

EQUAL OPPORTUNITY EMPLOYMENT AND NONDISCRIMINATION

The District is committed to equal employment opportunity in its personnel practices. The School Board's goal, intent, and specific directive is that the District shall maintain policies, practices, and a workplace environment that are free from all unlawful discrimination, harassment and retaliation. Accordingly, recruitment, hiring, and all personnel administration (e.g., training, assignments, compensation, evaluation, and discipline) shall be conducted so as not to illegally discriminate against any applicant or employee on the basis of age, race, religion, sex, sexual orientation, disability, citizenship, marital status, pregnancy, national origin, creed, color, political or religious affiliation, ancestry, arrest or conviction record, military service, use or nonuse of a lawful product off school premises during nonworking hours, declining to attend a meeting or to participate in any communication about religious matters or political matters, the authorized use of family or medical leave or worker's compensation benefits, genetic information, or any other reason prohibited by applicable law. Specific state and federal laws and regulations further define the actions that do, or do not constitute unlawful discrimination, harassment or retaliation with respect to the various protected classes.

To the extent required by law, reasonable accommodations that do not impose an undue hardship shall be made for qualified individuals with a disability. Such accommodations may be used to enable a qualified applicant or employee with a disability to perform the essential functions of a position or to enjoy the same benefits and privileges as those enjoyed by applicants or employees without disabilities. The District shall also accommodate the religious practices of an employee to the extent required by law. Applicants or employees desiring an accommodation should submit a request to their immediate supervisor or to the Equal Employment Opportunity Officer.

Complaints. Complaints regarding possible employment discrimination or the interpretation or application of this policy may be submitted to the District's designated Equal Employment Opportunity Officer, as further described in the complaint procedures established under this policy. The Board encourages attempts to resolve complaints informally.

Designation of an Equal Employment Opportunity Officer. The staff member holding the following position shall serve as the District's designated Equal Employment Opportunity Officer (EEO Officer):

**DIRECTOR OF BUSINESS SERVICES
SCHOOL DISTRICT OF JEFFERSON
206 S. TAFT AVENUE, JEFFERSON, WI 53549
920-675-1000**

In his/her capacity as the District's EEO Officer, the designated individual also serves as the District's Title IX Coordinator and Section 504/Americans with Disabilities Act (ADA) Coordinator for employment-related matters. Title IX is federal legislation that prohibits discrimination on the basis of sex in education programs, including employment within education programs. Section 504 and the ADA address the rights of individuals with disabilities.

The EEO Officer shall have primary responsibility for coordinating the District's efforts to implement this policy and adhere to applicable nondiscrimination laws and regulations, including investigating and responding to any complaint or report alleging noncompliance with, or acts in violation of, such laws and regulations, including as examples the following:

- Title VI and Title VII of the federal Civil Rights Act (as amended)
- Title IX of the federal Education Amendments of 1972 (as amended)

- The federal Americans with Disabilities Act (as amended)
- Section 504 of the federal Rehabilitation Act of 1973 (as amended)
- The federal Age Discrimination in Employment Act (as amended)
- The federal Genetic Information Nondiscrimination Act (as amended)
- The Wisconsin Fair Employment Act (as amended)
- Sections 118.195 and 118.20 of the Wisconsin Statutes

The Director of Special Education and Pupil Services shall perform the duties of the EEO Officer if the EEO Officer is temporarily unavailable or if a complaint involves any alleged improper conduct by the EEO Officer.

Employee Reporting Responsibilities. All employees are responsible for reporting violations of this policy. An employee who believes he/she has been subjected to unlawful discrimination by anyone, including supervisors, co-workers, students, or Board members, is expected to promptly report the behavior to an administrator or supervisor. Such reports may always be submitted to the District's Equal Employment Opportunity Officer, and an employee may also choose to use the District's employment discrimination and harassment complaint procedures. Any employee who is aware of a discriminatory policy, practice, or incident in the workplace is likewise expected to report it, even when that employee is not a direct victim/target. All reports and complaints of possible employment-related discrimination shall be taken seriously, promptly and thoroughly investigated, and responded to as appropriate.

Confidentiality. Although absolute confidentiality and anonymity cannot be assured, the District will maintain the confidentiality of reports and complaints under this policy to the extent required by any applicable law, and the District will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint. Individuals who have specific concerns about confidentiality in connection with any report, complaint, or investigation should arrange to discuss those concerns with the District as early as possible in the process.

Retaliation Prohibited. No one shall attempt to restrain, interfere with, coerce, or take retaliatory action against a complainant, witness, or other person who is participating in the presentation, processing, or resolution of a complaint, report, or concern regarding employment-related discrimination.

Consequences for Violations. Any person who is responsible for any form of employment-related discrimination or any act of retaliation in violation of this policy is subject to disciplinary action, up to and including discharge from employment. Additional consequences may include other adverse or remedial actions within the District's scope of authority and/or referral to law enforcement officials for possible legal action. In addition, supervisory employees who fail to reasonably respond to discrimination complaints or reports or to reasonably act on their knowledge of a violation of this policy will likewise be subject to disciplinary action.

Information and Notices. Staff shall be informed of this policy and the related complaint procedures via the District's Employee Handbook. This policy and the related complaint procedures shall be posted on the District website. Additional notice of employee rights under this policy shall be given in accordance with any requirements of state or federal law (e.g., via the posting of signs/posters in the workplace).

ADOPTED: April 27, 1981

REVISED: November 28, 1983 (under Policy JBA) July 27, 1987 December 17, 1990
November 27, 2000 February 29, 2012 January 11, 2021

REVIEW DATE: January 11, 2021

Legal References:

Wisconsin Statutes

- [Section 111.31](#) [declaration of fair employment policy]
- [Section 111.321](#) [prohibited basis for discrimination]
- [Section 111.322](#) [discriminatory actions prohibited]
- [Section 118.195](#) [discrimination against handicapped teachers]
- [Section 118.20](#) [teacher/administrator discrimination prohibited]

Federal Laws and Regulations

- [Title IX, Education Amendments of 1972](#) [sex discrimination in employment in educational programs]
- [Title VII of the Civil Rights Act of 1964](#) [*employment discrimination based on race, color, religion, sex and national origin*]
- [Section 504 of the Rehabilitation Act of 1973](#) [employment discrimination based on handicap; reasonable accommodations]
- [Age Discrimination Act of 1967](#) [age discrimination in employment]
- [Pregnancy Discrimination Act](#) [pregnancy discrimination in employment]
- [Americans with Disabilities Act of 1990](#) [disability discrimination in employment; reasonable accommodations]
- [Genetic Information Nondiscrimination Act of 2008](#) [employment discrimination based on genetic information]
- [Immigration and Nationality Act \(Title II, Chapter 8, Act 274B\)](#) [employment discrimination based on national origin and citizenship status]
- [Uniformed Services Employment and Reemployment Rights Act \(USERRA\)](#) [employment discrimination on the basis of military service]
- [11 U.S.C. §525](#) [employment discrimination based on certain bankruptcy-related statuses and proceedings]

CROSS REF.: GBA-R, Employee Discrimination and Harassment Complaint Procedures
GBAE, Employee Harassment and Bullying
JB-E(2), Discrimination Complaint Form

EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES

An employee, former employee or applicant for employment who believes that any part of the school organization has violated any law prohibiting discrimination or harassment based on a legally protected status in the workplace (including provisions prohibiting employer retaliation in connection with such laws) or that there has been a violation of the District's equal opportunity employment or harassment/bullying policy may bring forward a complaint as outlined in these procedures. In addition, these complaint procedures may also be used in any situation where another Board policy or rule directs or allows the use of these complaint procedures.

Any person presenting a report or complaint under these procedures who has concerns about safety, confidentiality, or retaliation should discuss those concerns with the Equal Employment Opportunity Officer (EEO Officer) as early as possible in the process — preferably at or even prior to the time that a detailed report or complaint is filed.

In conjunction with the District's receipt of notice of any report or complaint of alleged discrimination, harassment, bullying, or retaliation under these procedures, the District shall consider (and a complainant may affirmatively request consideration of) any interim measures that should be taken before the final outcome of an investigation (e.g., safety planning or other steps needed to protect the complainant).

Informal Resolution Procedure

The District strongly encourages, but does not require, attempts to informally present and resolve complaints or concerns regarding possible employment-related discrimination, harassment, bullying, or retaliation. Accordingly, anyone who believes he/she has a valid basis for a complaint may discuss the issue or concern with an appropriate administrator in lieu of, or prior to, initiating the formal complaint procedure. For purposes of this procedure, the "appropriate administrator" is defined as any the following:

1. The District's designated Equal Employment Opportunity Officer (EEO Officer).

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2. An employee's direct supervisor.
3. The appropriate building principal.
4. If the complaint is against any of the above administrators/supervisors or against a School Board member, the Superintendent is also an option. In these circumstances, the Superintendent may become involved in providing a response at the informal stage in any event.

The administrator who receives a request to attempt to informally resolve a complaint or concern will coordinate the District's response, which may involve calling meetings, gathering information, holding mediated resolution sessions, or, following a presentation and initial assessment of the issue(s), the offering of one or more options for changes to be made in the relevant circumstances. If, at any time, the person seeking an informal resolution becomes dissatisfied with the process or outcome, he/she may initiate a formal complaint according to the steps listed below.

In the event any administrator/supervisor other than the EEO Officer addresses or resolves an informal complaint involving an allegation of employment-related discrimination, harassment or bullying, the administrator/supervisor shall provide the EEO Officer with a written summary of the nature of the complaint and a summary of any responsive action taken on the informal complaint.

Formal Complaint Procedure

Step 1: The complainant shall submit a signed complaint to the District's EEO Officer, identified above. The EEO Officer shall issue an acknowledgement of receipt within 10 business days. The EEO Officer shall usually serve as the complaint manager and the primary point of contact regarding the complaint for the relevant parties.

Except as provided in the next paragraph, the EEO Officer or other designated complaint manager shall work with the Director of Special Education and Pupil Services to oversee an investigation of the complaint, decide the merits of the case at Step 1, determine what responsive or remedial actions will be taken (if any), and provide written notice of the administrative determination of the complaint to the appropriate parties.

If the allegation is against the Superintendent, the complainant shall submit the Step 1 complaint either directly to the Board President or to the EEO Officer, who shall forward the complaint to the Board President. The Board President shall engage outside legal counsel as the complaint manager, who shall recommend either of the following to the Board President following an investigation into the matters raised by the complaint: (1) that the complaint lacks merit and that the Board President may communicate that conclusion and resolution to the complaining party, the Superintendent, the remaining Board members, and any other parties; or (2) the complaint may have merit and/or that some degree of responsive or remedial action may be appropriate, and that legal counsel advises consultation with the full Board regarding such possible resolution. In conjunction with legal counsel, the Board President shall thereafter report in writing the Board's resolution of the complaint to the appropriate parties. If a complaint follows this track at Step 1, the next available Step shall be a request for reconsideration of a negative determination of the complaint by the complainant at Step 3.

Step 2: If any complainant or alleged responsible party under the complaint is dissatisfied with the decision at Step 1, the individual may, within 10 calendar days of being notified of the administration's determination, file a written request for reconsideration with the office of the Superintendent. The request for reconsideration shall state any specific reason(s) why the complainant believes the administrative determination should be modified. The Superintendent will normally issue a written decision on reconsideration to the parties within 30 calendar days unless further investigation is initiated and/or the Superintendent determines that an extension of time is otherwise needed. The decision of the Superintendent at this Step shall include information about the complainant's opportunity to appeal a negative determination to the School Board. The Board shall also be notified of the Superintendent's Step 2 decision.

Step 3: A complainant or any alleged responsible party may appeal an adverse determination of the complaint at Step 2 to the Board within 10 calendar days of the date that he/she is notified of the decision that is being appealed. Any appeal to the Board shall be filed in care of the Board Clerk at the Office of the Superintendent, and the request shall state the reasons the decision is being appealed. The Board will provide a written response to the appeal, which may or may not involve a meeting with any of the relevant parties and/or any further investigation.

Deadline for Filing an Initial Complaint: There is no absolute deadline for the initial filing of a complaint under these

procedures. The District always has an interest in being made aware of potential concerns with prohibited discrimination, harassment, bullying or retaliation. However, a person with a complaint or concern involving such an employment matter is encouraged to notify the District of the issue or to pursue a complaint as soon as reasonably possible after the occurrence of the relevant events. Any gap pursuing a complaint or concern can affect the extent to which it is practical to investigate the matter, and a delay may also limit the range of possible remedies and resolutions that are reasonably available. Notwithstanding the lack of a single, fixed deadline, the District, acting through the complaint manager may determine that any complaint filed more than 300 days after the alleged act(s) occurred, or more than 300 days after the last occurrence of an ongoing condition, will not be processed through these procedures for lack of timeliness (although the District may follow-up on the issues presented through other means if appropriate). A decision to dismiss a complaint because it is untimely may be appealed to the Board under Step 3, and the Board may either affirm the dismissal of the complaint for lack of a timely filing or remand the complaint for further processing.

External Agency or Court Filing: If the complainant is not satisfied with the Board's decision, or in lieu of or in addition to utilizing the internal complaint procedures established by this procedure, the complainant may pursue alternate actions available under state or federal laws (e.g., appeal to State Superintendent of Public Instruction (for teachers and administrative personnel), filing of complaint with the Equal Rights Division of the Department of Workforce Development, the U.S. Office for Civil Rights - Region V and/or any court or agency having proper jurisdiction). Any party with a complaint is solely responsible for determining the applicable outside agencies or courts with which a complaint may properly be filed and the applicable filing deadlines. While it is not always necessary to pursue an internal complaint before filing a complaint with an external agency or court, all individuals are given notice that failure to follow an employer's internal procedures for giving notice of incidents and complaints can, in some cases, affect the individual's ability to seek remedies from an external agency or court. Unless mandated by a state or federal law or regulation, pursuing an internal complaint under this procedure does not extend or toll the filing deadlines applicable to filing a complaint with an external agency or court.

Maintenance of Complaint Records

Records should be kept for each formal complaint filed and, at a minimum, should include the following:

1. The name and address of the complainant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action requested by the complainant.
4. The name and address of the respondents.
5. The levels of processing followed, and the resolution, date and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A determination of the facts, statement of the final resolution, and the nature and date(s) of any corrective or remedial action taken.

1/11/21

DISCRIMINATION COMPLAINT FORM

Name _____ Date _____

Address _____
(Street)

(City) (Zip)

Telephone _____
(Home) (School or Work Location)

Status of person filing complaint: Student Employee Parent or Guardian
 Other: _____

Filing complaint alleging discrimination on the basis of: _____

Statement of complaint (include type of discrimination charged and the specific incident(s) in
which it occurred): _____

Signature of complainant: _____

Date complaint filed: _____

Signature of person receiving complaint: _____

Date received: _____