

## Equal Employment Opportunity

### Introduction

The District is committed to equal employment opportunity in its personnel practices. Hiring and administration shall be conducted so as not to illegally discriminate against any applicant or employee on the basis of age, race, sex, sexual orientation, disability, citizenship, marital status, pregnancy, national origin, creed, color, political 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.

Reasonable accommodations shall be made for qualified individuals with a disability, unless such accommodations would impose an undue hardship on the District. A reasonable accommodation is a change or adjustment to job duties or work environment that permits a qualified applicant or employee with a disability to perform the essential functions of a position or enjoy the benefits and privileges of employment compared to those enjoyed by employees without disabilities. Employees desiring a reasonable accommodation should make such a request to their immediate supervisor, the District Administrator, or the District Administrator's designee.

The District shall take initiatives to achieve equal employment opportunity in all personnel actions and procedures, including, but not limited to, recruitment, hiring, training, transfers, promotions, compensation, and other benefits. This policy is to be administered not only without prejudicial and discriminatory regard to any protected status which includes factors outlined above, but special efforts in recruitment and employment shall be taken to overcome barriers to equal employment opportunities.

Complaints regarding the interpretation or application of this policy shall be referred to the administrative staff and processed in accordance with established procedures. The Board encourages the informal resolution of complaints. Notice of this policy shall be given in accordance with state and federal laws.

### Employment Discrimination and Harassment Complaint Procedure

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 below:

### **Informal Procedure**

Anyone who believes he/she has a valid basis for a complaint may discuss the concern with the appropriate administrator prior to initiating a formal complaint. For purposes of this procedure, the "appropriate administrator" is defined as the following:

1. The building principal or
2. If the complaint is against or involves the building principal or is against an individual to whom the principal reports, including a member of the School Board, the District Administrator; or
3. If the complaint is against the District Administrator, the Board President.

If the complaint is submitted to the building principal, District Administrator, or other administrator as identified above, that individual shall serve as, or designate, a complaint manager. The complaint manager shall be responsible for coordinating the processing of the complaint, including any attempt to mediate a possible resolution to the complaint, any investigation that may be necessary, and all communications with the individual(s) who submitted the complaint.

If the complaint is against the District Administrator or a Board member and is submitted to the building principal, that individual shall forward the complaint to the Board President, who shall hire outside legal counsel. Legal counsel shall determine, in consultation with the complaining party and the Board President, whether it is in the District's best interests to attempt to mediate a resolution to the complaint or to process the informal complaint under the steps of the formal complaint procedure, as identified below.

If the reply that the complainant receives is not acceptable to him/her, or if, for any reason, the individual does not feel comfortable attempting to resolve the matter informally as described in this section of the procedure, the individual may initiate the formal complaint procedure according to the steps listed below.

### **Formal Complaint Procedure**

**Step 1:** The complainant shall submit a signed complaint to the District Administrator, who shall serve as or designate the complaint manager. Except as provided in the following paragraph, the District Administrator shall have responsibility to decide the merits of the case at Step 1, determine what actions will be taken (if any), and report in writing the resolution of the complaint to the complainant(s).

If the allegation is against the District Administrator, the complainant shall submit the Step 1 complaint either directly 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; 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 report in writing the resolution of the case to the complainant.

The District can usually respond most effectively to a complaint when a complaint is filed shortly after the occurrence of the event(s) giving rise to the complaint. In general,

formal complaints under this procedure should be filed within 300 calendar days of the occurrence of the alleged unlawful, discriminatory, harassing or retaliatory act(s), or within 300 days after the last occurrence of an ongoing condition. While there is no absolute deadline for the filing of a complaint under this procedure, it is important for complainants to be aware that gaps in time of even less than 300 days can make it more difficult to engage in fact-finding and/or may limit the remedies that are reasonably available from the District. 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) is not sufficiently timely to permit an investigation and/or possible remedy. A decision to dismiss a complaint because it is untimely may be appealed to the Board under Step 2, and the Board may either affirm the dismissal of the complaint for lack of a timely filing or remand the complaint for further processing.

**Step 2:** If the complainant is dissatisfied with the decision of the District Administrator (or Board President or Board), he/she may appeal to the Board within twenty-one (21) calendar days of the date that the Step 1 written decision is provided to the complainant. Such appeal shall be delivered to the District Administrator or (if the District Administrator is the alleged perpetrator) to the Board President, who shall arrange a meeting at which the Board will consider the appeal. If the Board issued the decision that is being appealed, the Board shall treat the appeal as a request for reconsideration.

#### **External Agency or Court Filing**

If the complainant is not satisfied with the Board's decision, or in lieu of 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 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. 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. 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.

The District's responses to discrimination complaints shall be made within any timelines established by law.

#### **Maintenance of Complaint Records**

Records should be kept for each 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.

**Legal References:**

**Wisconsin Statutes**

Sections 111.31 - 111.395 [Fair employment]  
 Section 118.195 [Prohibition on discrimination against handicapped teachers]  
 Section 118.20 [Teacher discrimination prohibited]

**Federal Statutes**

Titles VI and VII of the Civil Rights Act of 1964  
 Title IX, Education Amendments of 1972  
 Section 504, Rehabilitation Act of 1973  
 Age Discrimination Act of 1975  
 Pregnancy Discrimination Act  
 Immigration Control and Reform Act  
 Americans with Disabilities Act of 1990 (as amended)  
 Civil Rights Act of 1991

**Cross References**

511-Rule [Employment Discrimination and Harassment Complaint Procedures]  
 512 [Employee Harassment and Bullying]

Approved: July 18, 2011