

## PORT EDWARDS PUBLIC SCHOOLS

### Board of Education Policy

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#### EQUAL OPPORTUNITY EMPLOYMENT

The Port Edwards School District is an equal opportunity employer. Therefore, personnel hiring and administration in the Port Edwards School District shall be conducted so as not to discriminate employee or applicant on the basis of race, religion, political affiliation, sex or sexual orientation, age, national origin, handicap, pregnancy, marital or parental status, ancestry, color, creed, citizenship, arrest or conviction record, use or nonuse of lawful products off the employer's premises during nonworking hours, membership in the National Guard, state defense force or any other reserve component of the military forces of the United States or Wisconsin, or any other reason prohibited by state or federal law.

It is the intent of the Port Edwards School District to comply with both the letter and spirit of the law in making certain discrimination does not exist in its policies, regulations and operations. Discrimination complaints shall be processed in accordance with established procedures.

It is the policy of the Port Edwards School District to provide reasonable accommodations for qualified disabled individuals who are employees, students or applicants for employment. The Port Edwards School District will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable accommodations as required to afford equal employment opportunity to qualified disabled individuals. Reasonable accommodations will be provided in a timely and cost-effective manner. Employment opportunities shall not be denied because of the need to make reasonable accommodations to an individual's disability. Please contact Pat Sullivan, Non-Discrimination Compliance Officer, 801 Second Street, Port Edwards, WI 54469, or call 715-887-9000, ext. 103 as early as possible in anticipation of utilizing services. The responsibility for requesting or initiating the request lies with the individual. Requests for accommodation will not be processed until the disability documentation is received and reviewed by the Non-Discrimination Compliance Officer. Disability documentation must state the disability, functional limitations and the need for accommodation, and be signed by a certified/licensed professional or physician.

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LEGAL REF.: Titles VI and VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972  
 Title IX Regulation Implementing Education Amendments of 1972  
 Section 504, Rehabilitation Act of 1973  
 Age Discrimination Act of 1975  
 American With Disabilities Act of 1990  
 Immigration Reform & Control Act of 1986  
 Civil Rights Act of 1991  
 Sections 111.31 - 111.395 Wisconsin Statutes  
     118.195  
     118.20

CROSS REF.: 511 – Rule, Employee Discrimination Complaint Procedures  
 511 – Exhibit, Employee Discrimination Complaint Form

Adopted: 12/04/75  
 Reviewed: 09/27/88  
 Revised: 04/12/05, 01/08/07



## Employee Discrimination Complaint Procedures

If any person believes that the Port Edwards School District or any part of the school organization has inadequately applied the principal and/or regulations of Title IX (sex) or Section 504 (handicap), or has discriminated against employees in violation of board policy, he/she may bring forward a complaint to the Administration Office at the following address: 801 2<sup>nd</sup> Street, Port Edwards, WI 54469.

### A. Filing of Complaint

1. The complainant shall sign a written complaint and file it with the Superintendent or Principal (1) within 180 days after the alleged act(s) occurred or (2) within 180 days of the last occurrence of an ongoing condition.
2. A complaint shall be deemed filed on the date received if delivered, or on the date postmarked if addressed by mail.
3. The Superintendent or Principal shall send to the complainant a written acknowledgment of the receipt of the complaint as soon as practicable.
4. The Superintendent or Principal shall establish a complaint file. The file shall contain all documents pertinent to the complaint. The file should include but is not limited to: (1) the complaint, (2) documents compiled as part of the investigation, and (3) a statement of resolution.

In cases where the complainant is not satisfied with the District's position and requests a reconsideration of said decision, the District will provide the complainant with a copy of the investigative report. In instances where the investigative report contains personnel or confidential subject matter, the District may refuse to make available the investigative report but will provide a synopsis of the report excluding personnel or confidential materials.

### B. Confidentiality and Recrimination

1. It is the policy of the District to keep the identity of the complainant confidential unless there are compelling reasons to disclose such identity. If there are compelling reasons to disclose the identity of the complainant, then the complainant shall be asked if he/she wants his/her identity disclosed. If the complainant does not want his/her identity disclosed, his/her identity shall be kept confidential to the extent possible.
2. No district employee shall attempt to restrain, interfere with, coerce, discriminate or take reprisal action against the complainant(s) and their witnesses during or after the presentation, processing, and resolution of a complaint.

### C. Informal Complaint Resolution

1. The District shall provide an opportunity for a resolution of the complaint on an informal basis after the complaint has been filed.
2. For the informal resolution of a complaint the Superintendent or Principal that received the complaint shall act as a facilitator if the complainant wishes to resolve the matter short of a full investigation. The district shall request the person who is alleged to be discriminating to seek a solution of the matter on an informal basis, and to respond to the complainant.
3. If the alleged discriminating employee chooses not to respond to the request for an informal complaint resolution, then a formal investigation will be conducted unless otherwise agreed to by the complainant and the Superintendent or Principal.
4. If the complainant is satisfied with the response to the request for an informal complaint resolution and an informal resolution of the complaint is arrived at, the terms of such resolution shall be reduced to writing and made a part of the complaint file. If the complainant is not satisfied with the response, then the Superintendent or Principal shall proceed with the investigation.

### D. Investigation

1. The district shall provide prompt, complete, independent and impartial investigation of the complaint. In most cases the investigation will be conducted by the Superintendent or Principal. In some cases the investigation may be conducted by an investigative team or outside consultant. The investigative team may consist of the Superintendent, Principal, PEEA representative, Uniserve Director, and the Legal Counsel. In all cases the investigation shall be conducted in conjunction with the Legal Counsel.
2. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred and any policies and practices related to the situation. The investigation may include the review of various documents and information acquired during the investigation, which may include but is not limited to, the response of the alleged discriminating employee, written or oral statements from witnesses, copies of or extracts from records, policy statements, on site visit or regulations of the District.

E. Determination and Appeal

1. After the investigation has been completed, the investigator shall inform the Superintendent or Superintendent designee of his/her determination of the complaint. The Superintendent or Principal shall communicate in writing such determination of the complaint to the complainant.
2. After the complainant receives the Superintendent's or Principal's written determination of the District's position, the complainant may request a reconsideration of the District's position by the Board of Education. The reconsideration request must be filed within twenty (20) working days after receipt of the determination. The written request for reconsideration must contain a statement as to why the complainant is not satisfied with the decision. The Superintendent or Superintendent's designee will send the complainant a written acknowledgment after the Board of Education receives the reconsideration request.
3. After the reconsideration has been completed, the Board of Education shall communicate in writing such determination of the complaint to the complainant.
4. There may be other avenues of appeal available to employees through state and federal agencies or the courts.

EMPLOYEE DISCRIMINATION COMPLAINT FORM

Name \_\_\_\_\_

Department \_\_\_\_\_

Job Title \_\_\_\_\_

Immediate Supervisor \_\_\_\_\_

Who was responsible for the discrimination?

\_\_\_\_\_  
\_\_\_\_\_

Describe the discrimination:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

First incident \_\_\_\_\_

\_\_\_\_\_

Approximate date, time and place \_\_\_\_\_

\_\_\_\_\_

What was your reaction? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Subsequent incidents \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approximate dates, times and places \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What was your reaction? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any witnesses to the discrimination: \_\_\_\_\_  
\_\_\_\_\_

*I understand that these incidents will be investigated, but this form will be kept confidential as much as possible.*

Complainant Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature of Person Receiving Complaint \_\_\_\_\_ Date \_\_\_\_\_

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FOR ADMINISTRATION USE

Dates of investigation of complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of final report: \_\_\_\_\_

Date of follow-up conference with complainant \_\_\_\_\_

Results: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_