrators/principals/immediate supervisors are unavailable and such pre-approval may cause harm to students, staff, and the community or District property. No non-exempt employee

~~may perform work for the District outside of his/her regular schedule without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment," and for overtime eligible employees, there shall be a clear statement in the job description and employee handbook which states the following: "No overtime eligible employee may perform overtime work for the District without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment."~~

[END OF OPTIONS]

~~[]~~ Such approval shall be given only to those candidates for employment recommended by the Superintendent.

~~[]~~ Such approval shall be given only to those candidates for employment chosen by the School Board from a group selected by the Superintendent.

~~[]~~ When any recommended candidate has been rejected by the School Board, the Superintendent shall make a substitute recommendation.

~~[]~~ All applications for employment shall be referred to the _____ **Human Resources Department**.

~~[]~~ Relatives of staff members may be employed by the School Board, provided the staff member being employed is not placed in a position in which they would be supervised directly by the relative staff member.

~~[]~~ ~~The School Board will not employ (but may continue to employ) the spouse or child of any School Board member.~~

~~[]~~ ~~The School Board will not employ (but may continue to employ) the~~

~~() children, siblings, parents, in laws, or bona fide dependents (IRS criteria) of a School Board member.~~

~~() children, siblings, parents, in laws, or bona fide dependents (IRS criteria) of a regular full time support staff member.~~

~~[]~~ Any support staff member's intentional misstatement of fact material to their qualifications for employment or the determination of salary shall constitute grounds for dismissal.

~~[]~~ The employment of support staff members prior to approval by the School Board is authorized when their employment is required to maintain continuity in District operations. Employment shall be recommended to the School Board at the next regular meeting.

~~[]~~ No candidate for employment as a support staff member shall receive a recommendation for such employment without having proffered visual evidence of proper certification, when appropriate, or that the application for such certification is in process. There must also be verification that a satisfactory background check has been conducted in compliance with District procedures.

The **Director of Human Resources and Leadership Development** ~~Superintendent shall will~~ prepare procedures for the recruitment and selection of all support staff, ~~which include reporting newly hired employees to the Wisconsin Department of Workforce Development.~~

REQUIREMENTS FOR TITLE I PARAPROFESSIONALS

All paraprofessionals hired for a Title I supported program must have a secondary school diploma or its recognized equivalent and one of the following:

- A. Completed two (2) years of study at an institution of higher education; or
- B. Obtained at least an associate's degree; or
- C. Met a rigorous standard of quality and demonstrated through a formal State or local academic assessment:
 1. knowledge of and the ability to assist in instructing, reading, writing, and mathematics; or
 2. knowledge of and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Existing paraprofessionals – All current paraprofessionals working for a Title I supported program must:

- A. Have a secondary school diploma or its recognized equivalent;
- B. Meet the requirements for newly hired paraprofessionals as described above.

Exceptions – These requirements do not apply to a paraprofessional:

- A. Who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or
- B. Whose duties consist solely of conducting parental involvement activities.

Paraprofessional duties – Paraprofessionals working for a Title I supported program may be assigned to:

- A. provide one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;
- B. assist with classroom management, such as organizing instructional and other materials;
- C. provide assistance in a computer laboratory;
- D. provide support in a library or media center;
- E. conduct parental involvement activities;
- F. act as a translator;
- G. provide instructional services to students, if working under the direct supervision of a teacher;
- H. perform limited duties beyond classroom instruction or that do not benefit program participants, so long as those duties are also assigned to non-Title I paraprofessionals. Title I paraprofessionals may not be assigned to more of these duties, proportional to their total work time, than the amount assigned to similar non-Title I paraprofessionals in the same school.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	NOTICE OF REASONABLE ASSURANCE OF EMPLOYMENT
Code	po4124 DB 1/12
Status	
Legal	108.04 (17)(d), Wis. Stats.

4124 - **NOTICE OF REASONABLE ASSURANCE OF EMPLOYMENT**

Prior to the conclusion of each school year, support staff employed in instructional year positions shall be notified, in writing, of reasonable assurance of continued employment for the subsequent school year when such employment is anticipated.

A school year employee of an educational institution who performs services other than in an instructional, research, or principal administrative capacity is ineligible for benefits based on such services performed for the District during any week of unemployment that occurs between two (2) successive academic years or terms. This applies if the employee performed such services in the first year or term and has reasonable assurance of performing them in the second.

Issuance of a notice of reasonable assurances to any employee as described in this policy shall not constitute a guarantee of employment in any successive academic term.

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Book Neola Policy Templates for Processing
Section 4000 Support Staff Templates
Title TERMINATION AND RESIGNATION
Code po4140 DB 1/12/26
Status

4140 - **TERMINATION AND RESIGNATION**

TERMINATION

Employment may be terminated (→) upon a majority vote of the School Board (→) by the District Administrator ~~[END OF OPTIONS]~~.

[→] Support staff employees subject to termination (→) may (→) shall ~~[END OF OPTION]~~ be given an opportunity to resign.

RESIGNATION

A support staff member may resign by filing a written resignation with the District Administrator Superintendent.

[→] A resignation, once accepted, may not then be rescinded.

[→] The District Administrator Superintendent may act for the School Board in the acceptance of a resignation.

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Book Neola Policy Templates for Processing
 Section 0000 Bylaws Templates
 Title SCHOOL BOARD MEMBER ANTI-HARASSMENT
 Code po0145 - DB 1/19/26
 Status
 Legal 118.13, 120.13(1), 111.32(13), 111.36(1) Wis. Stats.
 P.I. 9, Wis. Adm. Code
 Title IX Education Amendments of 1972, Chapter 227

0145 - ~~School Board~~ **SCHOOL BOARD MEMBER ANTI-HARASSMENT**

The School Board is committed to an environment that is free of harassment. The School Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. **The harassment of a District staff member, student or another School Board member by a member of the School Board is strictly forbidden. Any member who is found to have harassed a member of the staff, a student or another School Board member, will be subject to discipline by the School Board and may be reported to law enforcement authorities.**

The School Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including sexual orientation or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters (collectively, Protected Classes), or any other characteristic protected by law in its employment practices (hereinafter referred to as harassment), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The School Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur between employee-and-employee or employee-and-student.

Editing Note: Current federal law (Bostick v. Clayton County) includes sexual orientation and gender identity as protected classes. NEOLA 'bundles' all federally and state-protected employee rights. The protected classes covered under Federal Law (Title IX and Title VII) include sex, race, and religion. Other protections outlined in the statement above incorporate National Labor Relations Act rights, whistleblower protections, and WI-specific rights.

The School Board will ensures procedures will be in place to investigate investigate all allegations of harassment and, in those cases where harassment is substantiated, take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects.

~~Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.~~

~~[] The District will offer counseling services to any person found to have been subjected to harassment and, where appropriate, the person(s) who committed the harassment.~~

Notice of the School Board's policy on anti-harassment related to employment practices and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Compliance Officer: an employee designated by the School Board to be responsible for coordinating the District's efforts to comply with state and federal nondiscrimination laws and for receiving formal complaints of pupil discrimination.

Complainant is the individual who alleges, or is alleged, to have been subjected to harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Respondent is the individual who has been alleged to have engaged in harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means students and employees (i.e., administrators, and professional and support staff), as well as School Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the School Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the School Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Bullying

Bullying is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact the employee's physical or emotional well-being. Bullying need not be based on any Protected Class. Staff members should report complaints of bullying behavior to their supervisor. If their supervisor is the subject of the behavior, the complaint should be reported to the Superintendent. If the Superintendent is the subject of the behavior, the complaint should be reported to the School Board President. These complaints will be investigated in alignment to Policy 3362.01/4362.01 Threatening Behavior Towards Staff Members. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the employee's protected class and will be investigated in alignment with procedures in this policy.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against an employee based on one or more of the employee's Protected Class that:

- A. places a employee in reasonable fear of harm to their person or damage to their property;
- B. has the effect of substantially interfering with a employee's work performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Harassment also includes "hate speech" directed against an employee—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

- A. making statements that promote violence toward a racial or ethnic group;
- B. drawing, displaying, or posting images or symbols of prejudice.

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;
- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266– Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266 ()/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. unwanted physical and/or sexual contact;
- C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;
- E. sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work environment that reasonably may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. asking or telling about sexual fantasies, sexual preferences, or sexual activities;
- H. speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;
- I. giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;
- J. leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;
- L. inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life; and

- M. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of School Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

Boundary Invasions

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However, other behaviors might be going too far, are inappropriate and may be signs of sexual grooming. Inappropriate boundary invasions may include, but are not limited to the following:

- A. hugging, kissing, or other physical contact with a student;
- B. telling sexual jokes to students;
- C. engaging in talk containing sexual innuendo or banter with students;
- D. talking about sexual topics that are not related to curriculum;
- E. showing pornography to a student;
- F. taking an undue interest in a student (i.e. having a special friend or a special relationship);
- G. initiating or extending contact with students beyond the school day for personal purposes;
- H. using e-mail, text messaging, or websites to discuss personal topics or interests with students;
- I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
- J. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);
- K. going to a student's home for non-educational purposes;
- L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);
- M. giving gifts or money to a student for no legitimate educational purpose;
- N. accepting gifts or money from a student for no legitimate educational purpose;
- O. being overly touchy with students;
- P. favoring certain students by inviting them to come to the classroom at non-class times;
- Q. getting a student out of class to visit with the staff member;
- R. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;
- S. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
- T. being alone with a student behind closed doors without a legitimate educational purpose;

U. telling a student secrets and having secrets with a student;

V. other similar activities or behavior:

() _____.

Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the Superintendent.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Age Harassment

Prohibited age-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

Race/Color Harassment

Prohibited race/color-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disability or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

Mark Inouye

Director of Student Services/Title IX Coordinator - Student

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Nate Schurman

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The names, titles, and contact information of these individuals will be published annually:

- A. on the School District's website.
- B. in the parent and staff employee handbooks

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

Reports and Complaints of Harassing Conduct

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any employee who directly observes harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any School Board employee who observes an act of harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other School Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the School Board's intent to investigate the alleged wrongdoing.

Members of the School District community along with Third Parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the District may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School District community and Third Parties who believe they have been harassed by another member of the School District community or a Third Party are entitled to utilize the School Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.

Reporting procedures are as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.
- B. Teachers, administrators, and other District officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.
- C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.
- D. Appropriate District officials are as follows:

1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the Superintendent, who will coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.
 2. Any complaint under this policy regarding the Superintendent or School Board Member that is received by the District Compliance Officer shall be referred to the School Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.
- E. The reporting party or Complainant shall be encouraged to use a **report form (LINKED FORM WILL NEED TO BE UPDATED)** available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. **Use of formal reporting forms shall not be mandated.** However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the Superintendent or other supervisory employee.

If during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be investigated in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 1662 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to harassment or has witnessed harassment of another may seek resolution of the complaint through the procedures described below. The complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights (OCR), the Wisconsin Equal Rights Division, and/or Equal Employment Opportunity Commission (EEOC). The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: <http://www.ed.gov/ocr>.

Complaint Procedure

A Complainant who alleges harassment based on a protected class or retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) directly to one of the COs; or 3) to the Superintendent or other supervisory employee. As noted above, any complaint received regarding the Superintendent or a School Board member shall be referred to the School Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the Superintendent, who will consult with the other appointed/designated CO, if any, and if necessary appoint/designate another individual to serve in the role of CO for a complaint regarding a CO.

Due to the sensitivity surrounding complaints of harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, Superintendent, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) days.

Throughout the course of the process as described herein, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All written complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of their understanding of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent. No temporary arrangements shall be disciplinary to either the Complainant or Respondent.

Within two (2) days of receiving a complaint, the CO will inform the Respondent that a complaint has been received.

The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, the Respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint.

Within two (2) days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation, including but not limited to evaluations and prior disciplinary actions, or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the Respondent engaged in harassment of or retaliation toward the Complainant. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the School Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the Superintendent or School Board President, if the matter involves the Superintendent engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) days of receiving the report of the CO, the Superintendent must either issue a written decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in harassment of or retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the Superintendent shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to School Board Policy 3340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The School Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or Third Party alleging the harassment pursues the complaint. The School Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the School Board.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

Privacy/Confidentiality

The District will employ reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the School Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the Complainant, the Respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation and if so, shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Directives During Investigation

The CO may recommend to the Superintendent placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the Superintendent is the Respondent, the CO shall make such recommendation to the School Board. Administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The School Board may appoint an individual, who may be an employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The School Board shall vigorously enforce its prohibitions against harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law.

When imposing discipline, the Superintendent shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the School Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies.

Where the School Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the School Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the School Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Allegations Constituting Criminal Conduct

If the CO has reason to believe that the Complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the Superintendent shall be advised that local law enforcement was notified.

If the Complainant has been the victim of criminal conduct and the accused is the Superintendent, such knowledge should be reported by the CO to local law enforcement. After such report has been made, the () **School Board President** () **School Board Attorney** shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the COs obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause after consultation with the Superintendent.

Reprisal

Submission of a good faith complaint or report of harassment will not affect the Complainant's or reporter's work status or work environment. However, the School Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The School Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public (ASK DAVID L.). This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational employment, and the mailing address and telephone number of the United States Equal Employment Opportunity Commission.

A link to summary of this policy and any related administrative guidelines shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

Education and Training

In support of this policy, the School Board promotes preventative educational measures to create greater awareness of harassment. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the School Board in consultation with the Superintendent determines is necessary or appropriate.

The School Board will respect the privacy of the Complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the School Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

Retention of Investigatory Records and Materials

The CO(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315 - Information Management) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the School Board to fulfill its responsibilities;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any supportive measures offered and/or provided to Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- N. copies of the School Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the School Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

- O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) created or received as part of an investigation shall be retained in accordance with Policy 8310 - Public Records, Policy 8315- Information Management, Policy 8320 - Personnel Records, and Policy 8330 - Student Records for not less than three (3) years, but longer if required by the District's records retention schedule.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates
Title	EMPLOYEE ANTI-HARASSMENT
Code	po1662 - - DB 1/14/26
Status	
Legal	111.31, 118.195, 118.20, Wis. Stats. 29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967 29 U.S.C. 794, Rehabilitation Act of 1973 42 U.S.C. 1983 42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964 42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 29 C.F.R. Part 1635 National School Boards Association Inquiry and Analysis - May 2008

1662 - EMPLOYEE ANTI-HARASSMENT

Prohibited Harassment

The School Board is committed to a work environment that is free of harassment of any form. The School Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any member of the School District community who violates this policy will be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our employees.

The School Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including sexual orientation or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters (collectively, Protected Classes), or any other characteristic protected by law in its employment practices (hereinafter referred to as harassment), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The School Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur between employee-and-employee or employee-and-student.

Editing Note: Current federal law (Bostick v. Clayton County) includes sexual orientation and gender identity as protected classes. NEOLA 'bundles' all federally and state-protected employee rights. The protected classes covered under Federal Law (Title IX and Title VII) include sex, race, and religion. Other protections

outlined in the statement above incorporate National Labor Relations Act rights, whistleblower protections, and WI-specific rights.

The School Board ensures procedures will be in place to investigate all allegations of harassment and, in those cases where harassment is substantiated, take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects.

Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

Notice

Notice of the School Board's policy on anti-harassment related to employment practices and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Compliance Officer: an employee designated by the School Board to be responsible for coordinating the District's efforts to comply with state and federal nondiscrimination laws and for receiving formal complaints of pupil discrimination.

Complainant is the individual who alleges, or is alleged, to have been subjected to harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Respondent is the individual who has been alleged to have engaged in harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means students and School Board employees (i.e., administrators, and professional and support staff), as well as School Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the School Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the School Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Bullying

Bullying is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact the employee's physical or emotional well-being. Bullying need not be based on any Protected Class. Staff members should report complaints of bullying behavior to their supervisor. If their supervisor is the subject of the behavior, the complaint should be reported to the Superintendent. If the Superintendent is the subject of the behavior, the complaint should be reported to the School Board President. These complaints will be investigated in alignment to Policy 3362.01/4362.01 Threatening Behavior Towards Staff Members. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the employee's protected class and will be investigated in alignment with procedures in this policy.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against an employee based on one or more of the employee's Protected Class that:

- A. places a employee in reasonable fear of harm to their person or damage to their property;
- B. has the effect of substantially interfering with a employee's work performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Harassment also includes "hate speech" directed against an employee—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

- A. making statements that promote violence toward a racial or ethnic group;
- B. drawing, displaying, or posting images or symbols of prejudice.

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;
- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266- Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. unwanted physical and/or sexual contact;
- C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;
- E. sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work environment that reasonably may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. asking or telling about sexual fantasies, sexual preferences, or sexual activities;
- H. speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;
- I. giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;

- J. leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;
- L. inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life; and
- M. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of School Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

Boundary Invasions

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However, other behaviors might be going too far, are inappropriate and may be signs of sexual grooming. Inappropriate boundary invasions may include, but are not limited to the following:

- A. hugging, kissing, or other physical contact with a student;
- B. telling sexual jokes to students;
- C. engaging in talk containing sexual innuendo or banter with students;
- D. talking about sexual topics that are not related to curriculum;
- E. showing pornography to a student;
- F. taking an undue interest in a student (i.e. having a special friend or a special relationship);
- G. initiating or extending contact with students beyond the school day for personal purposes;
- H. using e-mail, text messaging, or websites to discuss personal topics or interests with students;
- I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
- J. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);
- K. going to a student's home for non-educational purposes;
- L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);
- M. giving gifts or money to a student for no legitimate educational purpose;
- N. accepting gifts or money from a student for no legitimate educational purpose;
- O. being overly touchy with students;
- P. favoring certain students by inviting them to come to the classroom at non-class times;
- Q. getting a student out of class to visit with the staff member;

- R. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;
- S. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
- T. being alone with a student behind closed doors without a legitimate educational purpose;
- U. telling a student secrets and having secrets with a student;
- V. other similar activities or behavior.

Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the Superintendent.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Age Harassment

Prohibited age-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

Race/Color Harassment

Prohibited race/color-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disability or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)" or CO or COs):

Mark Inouye
Director of Student Services/Title IX Coordinator - Student
715-425-1800

852 E. Division Street
River Falls, WI 54022
mark.inouye@rfsd.k12.wi.us

Nate Schurman
Director of Student Services/Human Resources and Leadership Development/Title IX Coordinator - Staff
715-425-1800
852 E. Division Street
River Falls, WI 54022
nate.schurman@rfsd.k12.wi.us

The names, titles, and contact information of these individuals will be published annually:

- A. on the School District's website.
- B. **employee** handbooks.

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

Reports and Complaints of Harassing Conduct

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any employee who directly observes harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any employee who observes an act of harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the School Board's intent to investigate the alleged wrongdoing.

Members of the School District community along with Third Parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the **District** may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School District community and Third Parties who believe they have been harassed by another member of the School District community or a Third Party are entitled to utilize the School Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.

Reporting procedures are as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.

- B. Teachers, administrators, and other District officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.
- C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.
- D. Appropriate District officials are as follows:
1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the Superintendent, who will coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.
 2. Any complaint under this policy regarding the Superintendent or School Board Member that is received by the District Compliance Officer shall be referred to the School Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.
- E. The reporting party or Complainant shall be encouraged to use a [report form](#) (**LINKED FORM WILL NEED TO BE UPDATED**) available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. **Use of formal reporting forms shall not be mandated.** However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the Superintendent or other supervisory employee.

If during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be investigated in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 1662 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to harassment or has witnessed harassment of another may seek resolution of the complaint through the procedures described below. The complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights (OCR), the Wisconsin Equal Rights Division, and/or Equal Employment Opportunity Commission (EEOC). The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: <http://www.ed.gov/ocr>.

Complaint Procedure

A Complainant who alleges harassment based on a protected class or retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) directly to one of the COs; or 3) to the Superintendent or other supervisory employee. As noted above, any complaint received regarding the Superintendent or a School Board member shall be referred to the School Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the Superintendent, who will consult with the other appointed/designated CO, if any, and if necessary appoint/designate another individual to serve in the role of CO for a complaint regarding a CO.

Due to the sensitivity surrounding complaints of harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, Superintendent, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) days.

Throughout the course of the process as described herein, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All written complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of their understanding of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent. No temporary arrangements shall be disciplinary to either the Complainant or Respondent.

Within two (2) days of receiving a complaint, the CO will inform the Respondent that a complaint has been received.

The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, the Respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint.

Within two (2) days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation, including but not limited to evaluations and prior disciplinary actions, -or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the Respondent engaged in harassment of or retaliation toward the Complainant. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the School Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may \leftrightarrow in consultation with the Superintendent or School Board President, if the matter involves the Superintendent engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) days of receiving the report of the CO, the Superintendent must either issue a written decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in harassment of or retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the Superintendent shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to School Board Policy 3340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The School Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or Third Party alleging the harassment pursues the complaint. The School Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the School Board.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

Privacy/Confidentiality

The District will employ reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the School Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the Complainant, the Respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation and if so, shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Directives During Investigation

The CO may recommend to the Superintendent placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the Superintendent is the Respondent, the CO shall make such recommendation to the School Board. Administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The School Board may appoint an individual, who may be an employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The School Board shall vigorously enforce its prohibitions against harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law.

When imposing discipline, the Superintendent shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the School Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies.

Where the School Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the School Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the School Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Allegations Constituting Criminal Conduct

If the CO has reason to believe that the Complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the Superintendent shall be advised that local law enforcement was notified.

If the Complainant has been the victim of criminal conduct and the accused is the Superintendent, such knowledge should be reported by the CO to local law enforcement. After such report has been made, the ~~School Board Attorney~~ **School Board President** shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the COs obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause after consultation with the Superintendent.

Reprisal

Submission of a good faith complaint or report of harassment will not affect the Complainant's or reporter's work status or work environment. However, the School Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The School Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational employment, and the mailing address and telephone number of the United States Equal Employment Opportunity Commission.

A link to this policy shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

Education and Training

In support of this policy, the School Board promotes preventative educational measures to create greater awareness of harassment. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the School Board in consultation with the Superintendent determines is necessary or appropriate.

The School Board will respect the privacy of the Complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the School Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

Retention of Investigatory Records and Materials

The CO(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315 - Information Management) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the School Board to fulfill its responsibilities;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;

- L. written documentation of any supportive measures offered and/or provided to Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- N. copies of the School Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the School Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) created or received as part of an investigation shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Records, and Policy 8330 - Student Records for not less than three (3) years, but longer if required by the District's records retention schedule.

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Book	Neola Policy Templates for Processing
Section	3000 Professional Staff Templates
Title	EMPLOYEE ANTI-HARASSMENT
Code	po3362 - DB 1/19/26
Status	
Legal	111.31, 118.195, 118.20, Wis. Stats. 29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967 29 U.S.C. 794, Rehabilitation Act of 1973 42 U.S.C. 1983 42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964 42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act 42 U.S.C. 6101, The Age Discrimination Act of 1975 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 29 C.F.R. Part 1635 National School Boards Association Inquiry and Analysis - May 2008

3362 - **EMPLOYEE ANTI-HARASSMENT**

Prohibited Harassment

The School Board is committed to a work environment that is free of harassment of any form. The School Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any member of the School District community who violates this policy will be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our employees.

The School Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including sexual orientation or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters (collectively, Protected Classes), or any other characteristic protected by law in its employment practices (hereinafter referred to as harassment), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The School Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur between employee-and-employee or employee-and-student.

Editing Note: Current federal law (Bostick v. Clayton County) includes sexual orientation and gender identity as protected classes. NEOLA 'bundles' all federally and state-protected employee rights. The protected classes covered under Federal Law (Title IX and Title VII) include sex, race, and religion. Other protections

outlined in the statement above incorporate National Labor Relations Act rights, whistleblower protections, and WI-specific rights.

The School Board ensures procedures will be in place to investigate all allegations of harassment and, in those cases where harassment is substantiated, take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects.

Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

Notice

Notice of the School Board's policy on anti-harassment related to employment practices and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Compliance Officer: an employee designated by the School Board to be responsible for coordinating the District's efforts to comply with state and federal nondiscrimination laws and for receiving formal complaints of pupil discrimination.

Complainant is the individual who alleges, or is alleged, to have been subjected to harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Respondent is the individual who has been alleged to have engaged in harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means students and School Board employees (i.e., administrators, and professional and support staff), as well as School Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the School Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the School Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Bullying

Bullying is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact the employee's physical or emotional well-being. Bullying need not be based on any Protected Class. Staff members should report complaints of bullying behavior to their supervisor. If their supervisor is the subject of the behavior, the complaint should be reported to the Superintendent. If the Superintendent is the subject of the behavior, the complaint should be reported to the School Board President. These complaints will be investigated in alignment to Policy 3362.01/4362.01 Threatening Behavior Towards Staff Members. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the employee's protected class and will be investigated in alignment with procedures in this policy.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against an employee based on one or more of the employee's Protected Class that:

- A. places a employee in reasonable fear of harm to their person or damage to their property;
- B. has the effect of substantially interfering with a employee's work performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Harassment also includes "hate speech" directed against an employee—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

- A. making statements that promote violence toward a racial or ethnic group;
- B. drawing, displaying, or posting images or symbols of prejudice.

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;
- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266- Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. unwanted physical and/or sexual contact;
- C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;
- E. sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work environment that reasonably may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. asking or telling about sexual fantasies, sexual preferences, or sexual activities;
- H. speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;
- I. giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;

- J. leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;
- L. inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life; and
- M. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of School Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

Boundary Invasions

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However, other behaviors might be going too far, are inappropriate and may be signs of sexual grooming. Inappropriate boundary invasions may include, but are not limited to the following:

- A. hugging, kissing, or other physical contact with a student;
- B. telling sexual jokes to students;
- C. engaging in talk containing sexual innuendo or banter with students;
- D. talking about sexual topics that are not related to curriculum;
- E. showing pornography to a student;
- F. taking an undue interest in a student (i.e. having a special friend or a special relationship);
- G. initiating or extending contact with students beyond the school day for personal purposes;
- H. using e-mail, text messaging, or websites to discuss personal topics or interests with students;
- I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
- J. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);
- K. going to a student's home for non-educational purposes;
- L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);
- M. giving gifts or money to a student for no legitimate educational purpose;
- N. accepting gifts or money from a student for no legitimate educational purpose;
- O. being overly touchy with students;
- P. favoring certain students by inviting them to come to the classroom at non-class times;
- Q. getting a student out of class to visit with the staff member;

- R. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;
- S. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
- T. being alone with a student behind closed doors without a legitimate educational purpose;
- U. telling a student secrets and having secrets with a student;
- V. other similar activities or behavior.

Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the Superintendent.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Age Harassment

Prohibited age-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

Race/Color Harassment

Prohibited race/color-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disability or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)" or CO or COs):

Mark Inouye
Director of Student Services/Title IX Coordinator - Student
715-425-1800

852 E. Division Street
River Falls, WI 54022
mark.inouye@rfsd.k12.wi.us

Nate Schurman
Director of Student Services/Human Resources and Leadership Development/Title IX Coordinator - Staff
715-425-1800
852 E. Division Street
River Falls, WI 54022
nate.schurman@rfsd.k12.wi.us

The names, titles, and contact information of these individuals will be published annually:

- A. on the School District's website.
- B. **employee** handbooks.

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

Reports and Complaints of Harassing Conduct

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any employee who directly observes harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any employee who observes an act of harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the School Board's intent to investigate the alleged wrongdoing.

Members of the School District community along with Third Parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the **District** may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School District community and Third Parties who believe they have been harassed by another member of the School District community or a Third Party are entitled to utilize the School Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.

Reporting procedures are as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.

- B. Teachers, administrators, and other District officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.
- C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.
- D. Appropriate District officials are as follows:
1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the Superintendent, who will coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.
 2. Any complaint under this policy regarding the Superintendent or School Board Member that is received by the District Compliance Officer shall be referred to the School Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.
- E. The reporting party or Complainant shall be encouraged to use a [report form](#) (LINKED FORM WILL NEED TO BE UPDATED) available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. **Use of formal reporting forms shall not be mandated.** However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the Superintendent or other supervisory employee.

If during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be investigated in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 1662 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to harassment or has witnessed harassment of another may seek resolution of the complaint through the procedures described below. The complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights (OCR), the Wisconsin Equal Rights Division, and/or Equal Employment Opportunity Commission (EEOC). The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: <http://www.ed.gov/ocr>.

Complaint Procedure

A Complainant who alleges harassment based on a protected class or retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) directly to one of the COs; or 3) to the Superintendent or other supervisory employee. As noted above, any complaint received regarding the Superintendent or a School Board member shall be referred to the School Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the Superintendent, who will consult with the other appointed/designated CO, if any, and if necessary appoint/designate another individual to serve in the role of CO for a complaint regarding a CO.

Due to the sensitivity surrounding complaints of harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, Superintendent, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) days.

Throughout the course of the process as described herein, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All written complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of their understanding of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent. No temporary arrangements shall be disciplinary to either the Complainant or Respondent.

Within two (2) days of receiving a complaint, the CO will inform the Respondent that a complaint has been received.

The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, the Respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint.

Within two (2) days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation, including but not limited to evaluations and prior disciplinary actions, -or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the Respondent engaged in harassment of or retaliation toward the Complainant. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the School Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may ↔ in consultation with the Superintendent or School Board President, if the matter involves the Superintendent engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) days of receiving the report of the CO, the Superintendent must either issue a written decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in harassment of or retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the Superintendent shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to School Board Policy 3340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The School Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or Third Party alleging the harassment pursues the complaint. The School Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the School Board.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

Privacy/Confidentiality

The District will employ reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the School Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the Complainant, the Respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation and if so, shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Directives During Investigation

The CO may recommend to the Superintendent placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the Superintendent is the Respondent, the CO shall make such recommendation to the School Board. Administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The School Board may appoint an individual, who may be an employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The School Board shall vigorously enforce its prohibitions against harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law.

When imposing discipline, the Superintendent shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the School Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies.

Where the School Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the School Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the School Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Allegations Constituting Criminal Conduct

If the CO has reason to believe that the Complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the Superintendent shall be advised that local law enforcement was notified.

If the Complainant has been the victim of criminal conduct and the accused is the Superintendent, such knowledge should be reported by the CO to local law enforcement. After such report has been made, the **(→ School Board President (←)**
School Board Attorney shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the COs obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause after consultation with the Superintendent.

Reprisal

Submission of a good faith complaint or report of harassment will not affect the Complainant's or reporter's work status or work environment. However, the School Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The School Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational employment, and the mailing address and telephone number of the United States Equal Employment Opportunity Commission.

A link to this policy shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

Education and Training

In support of this policy, the School Board promotes preventative educational measures to create greater awareness of harassment. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the School Board in consultation with the Superintendent determines is necessary or appropriate.

The School Board will respect the privacy of the Complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the School Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

Retention of Investigatory Records and Materials

The CO(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315 - Information Management) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the School Board to fulfill its responsibilities;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;

- L. written documentation of any supportive measures offered and/or provided to Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- N. copies of the School Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the School Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) created or received as part of an investigation shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Records, and Policy 8330 - Student Records for not less than three (3) years, but longer if required by the District's records retention schedule.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	EMPLOYEE ANTI-HARASSMENT
Code	po4362 - DB 1/19/26
Status	
Legal	<p>111.31, 118.195, 118.20, Wis. Stats.</p> <p>29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967</p> <p>29 U.S.C. 794, Rehabilitation Act of 1973</p> <p>42 U.S.C. 1983</p> <p>42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act</p> <p>42 U.S.C. 6101 et seq., Age Discrimination Act of 1975</p> <p>42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended</p> <p>29 C.F.R. Part 1635</p> <p>National School Boards Association Inquiry and Analysis - May 2008</p>

4362 - EMPLOYEE ANTI-HARASSMENT

Prohibited Harassment

The School Board is committed to a work environment that is free of harassment of any form. The School Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any member of the School District community who violates this policy will be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our employees.

The School Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including sexual orientation or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District’s premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters (collectively, Protected Classes), or any other characteristic protected by law in its employment practices (hereinafter referred to as harassment), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The School Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual’s work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur between employee-and-employee or employee-and-student.

Editing Note: Current federal law (Bostick v. Clayton County) includes sexual orientation and gender identity as protected classes. NEOLA 'bundles' all federally and state-protected employee rights. The protected classes covered under Federal Law (Title IX and Title VII) include sex, race, and religion. Other protections

outlined in the statement above incorporate National Labor Relations Act rights, whistleblower protections, and WI-specific rights.

The School Board ensures procedures will be in place to investigate all allegations of harassment and, in those cases where harassment is substantiated, take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects.

Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

Notice

Notice of the School Board's policy on anti-harassment related to employment practices and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Compliance Officer: an employee designated by the School Board to be responsible for coordinating the District's efforts to comply with state and federal nondiscrimination laws and for receiving formal complaints of pupil discrimination.

Complainant is the individual who alleges, or is alleged, to have been subjected to harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Respondent is the individual who has been alleged to have engaged in harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means students and School Board employees (i.e., administrators, and professional and support staff), as well as School Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the School Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the School Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Bullying

Bullying is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact the employee's physical or emotional well-being. Bullying need not be based on any Protected Class. Staff members should report complaints of bullying behavior to their supervisor. If their supervisor is the subject of the behavior, the complaint should be reported to the Superintendent. If the Superintendent is the subject of the behavior, the complaint should be reported to the School Board President. These complaints will be investigated in alignment to Policy 3362.01/4362.01 Threatening Behavior Towards Staff Members. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the employee's protected class and will be investigated in alignment with procedures in this policy.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against an employee based on one or more of the employee's Protected Class that:

- A. places a employee in reasonable fear of harm to their person or damage to their property;
- B. has the effect of substantially interfering with a employee's work performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Harassment also includes "hate speech" directed against an employee—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

- A. making statements that promote violence toward a racial or ethnic group;
- B. drawing, displaying, or posting images or symbols of prejudice.

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;
- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266- Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. unwanted physical and/or sexual contact;
- C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;
- E. sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work environment that reasonably may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. asking or telling about sexual fantasies, sexual preferences, or sexual activities;
- H. speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;
- I. giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;

- J. leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;
- L. inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life; and
- M. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of School Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

Boundary Invasions

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However, other behaviors might be going too far, are inappropriate and may be signs of sexual grooming. Inappropriate boundary invasions may include, but are not limited to the following:

- A. hugging, kissing, or other physical contact with a student;
- B. telling sexual jokes to students;
- C. engaging in talk containing sexual innuendo or banter with students;
- D. talking about sexual topics that are not related to curriculum;
- E. showing pornography to a student;
- F. taking an undue interest in a student (i.e. having a special friend or a special relationship);
- G. initiating or extending contact with students beyond the school day for personal purposes;
- H. using e-mail, text messaging, or websites to discuss personal topics or interests with students;
- I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
- J. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);
- K. going to a student's home for non-educational purposes;
- L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);
- M. giving gifts or money to a student for no legitimate educational purpose;
- N. accepting gifts or money from a student for no legitimate educational purpose;
- O. being overly touchy with students;
- P. favoring certain students by inviting them to come to the classroom at non-class times;
- Q. getting a student out of class to visit with the staff member;

- R. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;
- S. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
- T. being alone with a student behind closed doors without a legitimate educational purpose;
- U. telling a student secrets and having secrets with a student;
- V. other similar activities or behavior.

Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the Superintendent.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Age Harassment

Prohibited age-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

Race/Color Harassment

Prohibited race/color-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disability or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)" or CO or COs):

Mark Inouye
Director of Student Services/Title IX Coordinator - Student
715-425-1800

852 E. Division Street
River Falls, WI 54022
mark.inouye@rfsd.k12.wi.us

Nate Schurman
Director of Student Services/Human Resources and Leadership Development/Title IX Coordinator - Staff
715-425-1800
852 E. Division Street
River Falls, WI 54022
nate.schurman@rfsd.k12.wi.us

The names, titles, and contact information of these individuals will be published annually:

- A. on the School District's website.
- B. **employee** handbooks.

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

Reports and Complaints of Harassing Conduct

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any employee who directly observes harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any employee who observes an act of harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the School Board's intent to investigate the alleged wrongdoing.

Members of the School District community along with Third Parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the **District** may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School District community and Third Parties who believe they have been harassed by another member of the School District community or a Third Party are entitled to utilize the School Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.

Reporting procedures are as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.

- B. Teachers, administrators, and other District officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.
- C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.
- D. Appropriate District officials are as follows:
1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the Superintendent, who will coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.
 2. Any complaint under this policy regarding the Superintendent or School Board Member that is received by the District Compliance Officer shall be referred to the School Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.
- E. The reporting party or Complainant shall be encouraged to use a [report form](#) (LINKED FORM WILL NEED TO BE UPDATED) available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. **Use of formal reporting forms shall not be mandated.** However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the Superintendent or other supervisory employee.

If during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be investigated in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 1662 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to harassment or has witnessed harassment of another may seek resolution of the complaint through the procedures described below. The complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights (OCR), the Wisconsin Equal Rights Division, and/or Equal Employment Opportunity Commission (EEOC). The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: <http://www.ed.gov/ocr>.

Complaint Procedure

A Complainant who alleges harassment based on a protected class or retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) directly to one of the COs; or 3) to the Superintendent or other supervisory employee. As noted above, any complaint received regarding the Superintendent or a School Board member shall be referred to the School Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the Superintendent, who will consult with the other appointed/designated CO, if any, and if necessary appoint/designate another individual to serve in the role of CO for a complaint regarding a CO.

Due to the sensitivity surrounding complaints of harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, Superintendent, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) days.

Throughout the course of the process as described herein, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All written complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of their understanding of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent. No temporary arrangements shall be disciplinary to either the Complainant or Respondent.

Within two (2) days of receiving a complaint, the CO will inform the Respondent that a complaint has been received.

The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, the Respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint.

Within two (2) days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation, including but not limited to evaluations and prior disciplinary actions, -or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the Respondent engaged in harassment of or retaliation toward the Complainant. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the School Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may ↔ in consultation with the Superintendent or School Board President, if the matter involves the Superintendent engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) days of receiving the report of the CO, the Superintendent must either issue a written decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in harassment of or retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the Superintendent shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to School Board Policy 3340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The School Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or Third Party alleging the harassment pursues the complaint. The School Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the School Board.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

Privacy/Confidentiality

The District will employ reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the School Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the Complainant, the Respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation and if so, shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Directives During Investigation

The CO may recommend to the Superintendent placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the Superintendent is the Respondent, the CO shall make such recommendation to the School Board. Administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The School Board may appoint an individual, who may be an employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The School Board shall vigorously enforce its prohibitions against harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law.

When imposing discipline, the Superintendent shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the School Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies.

Where the School Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the School Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the School Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Allegations Constituting Criminal Conduct

If the CO has reason to believe that the Complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the Superintendent shall be advised that local law enforcement was notified.

If the Complainant has been the victim of criminal conduct and the accused is the Superintendent, such knowledge should be reported by the CO to local law enforcement. After such report has been made, the **(→ School Board President (←)**
School Board Attorney shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the COs obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause after consultation with the Superintendent.

Reprisal

Submission of a good faith complaint or report of harassment will not affect the Complainant's or reporter's work status or work environment. However, the School Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The School Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational employment, and the mailing address and telephone number of the United States Equal Employment Opportunity Commission.

A link to this policy shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

Education and Training

In support of this policy, the School Board promotes preventative educational measures to create greater awareness of harassment. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the School Board in consultation with the Superintendent determines is necessary or appropriate.

The School Board will respect the privacy of the Complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the School Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

Retention of Investigatory Records and Materials

The CO(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315 - Information Management) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the School Board to fulfill its responsibilities;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;

- L. written documentation of any supportive measures offered and/or provided to Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- N. copies of the School Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the School Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) created or received as part of an investigation shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Records, and Policy 8330 - Student Records for not less than three (3) years, but longer if required by the District's records retention schedule.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates
Title	STUDENT SUPERVISION AND WELFARE
Code	po1213 DB-10/7/25
Status	
Legal	48.981, Wis. Stats. 948, Wis. Stats. 948.095, Wis. Stats.

1213 - STUDENT SUPERVISION AND WELFARE

Administrators are frequently confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the administrator. It is the intent of the School Board to direct the preparation of guidelines that would minimize that possibility.

An administrator who is found to have had sexual contact with any student shall be referred to the proper authorities and be subject to discipline, up to and including discharge.

This section should not be construed as affecting any obligations on the part of staff to report suspected child abuse under 48.981, Wis. Stats. and Policy 8462.

Each administrator shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities which include, but are not limited to, the following:

- A. An administrator shall report immediately any accident or safety hazard about which they are informed, or detect, to their supervisor as well as to other authorities or District staff members as may be required by established policies and procedures.
- B. An administrator shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or threat of these activities, by students to the Superintendent, the School Resource Officer (SRO), and local public safety agencies and/or school officials in accordance with Policy 8420 - School Safety.
- C. An administrator should not volunteer to assume responsibility for duties that they cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
- D. An administrator shall not send students on any personal errands.
- E. An administrator shall not associate with students at any time in a manner which gives the appearance of impropriety including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs. Any sexual or other inappropriate conduct with a student by any administrator will subject the offender to potential criminal liability and District discipline, up to and including termination of employment.

This provision should not be construed as precluding an administrator from associating with students in private for legitimate or proper reasons or to interfere with familial relationships that may exist between staff and students.

- F. An administrator shall not disclose personally identifiable information about a student to third parties unless specifically authorized by law or the student's parent(s) to do so.
- G. An administrator, shall not transport students for school-related activities in a private vehicle without the approval of the Human Resources Department and consistent with the provisions of Policy 8660 - Transportation by Private Vehicle for District-Sponsored Trips. This does not apply to any student who is an administrator's family member.
- H. A student shall not be required to perform work or services that may be detrimental to their health.
- I. Administrators shall not engage students in social media and online networking media (see also Policy 7544), except for appropriate academic, extra-curricular, and/or professional uses only.
- J. In the scope of their professional responsibilities, administrators are expressly prohibited from posting any picture, video, meme, or other visual depiction, pertaining to any student on personal or unauthorized social networking media or similar forums. This provision of the policy does not apply to pictures and/or videos taken of public events that may involve or incidentally include depictions of students participating in or observing such events where the purpose of the photo or video is to depict the event, not a particular student. This section does not apply to depictions of an administrator's own child or other relative.
- K. Administrators at the high school and middle school levels may communicate directly with students' via media devices after a parent or guardian has been advised of the employee's intent to do so and had the opportunity to opt-out. Authorized communication will occur through the use of district approved notifications applications systems such as Remind, Teamsnap, or SportsYou. Texting or communicating with students from a device using any other method is prohibited.

Since most information concerning a child in school, other than directory information described in Policy 8330 - Student Records, is a confidential student record under Federal and State laws, any administrator who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and School Board Policy 8462 - Child Abuse and Neglect, each administrator shall report to the proper legal authorities immediately, any sign of suspected child abuse, abandonment, or neglect.

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Book	Neola Policy Templates for Processing
Section	3000 Professional Staff Templates
Title	STUDENT SUPERVISION AND WELFARE
Code	po3213 11/13 DB
Status	
Legal	48.981, 948, 948.095 Wis. Stats.

3213 - STUDENT SUPERVISION AND WELFARE

Professional staff members are frequently confronted with situations which, if handled incorrectly, could result in liability to the District, personal liability to the professional staff member, and/or harm to the welfare of the student(s). It is the intent of the School Board to direct the preparation of guidelines that would minimize that possibility.

A professional staff member, or a person who works or volunteers with children, who is found to have had sexual contact with any student will be referred to the proper authorities and be subject to discipline, up to and including discharge.

This policy should not be construed as affecting any obligations on the part of staff to report suspected child abuse under 48.981, Wis. Stats., and Policy 8462 - Child Abuse and Neglect.

Each District employee will maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities, which include, but are not limited to, the following standards:

- A. A professional staff member will report immediately any accident or safety hazard about which they are informed or detect to their supervisor as well as to other authorities or District staff members as may be required by established policies and procedures.
- B. A professional staff member will report unsafe, potentially harmful, dangerous, violent, or criminal activities, or threat of these activities, by students to the ~~District Administrator~~ Superintendent, the School Resource Officer (SRO), and/or local public safety agencies and/or school officials in accordance with Policy 8420 - School Safety.
- C. A professional staff member should not volunteer to assume responsibility for duties that they cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
- D. A professional staff member will provide proper instruction in the safety matters presented in assigned course guides.
- E. A professional staff member will not send students on any personal errands.
- F. A professional staff member will not associate with students at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and District discipline, up to and including termination of employment.

This provision should not be construed as precluding a professional staff member from associating with students in private for legitimate or proper reasons or to interfere with familial relationships that may exist between staff and

students.

- G. A professional staff member will not disclose personally identifiable information about a student to third parties unless specifically authorized by law or the student's parent(s) to do so.
- H. **An administrator, A professional staff member shall not transport students for school-related activities in a private vehicle without the approval of the Human Resources Department and consistent with the provisions of Policy 8660 - Transportation by Private Vehicle for District-Sponsored Trips. This does not apply to any student who is an administrator's professional staff member's family member.**
- I. **A student shall not be required to perform work or services that may be detrimental to their health.**
- J. Professional staff **shall not engage** students in social media and online networking media (see also Policy 7544), except for appropriate academic, extra-curricular, and/or professional uses only.
- K. **In the scope of their professional responsibilities,** professional staff are expressly prohibited from posting any picture, video, meme, or other visual depiction, pertaining to any student on personal or unauthorized social networking media or similar forums. This provision of the policy does not apply to pictures and/or videos taken of public events that may involve or incidentally include depictions of students participating in or observing such events where the purpose of the photo or video is to depict the event, not a particular student. This section does not apply to depictions of an administrator's own child or other relative.
- L. Professional staff **at the high school and middle school levels may communicate directly with students' via media devices after a parent or guardian has been advised of the employee's intent to do so and had the opportunity to opt-out. Authorized communication will occur through the use of district approved notifications applications systems such as Remind, Teamsnap, or SportsYou. Texting or communicating with students from a device using any other method is prohibited.**

Since most information concerning a child in school, other than directory information described in Policy 8330 - Student Records, is a confidential student record under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and School Board Policy 8462 - Child Abuse and Neglect, each professional staff member will report to the proper legal authorities immediately, any sign of suspected child abuse, abandonment, or neglect.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	STUDENT SUPERVISION AND WELFARE
Code	po4213 - DL 12/1/25
Status	
Legal	48.981, 948, 948.095, Wis. Stats.

4213 - STUDENT SUPERVISION AND WELFARE

Support staff members may be confronted with situations which, if handled incorrectly, could result in liability to the District, personal liability to the staff member, and/or harm to the welfare of the student(s). It is the intent of the School Board to direct the preparation of guidelines that would minimize that possibility.

A support staff member, or a person who works or volunteers with children, who is found to have had sexual contact with any student shall be referred to the proper authorities and be subject to discipline, up to and including discharge.

This policy should not be construed as affecting any obligation on the part of staff to report suspected child abuse under 48.981, Wis. Stats., and Policy 8462 - Child Abuse and Neglect.

Each District support staff member shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities which include, but are not limited to, the following standards:

- A. A support staff member shall report immediately any accident or safety hazard about which they are informed or detect to their supervisor as well as to other authorities or District staff members as may be required by established policies and procedures.
- B. A support staff member shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or threat of these activities, by students to the Superintendent, the School Resource Officer (SRO), and/or local public safety agencies and/or school officials in accordance with Policy 8420 - School Safety. ~~(-) Additionally, each support staff member shall also promptly report to the Principal any knowledge of threats of violence by students.~~
- C. Support staff should not volunteer to take on responsibilities they are not reasonably qualified or able to perform. Voluntarily assuming such duties carries the same level of accountability as formally assigned responsibilities.
- D. A support staff member shall not send students on any personal errands.
- E. A support staff member shall not associate with students at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and District discipline, up to and including termination of employment.

This provision should not be construed as precluding a support staff member from associating with students in private for legitimate or proper reasons or to interfere with familial relationships that may exist between staff and students.

- F. A support staff member shall not disclose personally identifiable information about a student to third parties unless specifically authorized by law or the student's parent(s) to do so.
- G. A support staff member shall not transport students for school-related activities in a private vehicle without the approval of ~~their immediate supervisor~~ **the Human Resources Department** and consistent with the provisions of Policy 8660 - Transportation by Private Vehicle for District-Sponsored Activities or Trips. This does not apply to any student who is a support staff member's family member.
- H. A student shall not be required to perform work or services that may be detrimental to their health.
- I. Support staff **shall not engage** students in social media and online networking media (see also Policy 7544), except for appropriate academic, extra-curricular, and/or professional uses only.
- J. **In the scope of their professional responsibilities, support staff are expressly prohibited from posting any picture, video, meme, or other visual depiction, pertaining to any student on personal or unauthorized social networking media or similar forums. This provision of the policy does not apply to pictures and/or videos taken of public events that may involve or incidentally include depictions of students participating in or observing such events where the purpose of the photo or video is to depict the event, not a particular student. This section does not apply to depictions of an administrator's own child or other relative.**
- K. Support staff at the high school and middle school levels may communicate directly with students' via media devices after a parent or guardian has been advised of the employee's intent to do so and had the opportunity to opt-out. Authorized communication will occur through the use of district approved notifications applications systems such as Remind, Teamsnap, or SportsYou. Texting or communicating with students from a device using any other method is prohibited.

Since most information concerning a child in school, other than directory information described in Policy 8330 - Student Records, is a confidential student record under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and School Board Policy 8462 - Child Abuse and Neglect, each support staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse, abandonment, or neglect.

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