

Book                      Mauston - Neola Model Policies  
Section                   1000 Administration  
Title                      DISTRICT ORGANIZATION  
Number                   po1100\*  
Status

#### 1100 - **DISTRICT ORGANIZATION**

The Board of Education recognizes that the grouping of grades and services within the facilities of the District can assist the efficient operation of the District and help achieve a more effective instructional program.

The Superintendent shall continually monitor the effectiveness of the District organizational plan and recommend to the Board such modifications in the plan which are in the best interests of the students, make wisest use of District resources, and serve the educational goals of the Board.

Modifications in the organizational plan of the schools may be made by the Board upon the recommendation of the Superintendent.

The Superintendent shall be the chief executive officer of the School District. The Superintendent shall define and recommend those administrative positions required to implement the educational system and program of learning established by the Board. In each case, the Board will approve the broad purpose and function of the position in harmony with State law and regulations.

Responsibility shall flow clearly from the Superintendent through the administrative staff to the operational personnel.

~~[ ] No employee should be responsible to more than one (1) supervisor.~~

It shall be the responsibility of the Superintendent to determine the need for and define operational requirements sufficient to ensure the smooth functioning of the District. Maintenance of an efficient, skilled, operational staff is essential to the effective performance of the system.

~~[ ]~~ It is the Board's intent to maintain an operational and technical staff with a high level of competence.

~~[ ]~~ On occasion, the Superintendent may find it necessary to recommend to the Board the employment of specialists or consultants to maintain or support programs implemented by the District in areas requiring specialized knowledge. These positions will be considered by the Board on the merits of their potential contribution to the School District and the specific conditions of the stated contract or agreement.

Legal                      118.24, Wis. Stats.

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Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title ASSESSMENT OF DISTRICT GOALS  
Number po1110\*  
Status

#### 1110 - ASSESSMENT OF DISTRICT GOALS

~~insert 210—merge~~

One of the major functions of the Board of Education is to work with the administration to establish the goals by which the District can accomplish its mission and to provide the resources necessary for their accomplishment. Because of the importance, the Board places on accomplishing goals, it has established the following policy for effective assessment of the District's progress toward their realization.

The expectation established by this policy is that the District's administrative goals will reflect the Board's commitment to providing an educational program that meets the needs of all students. The Board recognizes that the purpose of school administration shall be to help create and foster an environment in which students can learn most effectively.

All administrative duties and functions shall be evaluated in terms of the contributions that they make to better instruction and to higher student motivation and achievement. The Board shall rely on its chief administrative officer, the District Administrator, to provide at the District level the professional administrative leadership demanded by such far reaching goals.

It is the Board's policy that the District's administrative organization shall be designed so that all divisions and departments of the central office and all schools are part of a single system guided by Board policies which are implemented through the District Administrator.

Major goals of the administration in the District shall be:

1. To manage the district's various departments, schools, and programs effectively.
2. To provide professional advice and counsel to the Board and to any advisory groups established by Board action.
3. To implement the management function so as to assure the best and most effective learning programs for achieving such other goals as:
  - o Proving leadership in keeping abreast of current education development.
  - o Arranging for the staff development necessary to meet the needs of students.
  - o Coordinating efforts to improve learning and efficiently operate programs and facilities.
  - o Providing access to the decision-making process for the ideas of staff, students, parents, and others

The Board recognizes that the purpose of the school administration shall be to help create and foster an environment in which students can learn most effectively. All administration duties and functions shall be evaluated in terms of the contributions that they make to better instruction and to higher student motivation and achievement. The Board shall rely on its chief administrative officer, the Superintendent, to provide at the District level the professional administrative leadership demanded by such far-reaching goals.

In conjunction with its annual evaluation of the Superintendent, the Board shall also provide the time for both the Board and the administration to assess the progress of the District, during the previous year, toward the achievement of current goals. ~~Both the Superintendent's evaluation and the progress assessment of goals shall take place at a time of the year when the following conditions are most favorable to assure this policy operates as intended.~~

- ~~(-) Adequate and reliable data on results to date of each District goal are available (see AG 1110) so assessment and evaluation can focus on how well the District is accomplishing its goals.~~
- ~~(-) Evaluations or progress assessments of the District's learning programs as well as evaluations of key administrators and other staff have been completed so such data are available for reference by the Superintendent and Board during the assessment of District goals and the evaluation of the Superintendent.~~
- ~~(-) The Board uses this assessment/evaluation time period to assess the effectiveness of the Board as well as each Board member (Form 0134 F1).~~
- ~~(-) Summaries and synthesized data, compiled from the evaluation of the Superintendent, the Board's self assessment, and the evaluation data on programs and staff, are available to serve as reference information when determining the reasons for progress and/or lack of progress toward accomplishment of District goals.~~

~~This annual process of assessing/evaluating the Board, the Superintendent, staff, programs, and resources shall not be considered finished until:~~

~~(-) District goals and the strategies and actions being used to accomplish them have been reviewed and reprioritized;~~

~~(-) revisions have been made in light of what all of the evaluation data for that year have indicated~~

~~(-) should be changed~~

~~(-) should be continued~~

~~in order to improve the accomplishment of District goals.~~

~~[ ] The Board directs the Superintendent to develop a plan as a component of the District's strategic planning process, to evaluate and identify opportunities for improvement of the District's operations. Such plan shall include a goal-oriented strategy for implementing lean management principles and evaluating those improvements on a regular basis. ( ) The plan shall include regular updates to the Board.~~

~~[ ] The Board develops and implements a plan to improve its own performance as the body charged with the responsibility for the governing of the District.~~

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Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title CONFLICT OF INTEREST  
Number po1130\*  
Status

#### 1130 - 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 Board members, and the District's administrative employees, officers and agents is essential to the Board's commitment to earn and keep the public's confidence in the School District.

For these reasons, the Board adopts the following guidelines to assure that conflicts of interest do not occur. These guidelines apply to all administrative employees, officers and agents, including members of the Board. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all administrative employees, officers and agents. Administrative employees are expected to perform their duties in a manner free from conflict of interest consistent with 19.59, Wis. Stats.

- A. No administrative employee, officer or agent shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.
- B. Administrative employees, officers and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any 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
  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 gained in the course of the administrative employee's, officer's or agent's employment or professional relationship with the School District through his/her 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 students or clients to purchase any private goods or services provided by an administrative 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
- C. 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 administrative employee's supervisor and will be disclosed to the Superintendent **before** entering into any private relationship.
  - D. Administrative 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 of items from an instructional materials center for private practice.
  - E. Administrative employees, officers and agents cannot participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Administrative employees, officers and agents cannot 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 administrative 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 \$25.00 or less. **[END-OF-OPTIONAL-LANGUAGE]**

**[DRAFTING NOTE: Section 200.318 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.]**

- F. To the extent that the School District has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.
- G. Administrative 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. Administrative employees, officers and agents found to be in violation of this conflict of interest policy will be subject to ~~the following~~ disciplinary action~~s~~: ~~[insert School District's disciplinary actions]~~

**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 collectively bargained agreements.]**

In the event that, within the course of administering a Federally funded grant program or service to the District, an administrative employee 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 administrative employee must immediately notify either the Federal agency administering the grant in a manner consistent with that particular agency's 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 administrative employee to otherwise use his/her public position to obtain a financial gain or anything of substantial value for himself/herself or his/her immediate family.

Legal

19.59, 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) and 7 C.F.R. 3019.42

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Book                   Mauston - Neola Model Policies  
Section               1000 Administration  
Title                  BOARD - SUPERINTENDENT RELATIONSHIP  
Number               po1210\*  
Status

#### 1210 - **BOARD - SUPERINTENDENT RELATIONSHIP**

The Board of Education believes that, in general, it is the primary duty of the Board to establish policies and that of the Superintendent to administer such policies. Policy should not be originated or changed without the input or recommendation of the Superintendent. The Superintendent should be given the latitude to determine the best method of implementing the policies of the Board.

The Superintendent, as the chief administrative officer of the School District, is the primary professional advisor to the Board. S/He is responsible for the development, supervision, and operation of the school program and facilities, including the development of administrative guidelines consistent with Policy 1230.01 – Development of Administrative Guidelines. ~~(→) The Board shall retain oversight of any administrative guidelines established to implement Board policy.~~

Individual members of the Board cannot act for the Board on any matter unless officially delegated by the School Board with the authority to do so. Members shall refrain from involving themselves in administrative matters and from asking the District Administrator for personal considerations. Board members shall refer all non-action matters and criticisms to the District Administrator.

Cooperation is the key to good teamwork. This applies to policy development, district organizations and operation, bond issues, building plans and procedures, site selection, insurance, salaries, transportation, food services, instructional services, and developmental plans for new programs. The team should recognize the need for continuous evaluation of all the functions and services of the school system.

The Superintendent and those administrators directed by the Superintendent shall attend all Board meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

The Board is responsible for determining the success of the Superintendent in meeting the goals established by the Board through annual evaluations of the Superintendent's performance.

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Book                      Mauston - Neola Model Policies  
Section                   1000 Administration  
Title                      STUDENT SUPERVISION AND WELFARE  
Number                   po1213\*  
Status

#### 1213 - **STUDENT SUPERVISION AND WELFARE**

Administrative staff members because of their proximity to students are frequently confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the administrative staff member. It is the intent of the Board of Education to direct the preparation of guidelines that would minimize that possibility.

An administrative staff member, or a person who works or volunteers with children, who is found to have had sexual contact with a student, including a student age sixteen (16) or older, 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 Wis. Stats. 48.981 and Policy 8462.

It is the responsibility of the Superintendent to ensure ~~maintain~~ the following standards:

~~-(→)~~ Each administrative staff member shall maintain a standard of care for supervision, control, and protection of students commensurate with assigned duties and responsibilities.

~~-(→)~~ An administrative staff member should not volunteer to assume responsibility for duties s/he cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.

~~-(→)~~ An administrative staff member shall provide proper instruction in the safety matters presented in assigned course guides.

~~-(→)~~ Each administrative staff member shall inform the Principal of any accident or detected safety hazards.

~~-(→)~~ Each administrative staff member shall inform the Principal of any knowledge of threats of violence by students.

~~-(→)~~ An administrative staff member shall not send students on any personal errands.

~~-(→)~~ An administrative 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.

This provision should not be construed as precluding an administrative staff member from associating with students in private for legitimate or proper reasons.

~~-(→)~~ If a student comes to an administrative staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, the staff member may help the student make contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's problem. Under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior.

~~-(→)~~ An administrative staff member, other than the Superintendent, shall not transport students in a private vehicle without the approval of the Principal.

~~-(→)~~ A student shall not be required to perform work or services that may be detrimental to his/her health.

~~-(→)~~ Administrative staff members ~~-(→) are discouraged from engaging -(→)~~ shall not engage students in social media and online networking media.

↔ Administrative staff members are expressly prohibited from posting any video or comment pertaining to any student on personal social networking media or similar forums.

⚠ Most information concerning a child in school is a confidential student record under Federal and State laws. Any administrative staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse (see Policy 8330).

Pursuant to the laws of the State and Board Policy 8462, each administrative staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.

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48.981, 948, 948.095 Wis. Stats.

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Book	Mauston - Neola Model Policies
Section	1000 Administration
Title	EMPLOYMENT OF THE SUPERINTENDENT
Number	po1220*
Status	

## 1220 - **EMPLOYMENT OF THE SUPERINTENDENT**

The Board of Education vests the primary responsibility for administration of this District in the Superintendent. The appointment of that officer is, therefore, one of the most important functions the Board can perform.

Whenever the position of Superintendent shall be vacant, the Board shall appoint a Superintendent as chief executive officer and fix his/her salary and term of office which shall be no more than two (2) years. However, a contract for a term of two (2) years may provide for one or more extensions of one (1) year each, consistent with 118.24(1) Wis. Stats. Appointment shall take place at a legally held regular or special meeting of the Board. A majority vote of the Board shall be required.

The Board shall actively seek the best qualified and most capable candidate for the position of Superintendent through internal and external recruitment.

↔ It may be aided in this task by:

- A. ↔ a committee of Board members, staff and students;
- B. ↔ the services of professional consultants;
- C. ↔ the counsel of the out-going Superintendent;
- D. ↔ the participation of members of the community.

Recruitment procedures may be prepared in advance of the search and

~~↔ shall include:~~

↔ may include:

- A. ↔ preparation of a written job specification for the position of Superintendent;
- B. ↔ preparation of written specifications of qualification in addition to proper State certification;
- C. ↔ preparation of informative material describing this District and its educational goals;
- D. ↔ where feasible, the opportunity for applicants to visit the schools of this District;
- E. ~~↔ the requirement that each selected candidate for the position be interviewed by Board members in a format that encourages him/her to express his/her educational philosophy;~~
- F. ↔ solicitation of applications from a wide geographical area;
- G. ↔ consideration of all applicants fairly without discrimination on the basis of race, color, gender, age, religion, ethnic background, disability, or other condition unrelated to the position of Superintendent.

↔ No person may be employed as Superintendent of this District unless s/he has the proper Wisconsin certification or has applied for certification as a superintendent in Wisconsin and has signed an employment contract with the Board. If certification has been applied for, receipt is to be timely.

↔ No person may be employed as Superintendent of this District unless s/he has signed an employment contract with the Board.

↔ Such contract shall include:

- A. ~~(→)~~ the term for which employment is contracted, including beginning and ending dates;
- B. ~~(→)~~ the salary which the Superintendent shall be paid and the intervals at which s/he shall be paid;
- C. ~~(→)~~ the benefits to which s/he is entitled;
- D. ~~(→)~~ such other matters as may be necessary to a full and complete understanding of the employment contract.

~~[→] The Superintendent so appointed shall devote himself/herself to the duties of his/her office.~~

~~[→] Any candidate's intentional misstatement of fact material to his/her qualification for employment or the determination of his/her salary shall be considered by this Board to constitute grounds for his/her dismissal.~~

~~[→] The person selected for the position of Superintendent~~

~~(→) shall~~

~~(→) may~~

be required to undergo a physical examination reasonably related to the duties s/he will be required to perform, the cost of which shall be borne

~~(→) by the District.~~

~~(→) by the candidate.~~

The Superintendent will be notified of the results of the medical examination upon receipt. The reports of such examination, and any documents acquired containing genetic information, will be maintained in a separate confidential personnel medical file in accordance with the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA).

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118.24, Wis. Stats.

29 C.F.R. Part 1635

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

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Book                      Mauston - Neola Model Policies  
Section                   1000 Administration  
Title                      DEVELOPMENT OF ADMINISTRATIVE GUIDELINES  
Number                   po1230.01\*  
Status

1230.01 - **DEVELOPMENT OF ADMINISTRATIVE GUIDELINES**

The Board of Education delegates to the Superintendent the function of designing and implementing the guidelines, required actions, and detailed arrangements under which the District will operate. These administrative guidelines shall not be inconsistent with the policies adopted by the Board.

The Board itself will formulate and adopt administrative guidelines and rules only when required by law, and when the Superintendent recommends Board adoption.

The Superintendent may also issue such administrative and student handbooks as s/he may consider necessary for the effective administration of the schools and distribute them to employees and students and/or their parents.

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

~~(-) A copy of the District's administrative guidelines manual and a copy of each handbook shall be made a part of the Board's reference materials maintained in the District office.~~

The Superintendent shall maintain a current organizational chart to which immediate reference can be made by the Board or any employee of the Board.

Legal                      118.24, Wis. Stats.

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Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title EVALUATION OF THE SUPERINTENDENT  
Number po1240\*  
Status

#### 1240 - EVALUATION OF THE SUPERINTENDENT

The Board of Education believes it is essential that it evaluate the Superintendent's performance periodically in order to assist both the Board and the Superintendent in the proper discharge of their responsibilities and to enable the Board to provide the District with the best possible leadership.

The Board of Education shall complete a formal evaluation of the District Administrator's performance each year. The Board shall provide a written evaluation summary to the District Administrator in a conference with the full Board. There will be a complete and frank discussion of all items on the evaluation summary to enable the District Administrator to have a thorough understanding of the evaluation's conclusions

~~The Board shall~~

~~annually, no later than \_\_\_\_\_~~

~~periodically, but not less than every \_\_\_\_\_~~

~~evaluate the performance of the Superintendent. (See Policy 1110) Such evaluation shall include an assessment of:~~

~~the progress toward the educational goals of the District;~~

~~the working relationship between the Board and the Superintendent;~~

~~the Board's own effectiveness in providing direction to the Superintendent.~~

~~Such assessments will be based on defined quality expectations developed by the Board for each criteria being assessed.~~

The Board

and the Superintendent, jointly,

shall, at the outset of each evaluation, determine the method by which the evaluation shall be conducted. Such method may include:

the Superintendent's own self-analysis of the current status of the District;

the active participation of each Board member;

a recommendation from a Board committee;

a compilation of assessments

on a prepared standard form

by individual Board members, which shall then be reviewed jointly by the Board and Superintendent;

evaluation conference interviews between the full Board and Superintendent, in closed session, during which no other business is discussed;

the Superintendent's assessment of Board efficiency and effectiveness.

~~As an outcome of the evaluation of the Superintendent's performance, the Board should be prepared to judge the advisability of retention of the Superintendent and be prepared better to:~~

determine the Superintendent's salary;

identify strengths and weaknesses in the operation of the District and determine means by which weaknesses can be reduced and strengths are maintained;

establish specific objectives, the achievement of which will advance the District toward its goals;

improve its own performance as the public body ultimately charged with the educational responsibility of this District.

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Book                   Mauston - Neola Model Policies  
Section                1000 Administration  
Title                   NON-REEMPLOYMENT OF THE SUPERINTENDENT  
Number                po1241\*  
Status

1241 - **NON-REEMPLOYMENT OF THE SUPERINTENDENT**

The Board of Education has an obligation to the citizens of this District to employ the professional leadership best trained and equipped to meet the educational needs of their children. It shall meet that obligation by retaining only a highly-qualified person as Superintendent for this District.

✚ If the services of the Superintendent are found to be unsatisfactory by the Board, the Superintendent shall be notified in writing by the President. The Superintendent shall be given an opportunity to correct the condition.

If the Board intends to non-renew a contract, it shall give the Superintendent written preliminary notice by registered mail at least five (5) months prior to the expiration of the contract.

If the Superintendent files a written request with the Board within seven (7) days after receiving such notice, the Superintendent has a right to a hearing prior to being given the notice of non-renewal of the contract. The Superintendent may request a public or private-hearing and request that the Board provide its reasons for non-renewal, in writing, prior to the hearing.

At least four (4) months prior to the expiration of the contract of the Superintendent, the Board shall provide notice, in writing, of either renewal of the contract or refusal to renew such contract. No person may be employed or dismissed except by a majority vote of the full Board.

Non-renewal of the Superintendent's contract shall be consistent with State law and with the provisions of the employment contract between the Board and the Superintendent.

By mutual agreement of the Board and the Superintendent, the employment contract may be modified or terminated. Policy 3143 applies to administrators other than the Superintendent.

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Legal                                   118.24(6) and (7), Wis. Stats.

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Book                   Mauston - Neola Model Policies  
Section                1000 Administration  
Title                   INCAPACITY OF THE SUPERINTENDENT  
Number                po1260\*  
Status

#### 1260 - **INCAPACITY OF THE SUPERINTENDENT**

It is the duty of the Board of Education to appoint a Superintendent 'pro tempore' by a majority vote of the Board upon determination that the Superintendent is incapacitated in such a manner that s/he is unable to perform the duties of his/her office.

The Board shall fix the compensation of the Superintendent 'pro tempore' who shall serve until the Superintendent's incapacity is removed or until the expiration of the Superintendent's contract, whichever is sooner. S/He shall perform all of the duties and functions of the Superintendent, and may be removed at any time for cause by a majority of the full membership of the Board.

The Board will exercise its authority under law to determine the incapacity of the Superintendent, at the request of the Superintendent and with medical documentation, or upon certification of a physician selected and compensated by the Board,

~~( ) physician selected and compensated by the Superintendent;~~

~~( ) panel of three (3) physicians, one (1) selected and compensated by the Board, one (1) selected and compensated by the Superintendent, and the third selected by the two (2) physicians and compensated by the Board.~~

~~[ ] Where a physician selected by the Board disagrees with a physician selected by the Superintendent, the two (2) physicians shall agree in good faith upon a third impartial physician who shall examine the Superintendent. His/Her medical opinion shall be binding on the issue of medical capacity to perform assigned duties. The expenses of the third examination shall be borne by the Board.~~

The Superintendent 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 Board and to allow the Board to speak to the health care provider who conducted the medical examination if clarification is needed. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

If the Board determines that the Superintendent is unable to perform the duties of his/her office, s/he may:

~~( )~~ at his/her request, be placed on sick leave, with pay, not to exceed the amount of his/her accumulated but unused sick leave and any advancement of such sick leave which may be authorized by Board policy; or

~~( )~~ at the request of the Board be placed on sick leave with such pay to which s/he may be entitled or which may be authorized by Board policy; or

~~( )~~ at his/her request, be placed on a leave without pay.

As required by Federal law and regulation and Board Policy 1422.02 - Nondiscrimination Based on Genetic Information of the Employee, the Board shall direct the provider designated by the 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 his/her such examination, the Superintendent is found to be unable to perform assigned duties, the Superintendent may be placed on leave of absence until such time as the Superintendent is able to return to performance of the position or other action is taken.

Should the Superintendent refuse to submit to an examination such action constitutes insubordination.

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 1630.01 as provided by law.

The foregoing leave shall not extend beyond the contract or term of office of the Superintendent.

The Superintendent shall, upon request to the President of the Board, be returned to active duty status, unless the Board denies the request within ten (10) days of receipt of the request. The Board may require the Superintendent to establish to its satisfaction that s/he is capable of resuming such duties on a full-time basis.

The Board may demand that the Superintendent return to active service, and upon medical documentation that the Superintendent is able to resume his/her duties.

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Book	Mauston - Neola Model Policies
Section	1000 Administration
Title	TEMPORARY ADMINISTRATIVE ARRANGEMENTS IN ABSENCE OF SUPERINTENDENT
Number	po1260.01*
Status	

1260.01 - **TEMPORARY ADMINISTRATIVE ARRANGEMENTS IN ABSENCE OF SUPERINTENDENT**

If the Superintendent is unable to be reached, the responsibility and authority to act in routine matters for the district shall fall to the Business Manager.

A second member of the administrative staff, designated by the Superintendent, shall assume responsibility and authority in emergency situations if the Superintendent and Business Manager are unavailable

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Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title SUPERINTENDENT JOB DESCRIPTION  
Number po1400\*  
Status

#### 1400V2 - SUPERINTENDENT JOB DESCRIPTION

**Title:** Superintendent of Schools

**Qualifications:** License for District Administrator as required by Wisconsin Department of Public Instruction

**Reports To:** Mauston Board of Education

**Position Goals:** The Superintendent shall function as the executive educational leader for the School District of Mauston. She/He will develop, along with the Leadership Team and staff, the present and long-term plans for the District. The Superintendent will serve as the executive educational consultant to the Board of Education in matters of finance, business, instruction, policy and personnel.

#### Performance Responsibilities:

##### I. Board of Education

1. Attends and participates in School Board Meetings and Board Committee Meetings
2. Establishes agendas for School Board and Committee Meetings
3. Prepares all pre and post communication with Board for School Board and Committee Meetings
4. Advises and consults with Board regarding legal and legislative matters
5. Full responsibility for making all recommendations to the Board of Education with consultation from Leadership Team

##### II. Board Policy

1. Initiates and guides the development of policies
2. Interprets policies and recommends revisions of policies
3. Leads with the Leadership Team in the interpretation and revision of policies

##### III. Financial

1. Prepares the annual operating budget recommendations
2. Leads with the Business Manager and Leadership Team in the implementation of the budget
3. Provides explanation and status of the financial state of the district at the Annual Meeting in August
4. Gives the Board of Education financial and strategic planning information regarding any possible referendum or other large capital planning

##### IV. Personnel

1. Recommends to the Board of Education the most qualified applicant for any professional licensed position
2. Assigns and recommends employees for dismissal
3. Supervises the operation of human resources practices
4. Advises the Board Negotiations Committee regarding district base wage negotiations
5. Directs and collaborates with Leadership Team regarding professional and support staff professional development opportunities
6. Supervises and leads professional licensed and support staff evaluation system
7. Supervises or has oversight for the evaluation of school principals and directors

##### V. Instruction

1. Supervises the overall operation and program development of the Department of Teaching and Learning and Technology and the directors in these departments
2. Monitors and has supervision oversight for all Department of Instruction regulated systems, programs, and mandates
3. Supervises all curriculum, instruction, assessment and technology features and programs developed and implemented
4. Supervises and directs all communication to staff and community regarding instruction and student assessment
5. Responsible for communication to staff and community on instructional matters applicable to district educational programs and systems
6. Supervises budget and personnel related to Teaching and Learning and Technology
7. Responsible for state Department of Public Instruction Accountability Report Cards and the reporting of school and district report card progress

##### VI. Facilities

1. Responsible for recommendations to the Board of Education regarding improvement and changes to school facilities and grounds
2. Supervises the operation of all maintenance relative to major facility alteration

##### VII. District and Other Responsibilities

1. Supervision for timely filing of state Department of Public Instruction required state reports
2. Establish leadership and operational practices targeted at utilization of district resources
3. Represents the district before the public and maintains excellent community relations by communicating about school and district progress, needs, and challenges
4. Acts on own discretion if action is necessary in any matter not covered by Board of Education policy and reports such action to the Board
5. Attends professional conferences as necessary to be current and timely on educational trends and best practices
6. Establishes and facilitates regular meetings with the Leadership Team
7. Performs other tasks as assigned by the Board of Education

#### Supervises:

Directly: All District office administrators and all principals

Indirectly: All employees of the \_\_\_\_\_ School District

#### Superintendent Job Function:

The Superintendent serves as the chief executive officer and administrative official of the Board and is directly responsible to it for providing overall leadership and direction for the District's public schools in accordance with School District philosophy, objectives, and policies and in accordance with State and Federal laws and regulations.

The Superintendent may delegate responsibility and authority for the operation of the various School District functions to District employees. However, the Superintendent is directly and irrevocably responsible to the Board for all functions of the District, including evaluation, planning, reporting, personnel, coordination, and following all Board policies.

The employee shall remain free of any alcohol or illegal substance in the workplace in compliance with Policy 3122.01 throughout his/her employment in the District.

#### Essential Functions:

- A. The Superintendent creates, monitors, and facilitates the process of **strategic improvement**, and seeks to ensure the District's mission, vision and goals are fulfilled in a manner that all students are prepared to be career and college ready and globally competitive.
- B. The Superintendent serves as the District's **instructional leader** and fosters the success of all students by leading the creation, implementation and review of instructional systems that promote high student achievement and professional development and growth for staff.
- C. The Superintendent fosters the success of all students by implementing effective and collaborative **human resources systems** resulting in a student-centered, diverse, high performing staff.
- D. The Superintendent fosters the well-being and success of all staff and students through continuous improvement process for effective **operations and resource management**.

- E. ~~The Superintendent fosters the success of all students by **communicating, collaborating, and connecting** effectively with the Board, staff, families, community and other stakeholders.~~
- F. ~~The Superintendent fosters the success of all students and staff by **modeling professional and ethical behavior**, engaging in continuous professional growth, and contributing to the profession.~~

~~Duties and Responsibilities:~~

~~A. Strategic Leadership~~

- ~~1. Works with the Board to develop and recommend policies that define organization expectation, and effectively communicates these to all stakeholders.~~
- ~~2. Promotes a climate of respect, trust, innovation, and professionalism with Board, staff, students and community.~~
- ~~3. Provides leadership to promote effective District change and support continuous improvement.~~
- ~~4. Works collaboratively with Board and stakeholders to identify needs, determine priorities, and implement practices that result in continuous improvement.~~
- ~~5. Keeps the Board informed of current and future needs and issues affecting the District and works collaboratively to resolve them.~~
- ~~6. Fosters external partnerships to build targeted opportunities around identified student/District needs.~~
- ~~7. Promotes Board development and improvement.~~

~~B. Instructional Leadership~~

- ~~1. Ensures rigorous standards-based curriculum with units of instruction consisting of well-structured lessons with measureable outcomes.~~
- ~~2. Guarantees high expectations, student engagement, personalization to accommodate diverse learners and integration of appropriate technology to maximize student learning.~~
- ~~3. Facilitates the implementation of a balanced assessment system including use of formal and informal assessments to measure student growth and understanding.~~
- ~~4. Creates and sustains a District culture with expectation that support effective, data-based decision-making and uses multiple sources of evidence to drive school and District goals, improve organizational performance, educator effectiveness, and student learning.~~
- ~~5. Develops and nurtures a culture of continuous learning and professional development and growth in which staff members are reflective about their strategies and use data and various methods to analyze and adapt practices that achieve improved results.~~
- ~~6. Ensures that the District curriculum, instruction, and assessment program are designed to provide full access and opportunity for all students.~~

~~C. Human Resources Leadership~~

- ~~1. Allocates resources for staff to achieve the District's goals.~~
- ~~2. Ensures consistent processes for the recruitment, employment, induction, and mentoring of employees resulting in the retention of high-performing and diverse personnel.~~
- ~~3. Provides the vision and direction for positive employee relationships.~~
- ~~4. Ensures structure and support for effective conflict resolution.~~
- ~~5. Ensures all employees are evaluated in an effective manner resulting in improved performance.~~
- ~~6. Ensures results-oriented professional development that is aligned with District goals and staff needs.~~
- ~~7. Maximizes human resources based on the strengths of employees, thereby empowering them to seek leadership opportunities.~~

~~D. Operations and Resource Management~~

- ~~1. Anticipates and responds to current, emerging, and future needs in a timely manner.~~
- ~~2. Ensures an orderly, safe, and positive environment conducive to teaching and learning through research-based strategies and best practices.~~
- ~~3. Demonstrates fiscal responsibility by acquiring, allocating, and managing human, material, and financial resources.~~
- ~~4. Collaborates and develops internal and external partnerships to enhance operations and resource management.~~
- ~~5. Ensures efficiencies in the operation and management of resources through the acquisition and effective use of technology.~~
- ~~6. Integrates and aligns processes and resources for the effective day-to-day ongoing operations of the organization.~~

~~E. Communications and Community Relationships~~

- ~~1. Demonstrates and fosters an atmosphere of trust and mutual respect.~~
- ~~2. Promotes and maintains effective communication between and among Board members, staff, and the community.~~
- ~~3. Brings groups together with different interests and works collaboratively in response to challenges.~~
- ~~4. Advocates for sound educational policy.~~
- ~~5. Works collaboratively with all stakeholders to build community support and secure resources.~~
- ~~6. Demonstrates and adapts the skills necessary to build community support for District goals and priorities.~~
- ~~7. Models and promotes the appreciation and acceptance of diversity in the community.~~
- ~~8. Demonstrates governance leadership by supporting the Board (e.g., meetings, workshops, committees, etc.).~~

~~F. Professionalism~~

- ~~1. Adheres to legal, moral, and ethical standards and demonstrates personal integrity in all interactions.~~
- ~~2. Assumes responsibility for personal actions and responds appropriately to the actions of others.~~
- ~~3. Models collegial and collaborative approaches with staff and community to advance the mission, vision, and goals of the District.~~
- ~~4. Participates in a meaningful and continuous process of professional development that results in student growth.~~
- ~~5. Provides services to the profession and community through engagement and partnerships.~~
- ~~6. Demonstrates expertise in supporting the development of leadership capacity across the organization.~~
- ~~7. Actively seeks opportunities to network, share knowledge, and stay abreast of the latest research to promote organizational effectiveness and efficiency.~~

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Last Modified by Jennifer Hagemann on April 25, 2018

Book                                   Mauston - Neola Model Policies

Section                               1000 Administration

Title                                   NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

Number                               po1422\*

Status

**1422 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

The Board of Education does not discriminate in the employment of administrative staff on the basis of the Protected Classes of race, color, national origin, age, sex (including transgender 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.), national origin, 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 characteristic protected by law in its employment practices.

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").

~~{NOTE: School Districts are advised to 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 COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.}~~

<a href="#">Mary O'Brien</a>	<a href="#">Jim Dillin</a>
<del>(Name)</del>	<del>(Name)</del>
<a href="#">Director of Student Services</a>	<a href="#">High School Principal</a>
<del>(School District Title)</del>	<del>(School District Title)</del>
<a href="#">(608) 847-5451 ext. 6602</a>	<a href="#">(608) 547-4410 ext. 4424</a>
<del>(Telephone Number)</del>	<del>(Telephone Number)</del>
<a href="#">510 Grayside Ave., Mauston, WI 53948</a>	<a href="#">800 Grayside Ave., Mauston, WI 53948</a>
<del>(Office Address)</del>	<del>(Office Address)</del>
<a href="mailto:mobrien@maustonschools.org">mobrien@maustonschools.org</a>	<a href="mailto:jdillin@maustonschools.org">jdillin@maustonschools.org</a>
<del>(E-mail Address)</del>	<del>(E-mail Address)</del>

The names, titles, and contact information of these individuals will be published annually: **[NOTE: Select more than one (1) option]**

(X) in the staff handbooks.

~~( ) in the School District Annual Report to the public.~~

(X) on the School District's web site.

~~( ) on each individual school's web site.~~

~~( ) in the School District's calendar.~~

~~( ) \_\_\_\_\_.~~

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 shall 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, Title IX of the Education Amendment Act of 1972, 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.

**Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are expected to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other supervisory employee so that the Board may address the conduct. Any administrator, supervisor, or other supervisory employee who receives such a complaint shall file it with the CO at his/her first opportunity, but no later than two (2) business days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint will not adversely affect the complaining individual'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 unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community (District employees, students, parent(s), and member of the Board), resident of the District, or a visitor to the District. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin an investigation, or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful 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 Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO must contact the employee within two (2) business days to advise him/her of the Board's intent to investigate the alleged wrongdoing.

**Investigation and Complaint Procedure (See Form 1422-F2)**

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The complaint procedures involve an investigation of the individual's claims 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) business 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 unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Wisconsin Equal Rights Division, or the Equal Employment Opportunity Commission ("EEOC").

**Complaint Procedure**

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a complaint, either orally or in writing, with a Principal, the CO, District Administrator, or other supervisory employee. Any complaint received regarding the Superintendent or a Board member shall be referred to the 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 District Administrator, who shall assume the role of CO for such complaints.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, 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) business days.

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

All complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; 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 discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the District Administrator.

Within two (2) business days of receiving the complaint, the CO will initiate an investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and 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) business days.

Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- 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.

At the conclusion of the investigation, the CO 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 unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. 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 Board's legal counsel before finalizing the report to the District Administrator.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the District Administrator'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) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he 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, effective, and tailored to the specific situation.

~~↔ The decision of the Superintendent shall 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 Board within five (5) business days of his/her receipt of the District Administrator's final decision. In an attempt to resolve the complaint, the Board shall review the findings and may meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of its decision. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the misconduct pursues the complaint. The 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 Board.

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. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

#### Privacy/Confidentiality

The Board 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 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 shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants will be advised that their identities may become known to the Respondent(s) through the investigation process.

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 s/he learns and/or provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained in accordance with the School Board's records retention policy.

#### Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful 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. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall 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 unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised their rights, aided or encouraged any other person in the exercise of any right granted or protected by those laws.

#### Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. 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 where appropriate. All training, as well as all

information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

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111.31 et seq., 111.335(d)(2), 118.195, 118.20, Wis. Stats.  
Fourteenth Amendment, U.S. Constitution  
20 U.S.C. Section 1681, Title IX of Education Amendment Act  
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  
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  
34 C.F.R. Part 110 (7/27/93)  
42 U.S.C. 2000e et seq., Civil Rights Act of 1964  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended  
29 C.F.R. Part 1635

Last Modified by Steve LaVallee on April 30, 2018

Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE  
Number po1422.02\*  
Status

1422.02 - **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

The Board of Education 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 Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, 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 acquired as part of the certification process for FMLA leave, 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 process.

⚠ The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.

"Genetic information," as defined by GINA, 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.

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.

The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District 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) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, 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.

⚠ The District 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 Board.

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Legal 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 C.F.R. Part 1635

Last Modified by Jennifer Hagemann on April 25, 2018

Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title PHYSICAL EXAMINATION  
Number po1460\*  
Status

#### 1460 - PHYSICAL EXAMINATION

The Board of Education requires ~~(→)~~ any candidate who has been offered employment, as a condition of employment ~~(→) all candidates for positions in which the employee will come in contact with children or prepare food, as a condition of employment,~~ to submit to an examination, including a ~~test for~~ tuberculosis screening questionnaire, subject to further tests, in order to determine the physical capacity to perform assigned duties. Such examinations shall be done in accordance with 118.25 Wis. Stats., the Superintendent's guidelines, and applicable law. ~~f~~

In addition, the School Board has specifically evaluated employee classifications and specific positions in the District and has determined that School District employment is safety sensitive. Therefore, an initial drug screening and satisfactory screening results shall be required of employees prior to assuming active employment for the District.

~~[ ] The Board shall also require the candidate (-) based on a contingent job offer, 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 Superintendent's guidelines. [NOTE: the legality of blanket pre-employment drug testing for all positions is uncertain. Courts have concluded that drug tests that 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/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. ~~(see Form 1460 F2)~~

Reports of all such examinations or evaluations shall be delivered to the Superintendent, 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 1422.02 the successful candidate who is required to submit to a medical examination, as well as the 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).

In the event of a report of a condition that could influence job performance, the Superintendent shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities. Freedom from tuberculosis in a communicable form is a condition of employment for positions in which the employee will come in contact with children or prepare food.

The Board shall assume any fees for required examinations.

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Legal 118.25, Wis. Stats.  
121.52(b), 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

Last Modified by Jennifer Hagemann on April 25, 2018



Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY  
Number po1461\*  
Status

1461 - UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

It is the policy of the Board of Education to protect students and employees from the effects of contagious diseases and other circumstances that render the Superintendent or other administrative staff members~~professional staff members~~ unable to perform their duties.

The Board authorizes the Superintendent ~~to place the Superintendent~~ to place an administrative employee on leave for physical or mental condition that affects the employees ability to perform assigned duties in conformance with the law.

The Superintendent shall require that the ~~administrative~~~~professional~~ staff member submit to an appropriate examination by a healthcare provider designated and compensated by the District;

~~( ) a healthcare provider of the professional staff member's choice;  
( ) provided such healthcare provider has been approved by the District.~~

~~[ ] Where the healthcare provider designated by the Superintendent disagrees with the healthcare provider designated by the administrative staff member, the two (2) healthcare providers shall agree in good faith on a third impartial healthcare provider who shall examine the professional staff member and whose medical opinion shall be conclusive and binding on the issue of medical capacity to perform assigned duties. The expenses of a third examination shall be borne by the District.~~

The employee 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 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 Board Policy 1422.02, the Superintendent shall direct the provider designated by the 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 ~~administrative~~~~professional~~ staff member is found to be unable to perform assigned duties, they ~~professional staff member~~ shall be placed on leave of absence until proof of recovery, satisfactory to the Superintendent, is furnished.

Should an administrative staff member refuse to submit to the examination requested by the Superintendent such refusal shall subject the professional staff member to disciplinary action.

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 3430.01 as provided by law.

Similarly, the Board may require the Superintendent to follow the procedures outlined in this policy should there be applicable circumstances.

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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

Last Modified by Steve LaVallee on April 30, 2018

Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title GROUP HEALTH PLANS  
Number po1619\*  
Status

1619 - **GROUP HEALTH PLANS**

The Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide certain health benefits to employees as permitted by law.

~~[ ]~~ The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents. **[END OF OPTION]**

~~[ ]~~ Eligible employees may receive compensation in lieu of the District's medical coverage. Eligible employees who waive the medical coverage will be paid ~~an additional ( ) monthly ( ) quarterly~~ **[END OF OPITONS]** compensation equal to ( ) ~~% of the cost of single medical coverage for that employee, ( )~~ an amount, as determined by the Board, **[END OF OPTIONS]** with the understanding that this additional compensation is subject to FICA, Medicare, and Federal and State income tax.

This benefit will be administered only to the extent permitted by State or Federal tax regulations and if not permitted for any reason, the benefit shall be discontinued. If the benefit is discontinued, the Board may, but is not obligated to, provide some other form of benefit or compensation. ~~[This policy should be adopted only if the District has established a flexible benefit plan qualified by the Internal Revenue Service.]~~ **[END OF OPTION]**

~~[ ]~~ The Board has elected not to provide minimum value health coverage for any of its eligible employees. The Board is aware that the failure to offer minimum value health coverage to employees may result in penalties under the Affordable Care Act. **[END OF OPTION]**

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Last Modified by Jennifer Hagemann on April 24, 2018

Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS  
Number po1619.01\*  
Status

1619.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- A. ~~(-) Medical Plan~~
- B. ~~(-) Prescription Drug Plan~~
- C. ~~(-) Dental Plan~~
- D. ~~(-) Vision Plan~~
- E. ~~(-) Employee Assistance Plan~~
- F. ~~(-) Long term Care Plan (not long term disability)~~
- G. ~~(-) Health Flexible Spending Accounts (FSA)~~
- H. ~~(-)~~ Other; specify HRA embedded with Health Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints Payroll/Human Resources Bookkeeper to serve as the Privacy Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.

The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic protected health information. The Board hereby appoints Payroll/Human Resources Bookkeeper to serve as the Security Official of the group health plans.

The Board's Security Official shall conduct a risk analysis and develop, propose to the Board, and implement internal policies and procedures for the group health plan(s) relating to the security of electronic protected health information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.

The Board delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the HIPAA administrative procedures in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board.

~~(-)~~ The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and the Security Official in connection with the performance of their delegated duties for the group health plans except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official and/or Security Official as defined by law.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and Accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

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Legal 20 U.S.C. 1232g  
29 C.F.R. Part 1635  
42 U.S.C. 1320d-5 et seq.  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
45 C.F.R. 160.102(a), 164.530, 164.530(a), 164.530(i), 164.308, 164.308(a)(2)

Last Modified by Jennifer Hagemann on April 27, 2018

Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS  
Number po1619.02\*  
Status

1619.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

- A. ~~(↔) Medical Plan~~
- B. ~~(↔) Prescription Drug Plan~~
- C. ~~(↔) Dental Plan~~
- D. ~~(↔) Vision Plan~~
- E. ~~(↔) Employee Assistance Plan~~
- F. ~~(↔) Long term Care Plan (not long term disability)~~
- G. ~~(↔) Other, specify \_\_\_\_\_~~

~~The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.~~

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic protected health information in accordance with the HIPAA Security Rule.

The Board hereby appoints Payroll/Human Resources Bookkeeper to serve as the Security Official of the group health plans. All of the group health plans' functions are carried out by the insurer and the insurer owns and/or controls all of the equipment and media used to create, maintain, receive, and transmit electronic protected health information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

~~↔~~ The U.S. Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual from exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.
- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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Legal 20 U.S.C. 1232g  
29 C.F.R. Part 1635  
42 U.S.C. 1320d-2  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
Health Insurance Portability and Accountability Act (HIPAA)  
45 C.F.R. 160.102(a), 164.302, 164.308 (a)(2), 164.404, 164.406, 164.408  
45 C.F.R. 164.502, 164.502(a), 164.520(a), 164.530(g), 164.530(h), 164.530(j)  
45 C.F.R. 164.530(k)

Last Modified by Jennifer Hagemann on April 27, 2018

Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title PATIENT PROTECTION AND AFFORDABLE CARE ACT  
Number po1619.03\*  
Status

1619.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board of Education acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

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Legal 26 USC 4980H  
29 USC 218B

Last Modified by Jennifer Hagemann on April 24, 2018

Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT  
Number po1623\*  
Status

#### 1623 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 CO(s)/ADA Coordinator(s) (hereinafter referred to as the "COs").

[NOTE: School Districts may want to consider appointing 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. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim that pertains to the other CO.]

<u>Mary O'Brien</u> (Name) <u>Director of Student Services</u> (School-District-Title) (608) 847-5451 ext. 6602 (Telephone-Number) <u>510 Grayside Ave., Mauston, WI 53948</u> (Office-Address) <u>mobrien@maustonschools.org</u> (E-mail)	<u>Jim Dillin</u> (Name) <u>High School Principal</u> (School-District-Title) (608) 847-4410 ext. 4424 (Telephone-Number) <u>800 Grayside Ave., Mauston, WI 53948</u> (Office-Address) <u>jdillin@maustonschools.org</u> (E-mail)
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The name(s), title(s), and contact information of this/these individual(s) will be published annually: **[NOTE: Select more than one (1) option]**

in the staff handbooks.

~~in the School District Annual Report to the public.~~

on the School District's web site.

~~on each individual school's web site.~~

~~in the School District's calendar~~

~~\_\_\_\_\_~~

The COs are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District COs.

The COs will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Complaint Procedure below.)

#### Training

The COs will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

#### Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

#### Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the COs will be posted throughout the District, and published in the District's recruitment statements or general information publications.

#### Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with COs within the time limits specified below. The COs are available to assist individuals in filing a complaint.

#### Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the CO. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the CO of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the CO for good cause.
- C. The CO will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The CO will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The CO shall maintain the District's files and records relating to the complaint.
- D. The Superintendent will, within ten (10) work days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.  

The Superintendent will render his/her decision within ten (10) work days of the hearing.
- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.
- F. 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 or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO 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, effective, and tailored to the specific situation.

#### OCR Complaint

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education Office for Civil Rights Citigroup Center  
500 W. Madison Street Suite 1475  
Chicago, IL 60661  
(312) 730-1560  
FAX: (312) 730-1576  
TDD: (877) 521-2172  
E-mail: OCR.Chicago@ed.gov

#### Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, 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.

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#### Legal

29 C.F.R. Part 1630  
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended  
34 C.F.R. Part 104  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Last Modified by Steve LaVallee on April 30, 2018

Book	Mauston - Neola Model Policies
Section	1000 Administration
Title	FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")
Number	po1630.01*
Status	

#### 1630.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

##### Introduction

In accordance with Federal and State law, the Board of Education will provide family and medical leave to administrative staff. The 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 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 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. All full-time instructional staff members are deemed to meet the 1,250 hour requirement.

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, depend upon whether the staff member satisfies the above requirements.

##### Qualifying Reasons for Leave

The 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 himself/herself due to a physical or mental disability or, for leave under State law only, unable to care for himself/herself due to a serious health condition.

"Parent" includes a staff member's spouse's legal 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 expense.

- D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of his/her position
- E. because of a qualifying exigency resulting from active military service by 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, in the line of duty 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 his/her 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, s/he is entitled to a total of twelve (12) work weeks of leave in a (→) 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 forward from the date of any employee's first FMLA usage 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, s/he 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 his/her 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.

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 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 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. You or your 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 your own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption, 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 provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. 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 his/her 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 his/her supervisor in order to work out a treatment schedule which best suits his/her needs, as well as the District's.

If a staff member must take more leave than originally anticipated, s/he 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 his/her own serious health condition or the serious health condition of his/her spouse, child or parent, the Board requires that the leave request 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 shall be allowed. The Board reserves the right to certify all information permitted by law.

The staff member must 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 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 Board's expense, that the staff member obtain a second opinion from a Board-designated provider, not regularly employed by the Board. If the opinions of the staff member's and the 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 his/her rights and responsibilities under this policy.

The Superintendent will give the staff member the notice on each occasion that s/he notifies his/her 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 (1) 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 him/her 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 his/her supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

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 s/he 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.

Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule governed only by the FMLA, which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave, must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

#### Coordinating Leaves - Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member ~~(→ must ←)~~ ~~may~~ use the following leaves provided by the 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 Board would not normally provide such paid leave.

For leaves governed by the WFMLA, a staff member may substitute paid or unpaid leave, which s/he have earned and accrued, for leave taken under this policy, if available. The 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 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 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 his/her portion of health insurance premiums regardless of whether his/her 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 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 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 shall accrue if the staff member elects to use other leaves provided by the Board, and if such benefits would normally accrue during such leave.

#### Employment Restoration

A staff member will generally be reinstated to the same position s/he 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 s/he had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, s/he is not entitled to be reinstated.

A staff member who exceeds his/her 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 his/her supervisor immediately. Upon such notice, the Superintendent will promptly reinstate the staff member to active employment, provided s/he has the present skill and ability to perform the essential functions of his/her job satisfactorily with or without accommodation. However, the reinstatement need not occur until the third business day following the staff member's notification of his/her ability to return to work.

#### Fitness For Duty Certification

If leave is due to the staff member's serious health condition, s/he must present certification to return to work to his/her 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, s/he may be disciplined, up to and including termination.

With the staff member's permission, the 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, shall 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 his/her 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 shall see that the policy is posted properly.

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

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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

Last Modified by Jennifer Hagemann on April 24, 2018

Book Mauston - Neola Model Policies  
Section 1000 Administration  
Title EMPLOYEE ANTI-HARASSMENT  
Number po1662\*  
Status

#### 1662 - EMPLOYEE ANTI-HARASSMENT

##### Prohibited Harassment

The Board of Education is committed to a work environment that is free of harassment of any form. The 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 Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including transgender 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.), national origin, 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 characteristic protected by law in its employment practices (hereinafter referred to as "Protected Characteristics"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The 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 employee-to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and in those cases where harassment is substantiated, the School Board will take immediate steps calculated to end the harassment, prevent its reoccurrence, and, if applicable, remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means individuals subject to the control and supervision of the Board including, but not limited to, students, teachers, staff, volunteers, and Board members, agents, contractors, or other persons.

For purposes of this policy, "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 District, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

##### Definitions

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a school employee on the basis of the employee's Protected Characteristics that:

- A. places a school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. is sufficiently severe, pervasive, and persistent so as to create a hostile working environment which materially alters the employee's working conditions from the perspective of a reasonable person similarly situated;
- C. has the effect of substantially disrupting the orderly operation of a school or any other aspect of the District's operations.

##### Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "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 either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment 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. physical and/or sexual assault;
- 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 of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;
- E. sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. 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; and

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

K. invading an employee's privacy (i.e., walking in on the employee in the bathroom, locker room, or asking or commenting about clothing sizes or previous sexual experiences)

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of 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 with students
- 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, including social media, 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.

#### **END OF BOUNDARY INVASIONS OPTION**

##### 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 Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin 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, 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.

##### 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 disabling condition 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.

## Reports and Complaints of Harassing Conduct

Members of the School District community and third parties, which includes all staff, are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity.

Members of the School District community or 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 Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment unless the complaining individual makes the complaint maliciously or with 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 school 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 school 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 shall assume the role of the District Compliance Officer for such complaints.
  2. Any complaint under this policy regarding the Superintendent or 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 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.
- F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the District shall designate both a male and a female District Compliance Officer.

### District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").

[NOTE: School Districts are advised to 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. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

<u>Mary O'Brien</u> (Name) <u>Director of Student Services</u> (School-District-Title) (608) 847-5451 ext. 6602 (Telephone-Number) <u>510 Grayside Ave., Mauston, WI 53948</u> (Office-Address) <u>mobrien@maustonschools.org</u> (E-mail-Address)	<u>Jim Dillin</u> (Name) <u>High School Principal</u> (School-District-Title) (608) 847-4410 ext. 4424 (Telephone-Number) <u>800 Grayside Ave., Mauston, WI 53948</u> (Office-Address) <u>jdillin@maustonschools.org</u> (E-mail-Address)
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The names, titles, and contact information of these individuals will be published annually: [NOTE: Select more than one (1) option]

in the parent and staff handbooks.

~~in the School District Annual Report to the public.~~

on the School District's web site.

~~on each individual school's web site.~~

~~in the School District's calendar.~~

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A CO will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct.

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations or will oversee the preparation of such recommendations. All members of the School District community should report incidents of harassment that are reported to them to the CO within two (2) business days of learning of the incident.

### Investigation and Complaint Procedure

Any employee or other member of the School District community or visitor to the District who believes that s/he has been subjected to harassment or has witnessed harassment of another may seek resolution of his/her complaint through the procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.

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

### Complaint Procedure

An individual who believes s/he has been subjected to harassment hereinafter referred to as the "complainant," may file a complaint, either orally or in writing with a teacher, Principal, CO, Superintendent, or other supervisory employee. As noted above, any complaint received regarding the Superintendent or a Board member shall be referred to the 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 shall assume the role of the CO for such complaints.

Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar 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) business days.

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

All written complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be actively engaging in, harassment; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

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 alleged harasser. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deem appropriate in consultation with the Superintendent. No temporary arrangements shall be disciplinary to either the complainant or respondent.

Within two (2) business days of receiving a complaint, the CO will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of this policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment.

Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO 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 complainant has been subject to harassment. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. ↔ The CO may consult with the School Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the Superintendent must either issue a final 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) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

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 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 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 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 Board.

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. Use of this internal complaint procedure 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 all the witnesses as much as possible, consistent with the 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. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

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 s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the CO in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the State or Federal law will be maintained in a manner consistent with the law.

#### Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. 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 Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

All sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

#### 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 ↔ **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 CO's 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 Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The 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 Opportunity Employment 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 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 Board in consultation with the Superintendent determines is necessary or appropriate.

The 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 Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

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#### Legal

Wis. Stats. 111.31, 118.195, 118.20  
20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)  
20 U.S.C. 1681 et seq.  
20 U.S.C. 1681 et seq., Title IX  
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967  
29 U.S.C. 794, Rehabilitation Act of 1973  
29 C.F.R. Part 1635  
29 U.S.C. 6101, The Age Discrimination Act of 1975  
42 U.S.C. 2000d et seq.  
42 U.S.C. 2000e et seq.  
42 U.S.C. 1983  
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

Last Modified by Steve LaVallee on April 30, 2018