

SCHOOL DISTRICT OF WAUPACA

SERIES 500 PERSONNEL

CODE: 511-R1

EMPLOYMENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES:

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

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

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

Informal Resolution Procedure

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

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

Director of Student Services
School District of Waupaca
515 School Street
Waupaca, WI 54981
2. An employee's direct supervisor.
3. The appropriate building principal.
4. If the complaint is against any of the above administrators/supervisors or against a School Board member, the District Administrator is also an option. In these circumstances, the District Administrator may become involved in providing a response at the informal stage in any event.

The administrator who receives a request to attempt to informally resolve a complaint or concern will coordinate the District's response, which may involve calling meetings, gathering information, holding mediated resolution sessions, or, following a presentation and initial assessment of the

issue(s), the offering of one or more options for changes to be made in the relevant circumstances. If, at any time, the person seeking an informal resolution becomes dissatisfied with the process or outcome, he/she may initiate a formal complaint according to the steps listed below.

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

Formal Complaint Procedure

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

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

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

Step 2: If any complainant or alleged responsible party under the complaint is dissatisfied with the decision at Step 1, the individual may, within 10 business days of being notified of the administration's determination, file a written request for reconsideration with the office of the District Administrator. The request for reconsideration shall state any specific reason(s) why the complainant believes the administrative determination should be modified. The District Administrator will normally issue a written decision on reconsideration to the parties within 20 business days unless further investigation is initiated and/or the District Administrator determines that an extension of time is otherwise needed. The decision of the District Administrator at this Step shall include information about the complainant's opportunity to appeal a negative determination to the School Board. The Board shall also be notified of the District Administrator's Step 2 decision.

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

Deadline for Filing an Initial Complaint: There is no absolute deadline for the initial filing of a complaint under these procedures. The District always has an interest in being made aware of potential concerns with prohibited discrimination, harassment, bullying or retaliation. However, a person with a complaint or concern involving such an employment matter is encouraged to notify the District of the issue or to pursue a complaint as soon as reasonably possible after the occurrence of the relevant events. Any gap pursuing a complaint or concern can affect the extent to which it is practical to investigate the matter, and a delay may also limit the range of possible remedies and resolutions that are reasonably available. Notwithstanding the lack of a single, fixed deadline, the District, acting through the complaint manager may determine that any complaint filed more than 100 days after the alleged act(s) occurred, or more than 100 days after the last occurrence of an ongoing condition, will not be processed through these procedures for lack of timeliness (although the District may follow-up on the issues presented through other means if appropriate). A decision to dismiss a complaint because it is untimely may be appealed to the Board under Step 3, and the Board may either affirm the dismissal of the complaint for lack of a timely filing or remand the complaint for further processing.

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

Maintenance of Complaint Records

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

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

ADOPTED: 080817

REVISED:

REVIEWED:

LEGAL REFERENCE:

CONTRACT REFERENCE:

CROSS REFERENCE:

School District of Waupaca is an Equal Opportunity Employer