

News Release – For Immediate Release  
Not Intended as a Paid Announcement

## **MEDFORD BOARD OF EDUCATION POLICY COMMITTEE MEETING**

**Monday September 8, 2025 @ 11:00 a.m. – 1:00 p.m.  
Medford Area Public School District Office Building  
124 W State St, Medford, WI 54451**

### **A G E N D A**

- 1. Call to Order / Roll Call**
- 2. Notice of Posting**
- 3. Public Participation**
- 4. Review Transition Process to NEOLA**
- 5. Discuss / Review / Edit Policies 0000-1000**
- 6. Review / Reaffirm any Policy to the Full Board of Education**
- 7. Adjournment**

**Open Meeting Law Compliance:** This notice was sent for posting to the Star News, WKEB/WIGM Radio, Medford Area Public Schools and the District Office on August 28, 2025. **NOTE:** This meeting is open to the public.

Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	DEFINITIONS
Code	po0100 (YES)
Status	From Neola

## 0100 - **DEFINITIONS**

The bylaws of the Board of this District incorporate quotations from the laws and administrative code of the State of Wisconsin. Such quotations may be substantively altered only by appropriate legislative, judicial, or administrative action.

Whenever the following items are used in these (x) bylaws and policies ( ) bylaws, policies, and administrative guidelines [END OF OPTION], they shall have the meaning set forth below:

### **Administrative Guideline**

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

### **Administrator**

An employee who holds a position of leadership over a defined function or department of the District, is employed with an administrative contract, and/or who reports directly to the (x) District Administrator ( ) Superintendent [END OF OPTION].

[x] Administrators may include the following positions: (x) School Business Manager, (x) Director of Special Education and Pupil Services, (x) Director of Curriculum and Instruction, ( ) Instructional Program Coordinator, (x) Principal, (x) Associate/Assistant Principal, (x) Charter School Administrators [END OF OPTION]

In policy ( ) and administrative guidelines [END OF OPTION], capitalization of the term Administrator may imply delegation of responsibilities, as appropriate, to staff members.

### **Apps and Services**

Apps and services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100, above) over a network or client-server applications in which the user interface runs in a web browser. Apps and services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their student's progress, and allow staff to perform other tasks related to their employment. Apps and services also are used to facilitate communication to, from, and among, and between, staff, students, parents, Board members and/or other stakeholders, and members of the community.

### **Board**

The School Board (x), also commonly referred to as the Board of Education, [END OF OPTION] shall take action that is within the comprehensive meaning of the terms "duties and powers" provided that such action is not prohibited by State or Federal law. (Chapter 118, Wis. Stats. and Chapter 120, Wis. Stats.)

Within these bylaws and policies, the terms Board and District may be used interchangeably, depending on the context of the policy.

### **Bylaw**

Rule of the Board for its own governance.

### **Clerk**

The chief clerk of the Board. (See Bylaw 0171.3 - Clerk)

### **District**

The School District is the territorial unit for school administration. Districts are classified as common, union high, unified, and 1st class city school districts. A joint school district is one the territory of which is not wholly in one municipality. (Chapter 115, Wis. Stats.)

Within these bylaws and policies, the terms Board and District may be used interchangeably, depending on the context of the policy.

### **District Administrator**

The administrative head of the School District ( **x** ) is sometimes locally referred to as Superintendent **[END OF OPTION]**.

In policy **( )** and administrative guidelines **[END OF OPTION]**, capitalization of the term District Administrator may imply delegation of responsibilities, as appropriate, to staff members.

### **District Records Custodian**

The School District will designate one (1) District Records Custodian (DRC) to be the legal custodian of records for the District. The DRC shall keep and preserve the public records of the District and is granted authority to render a decision and carry out duties related to those public records. The DRC is designated in Policy 8310 - Public Records.

### **Due Process**

Procedural due process requires prior knowledge (a posted discipline code), notice of offense (accusation), and the opportunity to respond. Specific due process requirements are dependent upon the circumstances and may vary depending on such circumstances.

### **Full Board**

Authorized number of voting members entitled by law to govern the District. The full Board is the total number of Board members authorized by law regardless of the number of current sitting members.

### **Information Resources**

The Board defines information resources to include any data/information in electronic, audio-visual, or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes but is not limited to electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, websites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting, or retrieving electronic communications.

### **Law Enforcement Officer(s) or Agency(ies)**

These terms include any local, State, or Federal law enforcement agency of competent jurisdiction and its officers acting within their legal authority.

### **Legal Custodian of Records**

See "District Records Custodian".

### **Legal Notice**

Legal notice means every notice required by law to be published in a newspaper or other publication. There are three (3) classes of notices: class 1 (requiring one (1) insertion); class 2 (requiring two (2) insertions); and class 3 (requiring three (3) insertions). When more than one (1) insertion is required, the notice must be published once each week for consecutive weeks, with the last notice published at least one (1) week before the act or event, unless otherwise specified by law. Sunday publication is permitted.

### **Local Public Office Holder or Official**

Individuals holding those positions designated by the Board as local public offices in compliance with 19.32 (1 dm), 19.42 (7w)(a)(f) and (g), Wis. Stats.

**May**

This word is used when an action by the Board or its designee is permitted but not required.

**Medical Advisor**

The School District is required to appoint a medical advisor. The medical advisor shall be a licensed physician and will participate in the annual review of the District emergency nursing services plan. The School District may also have the medical advisor fulfill other roles. PI 8.01(2, g)3

**Meeting**

Any gathering which is attended by, or open to, all of the members of the Board held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body. 19.82(2), Wis. Stats.

**Official Newspaper**

A newspaper may be designated by the Board under 985.05, Wis. Stats. Other publication options are available to the Board pursuant to 120.11(4), Wis. Stats.

**Parent**

The natural or adoptive parents or the party designated by the courts as the legal guardian, custodian, or surrogate of a student including a foreign exchange student. Both parents will be considered to have equal rights unless a court of law decrees otherwise.

**Personal Communication Devices**

Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, smartwatches, wearable technology, and/or other web-enabled devices of any type.

**Policy**

A general, written statement by the governing Board that defines its expectations or position on a particular matter and authorizes appropriate action that must, or may, be taken to establish and/or maintain those expectations.

**President**

The chief executive officer of the Board. (See Bylaw 0171.1 - President)

**Principal**

The educational leader and head administrator of one (1) or more District schools.

In policy ~~( ) and administrative guidelines~~ **[END OF OPTION]**, capitalization of the term Principal may imply delegation of responsibilities, as appropriate, to staff members.

**Professional Staff Member**

District employees who are either certified teachers employed in a position for which certification is a requirement of employment or administrative employees who are responsible for oversight or supervision of a component or components of the District's operation, or serve as assistants to such persons, regardless of whether they hold an administrative contract or are required to have administrator certification, but excluding the **( x )** District Administrator ~~( )~~ Superintendent **[END OF OPTION]**.

**Relative**

The mother, father, sister, brother, spouse, domestic partner, parent, child, step-child, grandparents, grandchild, dependent, or member of the immediate household.

**School/District Classification**

Per 115.01, Wis. Stats., Wisconsin school districts are classified as follows:

**Common School Districts:**

These districts are responsible for K-12 education, and are the most common type of district in Wisconsin, and operate pursuant to Subchapter I of Chapter 120, Wis. Stats.

**Unified School Districts:**

These districts serve all grade levels, from kindergarten through high school, and operate pursuant to Subchapter II of Chapter 120, Wis. Stats.

**Union High Schools:**

These districts focus on high school education and are often formed by a group of smaller common school districts. They operate pursuant to Subchapter I of Chapter 120, Wis. Stats.

**School Nurse**

A school nurse is a registered nurse who meets the requirements of 115.001(11), Wis. Stats. A school nurse has the authority to exclude students for signs of illness.

**School Official**

Except if otherwise defined in policy, a school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), support staff member (including health or medical staff and law enforcement unit personnel), or a person serving on the Board.

The term school official is inclusive of other parties, such as an attorney, contractor, consultant, volunteer, or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g., a therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks (including volunteers) pursuant to the Family Educational Rights and Privacy (FERPA) definition - See Policy 8330 - Student Records.

**Shall**

This word is used when an action by the Board or its designee is required. (The word "will" or "must" signifies a required action.)

**Social Media**

Social media are online platforms where users engage with one another and/or share information and ideas through text, video, or pictures. Social media consists of any form of online publication or presence that allows interactive communication, including, but not limited to, text messaging, instant messaging, websites, web logs ("blogs"), wikis, online forums (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include, but are not limited to, Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Skype, and Facetime. Social media does not include sending or receiving e-mail through the use of District-issued e-mail accounts. [  Apps and services shall not be considered social media unless they are listed on the District's website as District-approved social media platforms/sites. **[NOTE: Selection of this option should be consistent with the selection made in Policy 7544 – Use of Social Media.]** ]

**Student**

A person who is officially enrolled in a school or program of the District.

**( ) Superintendent**

Sometimes the administrative head of the School District is referred to as the Superintendent, but has the authority of the District Administrator by law. In policy ( ) and administrative guidelines **[END OF OPTION]**, capitalization of the term Superintendent may imply delegation of responsibilities, as appropriate, to staff members.

**Support Staff**

Any employee who provides support to the District's program and whose position does not require a professional certificate. This category includes special education paraprofessionals, even though it is a requirement to hold a special education program aide license issued by the Wisconsin Department of Public Instruction (DPI) or another valid and current DPI license or permit.

**Technology Resources**

The Board defines technology resources to include computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, SLR and DSLR cameras, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps.

**Treasurer**

The chief financial officer of the Board. (See Bylaw 0171.4 - Treasurer)

**Vice-President**

The Vice-President of the Board. (See Bylaw 0171.2 - Vice President)

**Voting**

A vote at a meeting of the Board. The law requires that Board members must be present in order to have their vote officially recorded in the Board minutes and to be available for a roll call vote. A Board member's presence at a meeting includes their presence if attending by telephone or other manner of remote access, so long as such remote access is compliant with State law. No voting by Proxy may be recorded or counted in an official vote of the Board. Remote access during quasi-judicial functions (e.g., termination hearings, expulsions) may be permitted after consultation with legal counsel.

Citations to Wisconsin statutes are shown by the Section Number (e.g., 120.11, Wis. Stats.). Citations to the Wisconsin Administrative Code are prefaced by P.I. (e.g., P.I. 11). Citations to the United States Code are noted as U.S.C., Federal Register are noted as F.R., and the Code of Federal Regulations as C.F.R.

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Book Neola Policy Templates for Processing  
Section 0000 Bylaws Templates (X)  
Title NAME  
Code po0111 (YES)  
Status From Neola

**0111 - NAME**

The Board of this District shall be known officially as the Medford Area Public School District \_\_\_\_\_.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	PURPOSE
Code	po0112 (YES)
Status	From Neola

**0112 - PURPOSE**

The Board exists for the purpose of providing a system of free, public education for children in grades PreK - 12.\_\_\_\_\_.

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Book Neola Policy Templates for Processing  
Section 0000 Bylaws Templates (X)  
Title BOUNDARIES  
Code po0113 (YES)  
Status From Neola

**0113 - BOUNDARIES**

The \_\_\_\_\_ Medford Area Public School District is comprised of the area in the description on file in the Board office.

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Book Neola Policy Templates for Processing  
Section 0000 Bylaws Templates (X)  
Title CLASSIFICATION  
Code po0114 (YES)  
Status From Neola

**0114 - CLASSIFICATION**

The \_\_\_\_\_ Medford Area Public School District shall be classified as a

(  ) common school district.

(  ) union high school district.

(  ) unified school district.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	ADDRESS
Code	po0115 (YES)
Status	From Neola

**0115 - ADDRESS**

The official address of the **Medford Area Public School District** \_\_\_\_\_ Board shall be **124 West State Street, Medford, WI 54451** \_\_\_\_\_.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	AUTHORITY
Code	po0121 (YES)
Status	From Neola
Legal	Chapters 118 and 120, Wis. Stats.

**0121 - AUTHORITY**

The supervision of this District shall be conducted by the Board which is constituted and governed by the laws of the State of Wisconsin.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	BOARD POWERS
Code	po0122 (YES)
Status	From Neola
Legal	118.001, Wis. Stats. 120.13, Wis. Stats. 120.44, Wis. Stats. (applies to Unified School Districts only.)

## 0122 - **BOARD POWERS**

The power of this Board extends to those matters expressly or implicitly granted by the constitution, statute, local charter or ordinance, or other law, including the power to do all things reasonable to promote the cause of education unless prohibited by Federal or State law.

### **(UNIFIED SCHOOL DISTRICTS)**

~~[ ] The Board shall be a body corporate, and, as such, capable of suing and being sued, levying and collecting taxes, contracting and being contracted with, acquiring, holding, possessing and disposing of real and personal property, and taking and holding in trust for the use and benefit of the District, any grant or devise of land and any donation or bequest of money or other personal property.~~

### **[END OF OPTIONS]**

The Board shall also authorize the development and promulgation of rules and guidelines by the District Administrator for the proper operation and management of the District, including the conduct of students while in school, at school functions, en route on school buses, or otherwise under the supervision of school authorities.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	PHILOSOPHY OF THE BOARD
Code	po0123 (YES)
Status	From Neola

## 0123 - **PHILOSOPHY OF THE BOARD**

A Board of Education is a legal entity for providing a system of public education within a geographic area of the State of Wisconsin. The system was created by, and is governed by, State statutes. Members of a Board are chosen by citizens to represent them and the State in the governance of the local schools.

The Board has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires of residents. While the Board has an obligation to determine and assess citizen desires, it is understood that when the voters elect delegates to represent them in the conduct of specified educational programs, they, at the same time, are endowed with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The Board declares and, thereby, reaffirms its intent to:

- A. Maintain two-way communications with citizens of the District. The Board shall keep them informed of the progress and problems of the School District, and the citizens shall be urged to bring their aspirations and concerns about the District to the attention of this body.
- B. Establish policies and make decisions on the basis of declared educational philosophy and goals.
- C. Act as a truly representative body for citizens in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests with the State, but the Board of Education has been assigned specific authority through statute, and the Board shall not relinquish or fail to exercise that authority.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	BYLAWS AND POLICIES
Code	po0131.1 (YES)
Status	From Neola

### 0131.1 - BYLAWS AND POLICIES

The Board shall adopt bylaws and policies for the organization and operation of this Board. Such policies are to include those needed to meet the education standards established by Wisconsin Statute. In the event of any conflict between these bylaws and policies and any applicable law or regulation, including temporary emergency orders or mandates, the legal authority shall prevail.

Those bylaws and policies which are not dictated by the statutes or rules of the Department of Public Instruction or ordered by the State Superintendent of Public Instruction or a court of competent authority may be adopted, amended, and repealed at any meeting of the Board,

#### ~~[OPTION: CHOOSE IF TWO READINGS WILL BE REQUIRED FOR POLICY MANUAL REVISIONS]~~

[ x ] provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding Board meeting until approved or rejected.

#### ~~[OPTION: CHOOSE IF PREVIOUS OPTION REQUIRING TWO READINGS WAS SELECTED, BUT AN EMERGENCY PROVISION IS ALSO DESIRED.]~~

[ x ] When compelling reasons exist for an immediate revision, the Board may adopt, amend, or suspend any bylaw or policy, provided the amendment, adoption, or suspension does not conflict with law. ~~[ ] Any such emergency resolution adopting, amending, or suspending a bylaw or policy under this provision shall expire automatically at the next public meeting of the Board unless the Board moves to adopt the resolution in final form at that subsequent meeting. [END-OF-OPTION]~~

Bylaws and policies shall be adopted, amended, repealed, or suspended by a majority vote of the Board.

[ x ] The Board may adopt, amend, or repeal rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting. ~~[END-OF-OPTION]~~

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be included in the Board policy manual.

#### Technical Corrections

[ x ] The District Administrator is authorized to review and make technical corrections to policies that have already been adopted through normal rulemaking procedures. Technical corrections are those corrections to policy language or construction that do not reflect a policy decision or substantive consideration by the Board, such as correction of a typographical or grammatical error, inclusion or correction of a statutory citation, renumbering of sections, combining of policies, or similar actions. The District Administrator shall inform the Board of any such changes no later than the next regular Board meeting. ~~[END-OF-OPTION]~~

Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	SELECTION OF DISTRICT ADMINISTRATOR
Code	po0132.1 (YES)
Status	From Neola
Legal	118.24, Wis. Stats.

**0132.1 - SELECTION OF DISTRICT ADMINISTRATOR**

The Board shall exercise its executive power in part by employing a District Administrator who shall enforce the statutes of the State of Wisconsin, rules of the Department of Public Instruction, and the policies of this Board.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	ADMINISTRATIVE GUIDELINES
Code	po0132.2 (YES)
Status	From Neola

#### **0132.2 - ADMINISTRATIVE GUIDELINES**

The Board shall delegate to the District Administrator the function of specifying required actions and designing the detailed arrangements under which the District will be operated. These detailed arrangements shall constitute the administrative guidelines governing the District which are not inconsistent with statutes or regulations of the Department of Public Instruction or the policies of this Board. (See Policy 1230.01)

Such administrative guidelines shall be binding on the employees and the students of this District when issued.

The District Administrator shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	JUDICIAL
Code	po0133 (YES)
Status	From Neola

**0133 - JUDICIAL**

The Board assumes jurisdiction over any dispute or controversy arising within this District and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

In furtherance of its judicial function, the Board may hold hearings which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter. **[END OF OPTION]**

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Book Neola Policy Templates for Processing  
Section 0000 Bylaws Templates (X)  
Title NUMBER  
Code po0141 YES)  
Status From Neola

0141 - **NUMBER**

The Board shall consist of  Nine ()**9** members.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	ELECTORAL PROCESS
Code	po0142.1 (YES)
Status	From Neola
Legal	120.06 (1), Wis. Stats. 120.06 (6)(b), Wis. Stats. 120.06(6)(b)3m, Wis. Stats.

## 0142.1 - ELECTORAL PROCESS

Board elections are held during the spring election on the first Tuesday in April in a manner that is consistent with State law.

### **Declaration of Candidacy**

Any qualified elector desiring election to the Board must file a Declaration of Candidacy with the Board Clerk, using forms provided by the District, no later than 5:00 P.M. on the first Tuesday in January. Qualified candidates shall then be placed on the ballot.

Incumbent Board members may file a Declaration of Non-Candidacy by 5:00 P.M. on the 2nd Friday preceding the deadline for filing ballot access documents, as specified in the preceding paragraph, to avoid an extension of time for filing such papers.

If an incumbent fails to file a Declaration of Candidacy ~~(-) and nomination papers~~ **[END OF OPTION]** by the 5:00 P.M. deadline on the first Tuesday in January, candidates may file a Declaration of Candidacy ~~(-) and nomination papers~~ **[END OF OPTION]** within seventy-two (72) hours following the original Tuesday deadline.

The order of names on the ballot shall be determined by lot, in the event more than one (1) person seeks office from a representative area.

### **Declaration of Non-Candidacy**

If an incumbent files a Declaration of Non-Candidacy no later than 5:00 P.M. on the 2nd Friday preceding the Tuesday deadline, there is no extension of the Tuesday deadline.

When the first Tuesday in January is a holiday the deadline becomes 5:00 P.M. the next day.

In addition, if an incumbent files written notification that the incumbent is not a candidate for reelection to their office or fails to file a declaration of candidacy within the time prescribed by this bylaw, the District Clerk shall promptly provide public notice of that fact on the District's website or, if the District does not maintain a website, by posting notices in at least three (3) different locations within the District.

Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	QUALIFICATIONS
Code	po0142.2 (YES)
Status	From Neola
Legal	120.06(2), Wis. Stats.

**0142.2 - QUALIFICATIONS**

A school elector in the School District is eligible to be a Board member.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	TERM
Code	po0142.3 (YES)
Status	From Neola
Legal	120.06(4), Wis. Stats.

**0142.3 - TERM**

The term of each Board member shall be three (3) years commencing on the 4th Monday in April and shall continue until a successor is elected and qualified or until a vacancy occurs.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	OATH
Code	po0142.4 (YES)
Status	From Neola
Legal	120.06(10), Wis. Stats. 120.17(10), Wis. Stats. 887.01(1), Wis. Stats.

#### 0142.4 - **OATH**

Each newly-elected or appointed Board member shall take and file the oath of office with the Clerk.

On or prior to the fourth Monday in April, any Board member elected or re-elected to office at the spring election shall take and file the official oath. Board members appointed to office between elections shall take and file the oath prior to taking office. The School District Clerk has authority to administer the oath of office unless s/he was re-elected in the spring election. A notary public or other person with authority under law to administer oaths may also administer the oath to members.

The official oath shall be in writing and subscribed and sworn to as required by law. The oath does not need to be administered at or in conjunction with a Board meeting. If desired, the oath may also be administered orally in addition to the written oath.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	VACANCIES
Code	po0142.5 (YES)
Status	From Neola
Legal	<p>17.03 et seq., Wis. Stats.</p> <p>17.26 (1g)(a), Wis. Stats.</p> <p>120.12(28), Wis. Stats.</p>

### 0142.5 - VACANCIES

The office of a Board member shall become vacant immediately upon the occurrence of any one (1) of the following events:

- A. the death of the incumbent or the incumbent's being found mentally incompetent by the proper court;
- B. the incumbent's resignation;
- C. the incumbent's removal from office;
- D. the incumbent's conviction of a felony or imprisonment for one (1) or more years;
- E. the incumbent's election or appointment being declared void by a competent tribunal;
- F. the incumbent's neglect or failure to file the oath of office or to give or renew an official bond, if required;
- G. the incumbent's ceasing to possess the legal qualifications for holding office;
- H. the incumbent moving his/her residence out of the District; or
- I. the incumbent is absent from the territory of the District for a period of sixty (60) continuous days, unless such absence is due to active duty in the armed forces, in which case the vacancy shall be temporary for the remainder of the term or until the incumbent returns and files a notice of his/her intent to return to his/her unexpired term.

A vacancy shall be filled by the remaining members of the Board in accordance with 17.26, Wis. Stats.

### Filling a Board Vacancy

The vacancy shall be filled by the Board using the following procedure:

- A. Appointment by the Board to fill a vacancy shall be by the members of the remaining Board consistent with Bylaw 0162 - Quorum and Bylaw 0167.1 - Voting. All votes shall be recorded, preserved and open to public inspection to the extent prescribed in Chapter 19, Wis. Stats. Secret ballots may only be used when Board members are electing officers.
- B. (X) The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.
- C. (X) All applicants are to submit a notice of their interest, in writing, to the **Board of Education at the District Office**.
- D. (X) The Board (X) shall (X) may **[END OF OPTION]** interview (X) all interested **[END OF OPTION]** candidates to ascertain their qualifications.

E. If the vacancy is not filled within sixty (60) days of the date on which the vacancy first exists, the vacancy shall be filled by

1. (x) appointment of the Board President.
2. (x) from among the applicants who completed the process noted above.
3. ( ) \_\_\_\_\_.
4. ( ) \_\_\_\_\_.

**[Select this Option for a Common School District or Union High School District]**

[x] The appointee shall hold office until a successor is elected and takes office under 120.06(4), Wis. Stats. When a vacancy occurs in the office of a Board member who is in the last year of his/her term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the next spring election. When a vacancy occurs after the last Tuesday in November and on or before the date of the next spring election in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the 2nd following spring election. Elections to fill unexpired terms shall be held simultaneously with the elections for regular terms. **[END OF OPTION]**

**[Select this Option for a Unified School District]**

[ ] The appointee shall hold office until a successor is elected and takes office under 120.42(2), Wis. Stats. When a vacancy occurs in the office of a Board member who is in the last year of his/her term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the next spring election. When a vacancy occurs after the last Tuesday in November and on or before the date of the next spring election in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the 2nd following spring election. Elections to fill unexpired terms shall be held simultaneously with the elections for regular terms. **[END OF OPTION]**

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Book Neola Policy Templates for Processing  
Section 0000 Bylaws Templates (X)  
Title RECALL  
Code po0142.6 (YES)  
Status From Neola

**0142.6 - RECALL**

Any member of the Board may be recalled pursuant to Chapter 9.10, Wis. Stats.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	ORIENTATION
Code	po0142.7 (YES)
Status	From Neola

#### 0142.7 - ORIENTATION

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the District, and learn Board procedures. Accordingly, the Board may give to each new Board member

for his/her use and possession during the term on the Board the following items:

- A. (  ) access to the Board policy manual
- B. (  ) a copy of each current employee handbook(s)
- C. (  ) the current budget statement and related fiscal materials
- D. (  ) District Administrator's contract, evaluation process/forms, and other pertinent employment documents
- E. (  )

[  ] The Board will provide and maintain a library of publications and reference materials for the use of Board members.

[  ] Each new Board member shall be invited to meet with

- (  ) the Board President
- (  ) the District Administrator
- (  ) the Business Manager and other Administrators

to discuss Board functions, policies, and procedures.

[  ] The Board shall encourage the attendance of each new Board member at orientation and training meetings.

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Book Neola Policy Templates for Processing  
Section 0000 Bylaws Templates (X)  
Title AUTHORITY OF INDIVIDUAL BOARD MEMBERS  
Code po0143 (YES)  
Status From Neola

**0143 - AUTHORITY OF INDIVIDUAL BOARD MEMBERS**

Individual members of the Board do not possess the powers that reside in the Board itself. The Board speaks through its actions set forth through motions, resolutions, and other official actions taken at Board meetings and officially noted in the minutes and not through its individual members. An act of the Board shall not be valid unless approved at an official meeting by at least a majority vote of the members present or as otherwise may be required by law.

**[Choose One Option]**

Board member information requests will be considered under the procedures outlined in Bylaw 0143.2 - Board Member Information Requests.

~~No member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member. [END OF OPTION]~~

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	PUBLIC EXPRESSION OF BOARD MEMBERS
Code	po0143.1 (YES)
Status	From Neola

### **0143.1 - PUBLIC EXPRESSION OF BOARD MEMBERS**

The Board President functions as the official spokesperson for the Board. (X) (see Bylaw 0144.5 - Board Member Behavior, Communications, and Code of Conduct)

From time-to-time, however, individual Board members make public statements, or statements to individuals, on school matters:

- A. to local media;
- B. on social media;
- C. to members of the community;
- D. to local officials and/or State officials.

Sometimes the public statements, or statements to individuals, by Board members imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents may cause issues for the member, the Board, as well as the District. Therefore, Board members should, when writing or speaking on school matters on social media, to the media, members of the community, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:

- A. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter;
- B. routine, not for publication, correspondence of the District Administrator and other Board employees;
- C. routine "thank you" letters of the Board;
- D. statements by Board members on non-school matters (providing the statements do not identify the author as a member of the Board);
- E. personal statements not intended for publication.

~~Copies of this bylaw shall be sent annually to local media by the Board President.~~

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	BOARD MEMBER INFORMATION REQUESTS
Code	po0143.2 (YES)
Status	From Neola

## 0143.2 - BOARD MEMBER INFORMATION REQUESTS

It is important for the Board members to be informed about the operation of the District. The administrative team will provide information to keep Board members informed of District operations. As a general rule, information will be distributed to the entire Board.

In order to provide individual Board members with information they request in an effective and efficient manner, the following procedures will be used:

- A. Individual Board members possess all the rights granted to them as citizens of the community, including access to public records. Requests by individual Board members for documents which would be exempt from disclosure to the general public will be presented to the Board for review. The Board will review the request and make a determination as to whether or not the documents will be released to the Board member, consistent with State law.
- B. When a Board member(s) would like the administration to compile information which will require lengthy research and investigation, the request should be submitted to the District Administrator, who will distribute copies to the Board. The request(s) will be reviewed at the next meeting, if possible, by the Board and District Administrator to clarify the request and determine in the context of other priorities if and when the administrative staff should respond to it. The requests, discussion of them, and action indicated will become part of the record of the Board through the meeting minutes for follow-up and subsequent reference.
- C. The District Administrator will discuss with the Board President the validity of any requests as deemed necessary. In making requests for information, data, etc., Board members will make all such requests through Board action unless the request meets the criteria given below:
  1. Individual Board members may request and obtain statistics and reports, etc., that are readily available. All such requests will be submitted to the District Administrator who will have his/her staff gather the information or material.
    - a. Individual Board members may use materials obtained to compile or organize data or statistics to meet their needs.
    - b. Individual Board members may request that materials obtained be disseminated to all Board members.
  2. Board members or committees who request statistics and reports which require substantial investment of time by the administration to fulfill will prepare the request in writing and submit them to the District Administrator, who will distribute copies to the Board. The requests will be reviewed at the next meeting, if possible, by the Board and District Administrator to clarify the request and determine in the context of other priorities if and when the administrative staff should respond to it. The requests, discussion of them, and action indicated will become part of the record of the Board through the meeting minutes for follow-up and subsequent references.
  3. Release of documents to individual Board members will comply with applicable State laws.
  4. The District Administrator will discuss with the Board President the number of requests and legality of requests. The Board may impose limitations on volume, scope, and timing of information requests (other than public records requests) by Board members.



Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	COMPENSATION
Code	po0144.1 (YES)
Status	From Neola
Legal	120.10(3), 120.07, Wis. Stats. 120.43(3), 120.45, Wis. Stats.

## 0144.1 - COMPENSATION

### **[COMMON OR UNION HIGH SCHOOL DISTRICTS]**

As approved by the electors at the annual meeting, Board members shall receive an annual salary or an amount for each Board meeting the member actually attended, unless the member has provided timely annual notice of refusal to accept the salary. Notice must be provided prior to taking the oath of office and performing any service for the initial year of election or appointment and may be renewed for subsequent years by notice at least thirty (30) days prior to the member's taxable year unless statutory exceptions apply. Board members not included in the preceding sentence may refuse to accept the salary by providing notice to the Board Clerk and Treasurer at least thirty (30) days before the start of the Board member's next taxable year. Although the notification applies only to that taxable year, Board members may renew the refusal to accept the salary by sending timely annual notification.

Expenses of a Board member when authorized by the Annual Meeting shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.

### **[UNIFIED SCHOOL DISTRICTS]**

~~Board members shall receive an annual salary or an amount fixed by the School Board for each School Board meeting the member actually attended unless the member has provided timely annual notice of refusal to accept the salary. Notice must be provided prior to taking the oath of office and performing any service for the initial year of election or appointment and may be renewed for subsequent years by notice at least thirty (30) days prior to the member's taxable year unless statutory exceptions apply. Board members not included in the preceding sentence may refuse to accept the salary by providing notice to the Board Clerk and Treasurer at least thirty (30) days before the start of the Board members' next taxable year. Although the notification applies only to that taxable year, Board members may renew the refusal to accept the salary by sending timely annual notification.~~

~~Expenses of a Board member shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.~~

### **[END OF OPTION FOR UNIFIED SCHOOL DISTRICTS]**

The following guidelines have been established by the Board to ensure appropriate and proper reimbursement of expenses for Board members.

- A.  ~~Expenses will be reimbursed only for activities authorized by the Board.~~
- B.  Reimbursement for mileage will not exceed the current rate established by the Internal Revenue Service.
- C.  Attendance at Board-approved conferences should be at the location closest to the District.
- D.  When attending a Board-approved conference, all fees, parking, mileage, meals, and housing will be reimbursed.

E.  Purchase of any printed or other materials relating to Boardmanship will be reimbursed if prepurchase approval is given by the Board. If such approval is not possible or feasible, a voucher must be submitted to the Board for approval. No postpurchase voucher will be approved if it exceeds \$\_\_\_\_\_.

F.  When the Board attends a community or school related event as a Board function, or a Board member attends as the designated representative of the Board, any incurred expenses, including mileage, will be reimbursed by the Board. If a Board member attends such events as a private citizen, any incurred expenses are to be paid by the Board member.

G.  No entertainment expenses or purchases of alcoholic beverages are reimbursable.

H.  A voucher detailing the amount and nature of each expense must be submitted to the Board for approval within \_\_\_\_\_ (\_\_\_\_) calendar days after the expenses have been incurred.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	CONFLICT OF INTEREST
Code	po0144.3 (YES)
Status	From Neola
Legal	19.42(7), Wis. Stats. 19.59, Wis. Stats. 120.20, Wis. Stats. 946.13, Wis. Stats.

### 0144.3 - CONFLICT OF INTEREST

Board members shall perform their official duties in an ethical manner and free from conflict of interest pursuant to 19.59, Wis. Stats. To this end:

- A. no Board member shall use their position as a Board member to obtain financial gain or anything of substantial value for themselves, immediate family as defined in 19.42(7), Wis. Stats., or any organization with which the Board member is associated;
- B. no Board member shall accept any offer of anything of value from a person either directly or indirectly, nor shall solicit or accept anything of value, if it could be reasonably expected to influence the Board member's actions;
- C. no Board member shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the Board member's duties and responsibilities in the school system and as a public officer;
- D. when a member of the Board determines that the possibility of such a personal or financial interest conflict exists, the Board member should, prior to the matter being considered, disclose their interest (such disclosure shall become a matter of record in the minutes of the Board), and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon. In the event that the potential conflict involves a program or activity in whole or in part financed through Federal grant funds, the potential conflict of interest must be disclosed to the Federal granting agency consistent with the requirements of the particular granting agency;
- E. Board members shall also perform their duties in a manner that does not violate criminal conflict of interest laws pursuant to 946.13, Wis. Stats. by having a private pecuniary interest in a contract with the District in an amount that exceeds \$15,000 annually or by participating in making or performing some function as a Board member with respect to a contract in which the Board member has a private pecuniary interest, unless statutory exceptions apply;
- F. no member of the Board shall hold a paid position within the School District, regardless of the type or level of position or manner of pay. However, a Board member may serve as a volunteer coach, supervisor of an extra-curricular activity, or bus driver in accordance with 120.20, Wis. Stats., and provided for in Policy 8120 - Volunteers.

Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	INDEMNIFICATION
Code	po0144.4 (YES)
Status	From Neola
Legal	895.35, 895.46, Wis. Stats.

**0144.4 - INDEMNIFICATION**

After consultation with appropriate legal counsel, the Board may hold harmless, indemnify, pay, settle, or compromise a judgment against a Board member or employee to the extent allowed under the law.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	BOARD MEMBER BEHAVIOR, COMMUNICATIONS, AND CODE OF CONDUCT
Code	po0144.5 (YES)
Status	From Neola
Legal	17.13, Wis. Stats. 946.12, Wis. Stats. The Consortium of State School Board Associations The National Association of School Boards The Wisconsin Association of School Boards

### **0144.5 - BOARD MEMBER BEHAVIOR, COMMUNICATIONS, AND CODE OF CONDUCT**

The Board functions most effectively when individual Board members act ethically, professionally, and responsibly. Board members serve as a member of the School District's governing body and do not have individual authority to represent a policy or enforce positions that are not supported by a majority of the Board, as evidenced by official action of the Board (See Bylaw 0143 - Authority of Individual Board Members).

Board members accept responsibility for the well-being and positive leadership of the School District, for protecting the interests of the School District as a legal entity, and for facilitating governance for the purpose of delivering the highest quality educational and related services to all of the District's students. Conduct by Board members that compromises the reputation or legal position of the District are prohibited.

Any authority delegated to the Board President in this policy is automatically vested in the Board Vice President in the event that either the Board President is unavailable or the Board President is the Board member accused of violating this policy.

#### **General Expectations of All Board Members**

- A. Attend all scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings.
- B. Be familiar with and follow applicable local, State, and Federal laws and regulations.
- C. Be familiar with and comply with Board policies, including policies governing Board member conduct and Board member ethics, rules of incompatibility of office, qualifications of the office, and conflicts of interest (see Bylaw 0144.3 - Conflict of Interest).
- D. Conduct themselves with integrity, honesty, and in a manner that reflects positively on the Board and on the District.
- E. Be accountable for guiding and supporting the policy decision-making process that impacts students, staff, and the community. The operation of the District is the responsibility of the administration.
- F. Establish and maintain a high level of honesty, credibility, and truthfulness in all matters dealt with by the Board.
- G. Treat others with respect and dignity at all times, maintain decorum, and always communicate in a way that does not violate or illustrate disregard for Board policy concerning harassment or discrimination. This decency expectation applies in all communications, including while discussing sensitive, controversial, or matters involving disagreement.
- H. At all times conduct themselves in the best interest of the School District, including avoiding implicating the District in unlawful activity or supporting or encouraging efforts to harm the reputation, legal standing, or to bring other material harm to the interests of the District or the Board.

- I. Recognize that they should endeavor to make policy decisions only after full discussion at publicly held Board meetings.
- J. Render all decisions based on the available facts and independent judgment.
- K. Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community.
- L. Work with the other Board members to establish effective Board policies and to delegate authority for the administration of the District to the District Administrator.
- M. Communicate to other Board members and the District Administrator expressions of public reaction to Board policies and school programs.
- N. Inform themselves about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the Wisconsin Association of School Boards, the Consortium of State School Board Associations, and the National School Boards Association.
- O. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff.
- P. Refrain from using their Board positions for personal partisan gain.
- Q. Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law.
- R. Remember always that their first and greatest concern must be for the educational welfare of the students attending the public schools.
- S. No Board member shall act or fail to act as a member of the Board in violation of 946.12, Wis. Stats., regarding misconduct in public office.
- T. Disclose any actual or perceived conflict of interest.

### **Board Member Communication**

Board members are expected to refrain from engaging in communication on behalf of the Board or on behalf of the District unless authorized to do so by majority vote of the Board (See Bylaw 0143.1 - Public Expression of Board Members).

Any Board member who chooses to engage in individual communication on matters related to Board and/or District business is expected to clearly identify whether the Board member is communicating in the following capacity:

- A. On behalf of the Board: normally, this is the function of the Board President or in the President's absence, the Vice President. The Board may by majority vote delegate this responsibility to another Board member in a specific circumstance. In every case, the Board Member communicating the Board's position shall do so as determined by the Board and avoiding individual interpretation or editorializing.
- B. As an individual Board member, but not on behalf of the Board: a Board member who speaks, including online, in social media forums, or in any other public forum, on matters related to Board and/or District business, but not as an officially designated spokesperson of the Board. The Board member must specify that any statement is not sponsored by the District and is a personal viewpoint.

Board members who fail to adhere to this expectation, or who publicly communicate false or intentionally misleading information pertaining to Board action or District policy, will be asked to correct such communication in a way that is likely to reach the same audience as the false or misleading information. The Board President is authorized to communicate such requests to the pertinent Board member.

The Board President is authorized to issue public statements on behalf of the Board in the event a Board member expresses false or misleading information, or makes statements without properly identifying whether the member of the Board is speaking as an individual Board member. The President's communication should be limited to correcting the false or misleading statement, clarifying that the Board member was not speaking on behalf of the Board, and providing information relative to Board action if any on the subject matter.

### **[ x ] Board Member Use of Electronic Communication Devices Prohibited**

An individual Board member's use of electronic communication devices, such as cell phones or smartphones, during a Board meeting, both during open session and during closed session, may lead to the public's and/or other Board members' perception that a Board member is not paying attention to the subject matter at hand or that a Board member is receiving information relative to the subject matter at hand that other Board members and members of the public are not receiving, or is communicating with persons not at the meeting regarding the subject matter of the meeting, any of which is inimical to good government and transparency, and, in the case of a closed session, may also be contrary to the legal interests of the Board. Therefore, the Board's use of electronic communication devices (including cell phones and smartphones), other than for the purpose of accessing agenda materials that are on a Board member's tablet or lap top computer, is prohibited during Board meetings.

Exceptions may be made by the Board in case an emergency or other special circumstance warrants an exception.

#### **[END OF OPTIONAL SECTION]**

### **Board Member Interaction with Staff**

The general expectations of Board member decorum and civility apply to interactions with employees; however, because the Board is the employer of all District staff, this responsibility is appropriate for special reference. Each Board member is an individual with authority to bring matters to the Board and to influence matters related to staff. Therefore, it is imperative that Board members treat all employees with respect and as professionals. Board members are also required to comply with Board Policies governing employee anti-harassment, non-discrimination, and threatening behavior.

No Board member has inherent authority to require any staff member to respond to the Board member regarding a specific request for information, or to direct any staff member to perform or not perform any task, except as provided by Board policy or as directed by majority vote of the Board.

Board members access to and request for School District records and information is governed by Board Bylaw 0143.2 - Board Member Information Requests.

### **Board Member Records and Confidentiality**

Board members are expected to maintain their own public records created on resources not controlled by and thus not maintained by the School District. Each Board member is an elected official responsible for preserving all public records the Board member creates, and to comply with requests to inspect such records. The District has no obligation nor responsibility to assist any Board member in fulfilling this responsibility with respect to records that are not maintained by the District.

Board members are encouraged to review Board policy defining and explaining public records, their maintenance, and public access (See Board Policy 8310 - Public Records).

Board members are expected to maintain and protect the privacy of District records, including student records, and communications received in closed-session meetings of the Board. Board members must also protect and not disclose records consistent with, and governed by, the Family Education Rights and Privacy Act (FERPA).

### **Enforcement**

Complaints alleging violations of the Board Member Code of Conduct may be brought by any person and can be submitted to the Board President or, if the Board President is the member accused of violating this policy, to the Vice President.

The President or Vice President shall review the complaint and determine whether the officer can investigate the matter or if the President or Vice President needs to contact the School District's legal counsel for support. Upon completion of the investigation, if the conclusion reached is that the Board member violated the policy, the investigator shall brief the Board and may recommend action to be taken.

Board members are elected officials and therefore cannot be disciplined, prevented from participating in Board meetings, or removed from office by the Board. The Board may consider the following:

- A. formal censure by resolution passed by a majority of the Board in an open session meeting of the Board;
- B. removal from Board committee assignments for the remainder of the year and until the following organizational meeting of the Board, at which time the President is authorized to continue to withhold committee assignment. Approval of this sanction is an adopted exception to Bylaw 0155 - Committees;

- C. restriction on Board member rights granted by policy, including requesting items for a Board meeting agenda;
- D. referral to proceed with efforts to remove the Board member from office for cause, which means inefficiency, neglect of duty, official misconduct, or malfeasance in office;
- E. referral to law enforcement if any alleged misconduct constitutes potentially unlawful conduct;
- F. other efforts to pursue compliance with and adherence to the policy as determined by the Board and not prohibited by law.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	BOARD MEMBER ANTI-HARASSMENT
Code	po0145 (YES)
Status	From Neola
Legal	118.13, 120.13(1), 111.32(13), 111.36(1) Wis. Stats. P.I. 9, Wis. Adm. Code Title IX Education Amendments of 1972, Chapter 227

#### 0145 - BOARD MEMBER ANTI-HARASSMENT

The Board is committed to an environment that is free of harassment. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it.

The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including gender 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.), 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 Classes"), 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.

The harassment of a District staff member, student (  ) or another Board member **[END-OF-OPTION]** by a member of the Board is strictly forbidden. Any member who is found to have harassed a member of the staff, a student (  ) or another Board member, **[END-OF-OPTION]** will be subject to discipline by the Board and may be reported to law enforcement authorities. **[NOTE: Select the following option only if the Board has adopted Policy 0144.5.]** (  ) (See Policy 0144.5 - Board Member Behavior and Code of Conduct)

The Board believes that sexual or other forms of offensive speech and conduct are wholly inappropriate to the harmonious relationships necessary to the operation of the District and intolerable in an environment in which students and staff members of this District function.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment. Other forms of harassment include verbal or non-verbal expression related to race, gender, age, religion, disability, pregnancy, or sexual orientation. (See also Policy 1422 - Nondiscrimination and Equal Employment Opportunity, Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, Policy 3122 - Nondiscrimination and Equal Employment Opportunity, and Policy 4122 - Nondiscrimination and Equal Employment Opportunity)

Other forms of harassment include verbal or non-verbal expression related to race, gender, age, religion, disability, pregnancy, or sexual orientation.

Substantial interference with a person/employee's work performance or creation of an intimidating, hostile, or offensive work environment is established when the conduct based on sex or one of the other Protected Classes referenced above, is such that a reasonable person under the same circumstances as the person/employee would consider the conduct sufficiently severe or pervasive so as to interfere substantially with the person's work performance or create an intimidating, hostile, or offensive work environment. (See also Policy 3362.01/Policy 4362.01 - Threatening Behavior Toward Staff Members)

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Book Neola Policy Templates for Processing  
Section 0000 Bylaws Templates (X)  
Title ANNUAL SCHOOL DISTRICT MEETING [COMMON AND UNION HIGH SCHOOL DISTRICTS ONLY]  
Code po0151 (YES)  
Status From Neola

**0151 - ANNUAL SCHOOL DISTRICT MEETING [COMMON AND UNION HIGH SCHOOLS DISTRICTS ONLY]**

(  ) Common school districts shall hold an annual meeting on the fourth Monday ~~(  ) Union high school districts shall hold an annual meeting on the third Monday [END OF OPTIONS]~~ in July at 8:00 p.m. unless the electors at any annual meeting set a different date and time for subsequent meetings or authorize the Board to set a different date and time for subsequent meetings, but in no case shall the annual meeting be held earlier than May 15th or later than October 31st. The meeting shall be held for the purposes prescribed by 120.08, 120.09, Wis. Stats. The meeting shall be called to order by

~~(  ) the District Administrator~~

(  ) the ranking officer of the Board

~~(  ) the Clerk~~

who shall serve as presiding officer until the election of a chairperson.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	ANNUAL BOARD REORGANIZATION MEETING
Code	po0151.1 (YES)
Status	From Neola

**0151.1 - ANNUAL BOARD REORGANIZATION MEETING**

The Board shall hold an annual reorganization meeting on or within thirty (30) days after the fourth Monday in April. The meeting shall be called to order by

the District Administrator

the ranking officer of the preceding Board

the Clerk

who shall serve as presiding officer until the election of the Board President.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	REQUIRED STUDENT ACADEMIC STANDARDS AGENDA ITEM
Code	po0151.2 (YES)
Status	From Neola
Legal	118.30, Wis. Stats.

**0151.2 - REQUIRED STUDENT ACADEMIC STANDARDS AGENDA ITEM**

In accordance with 120.12(13), Wis. Stats., at the first Board meeting in July, the Board shall include an item on the agenda to approve a notice that clearly identifies the student academic standards under 118.30(1g)(a)1, Wis. Stats. that will be in effect for that school year.

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Book Neola Policy Templates for Processing  
Section 0000 Bylaws Templates (X)  
Title OFFICERS  
Code po0152 (YES)  
Status From Neola  
Legal 19.88(1), Wis. Stats.  
120.05, Wis. Stats.  
120.15 et seq., Wis. Stats.  
120.43, Wis. Stats.  
120.44(2) Wis. Stats.

**0152 - OFFICERS****[CHOOSE OPTION THAT APPLIES TO DISTRICT]****[ x ] OPTION #1 - [Common School Districts] [Not applicable for three (3) member Boards]**

The Board shall elect, from among its members, a President, Vice-President, Treasurer, and a Clerk. Such election shall occur at the Annual Reorganization Meeting on or within thirty (30) days after the fourth (4th) Monday in April.

19.88(1), Wis. Stats.  
120.05, Wis. Stats.

Election of officers shall be by a majority vote of seated Board members present at a Board meeting. Secret ballots may be utilized only for the election of officers. Where no such majority exists on the first ballot vote, a second vote shall be cast for the two (2) candidates who received the greatest number of ballot votes.

Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and shall qualify.

**[END OF OPTION #1]****[ ] OPTION #2 - [Unified School Districts]**

~~The Board shall elect, from among its members, a President, Vice-President, Treasurer, and a Clerk. The Board shall also elect a Board Secretary who may not be a member of the Board. Such election shall occur on or within thirty (30) days after the fourth (4th) Monday in April.~~

~~19.88(1), Wis. Stats.  
120.43, Wis. Stats.  
120.44(2), Wis. Stats.~~

~~Election of officers shall be by a majority vote of seated Board members present at a Board meeting. Secret ballots may be utilized only for the election of officers. Where no such majority exists on the first ballot vote, a second vote shall be cast for the two (2) candidates who received the greatest number of ballot votes.~~

~~Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and shall qualify.~~

**[END OF OPTION #2]**

The Board shall, in addition to other statutory requirements:

- A.  designate depositories for school funds;
- B.  designate those persons authorized to sign checks, contracts, agreements, and purchase orders;
- C.  designate a day, place, and time for regular meetings which shall be held at least once every month;
- D.  determine the fee charged to individuals who request notice of Board meetings;
- E.  designate an ~~Administrator~~ individual to assume specified responsibilities
  - ( ) of the Treasurer and
  - of the Clerk.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	QUORUM
Code	po0162 (YES)
Status	From Neola

**0162 - QUORUM**

\_\_\_\_ **Five** (5) **{Majority of the full Board}** members present at a meeting shall constitute a quorum when no Board vacancies exist; whenever the Board has one (1) or more vacancies, the quorum during that time shall be a majority of the members on the Board. No Board business shall be conducted in the absence of a quorum.

[  ] Two (2) forms of a quorum should be avoided:

"Negative Quorum" – A gathering of less than one-half (1/2) of the members of the Board may be a meeting if that group possesses the power to defeat action taken by the Board of Education.

"Walking Quorum" – Less than one-half (1/2) of the members of the Board gathered together may constitute a meeting if it is one (1) of a series of meetings through which agreement on an issue is reached. A series of e-mail messages, phone calls, or other communications between Board members could be a "meeting" or "walking quorum" because, while the Board members have not physically convened, they can effectively communicate and exercise the authority otherwise vested in the Board.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	COMMITTEES
Code	po0155 (YES)
Status	From Neola

#### 0155 - COMMITTEES

Committees of Board members shall, when specifically charged to do so by the Board, conduct studies, make recommendations to the Board and act in an advisory capacity, but shall not take action on behalf of the Board.

All committees shall comply with the Open Meetings Law by providing notices of each meeting, posting the time and date, place, subject matter of the proposed meeting, and any matter intended for the consideration at the contemplated closed meeting pursuant to 19.84, Wis. Stats. In addition, committee meetings may provide for a period of public comment, and recording appropriate minutes of the meeting. A committee shall require a quorum, consisting of a majority of its members, to take any action. A committee may conduct a closed meeting provided it is for one of the purposes described in Bylaw 0167.2 and the committee abides by all requirements for the conduct of a closed meeting.

The President is authorized to appoint ~~END-OF-OPTION~~ (x) as soon after the Annual Reorganizational meeting as practicable, ~~END-OF-OPTION~~ members of the Board to standing committees where they shall serve a term of one (1) year. ~~END-OF-OPTION~~

Ad hoc committees may be created and changed at any time by the President ~~END-OF-OPTION~~ ( x ) or a majority of the members present at any meeting at which the need for a committee becomes evident. ~~END-OF-OPTION~~ (x) or the District Administrator with the approval of the Board. ~~END-OF-OPTION~~

Members of ad hoc committees shall serve until the committee is discharged. ~~END OF OPTION~~

The District Administrator shall serve as an ex-officio member of each committee. ~~END OF OPTION~~

A member may request (or refuse) appointment to a committee. ~~END OF OPTION~~

Refusal to serve on any one committee shall not be grounds for failure to appoint a member to another committee. ~~END OF OPTION~~

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	PARLIAMENTARY AUTHORITY
Code	po0161 (YES)
Status	From Neola

#### 0161 - PARLIAMENTARY AUTHORITY

**[DRAFTING NOTE: It is recommended that the Board select the second option below because selection of option one requires the appointment of a standing parliamentarian for every meeting. Whereas, by selecting the second option, the Board avoids the required appointment of a standing parliamentarian for every meeting as allowed pursuant to Section 49 "Procedure in Small Boards" of Robert's Rules of Order, Newly Revised]**

The parliamentary procedure governing the Board, for the orderly conduct of meetings, shall be

**( ) OPTION 1**

~~Robert's Rules of Order, Newly Revised, as defined in Chapter XVI, "Boards and Committees" [END OF OPTION]~~

**( x) OPTION 2**

Robert's Rules of Order, Newly Revised as defined in Chapter XVI, "Boards and Committees" (including such procedural flexibility allowed in Section 49 of Robert's: "Procedure in Small Boards") **[END OF OPTION]**

**( ) OPTION 3 [DRAFTING NOTE: This option is provided if the Board has established their own protocols for parliamentary procedure or rules of order for the Board.]**

**[END OF OPTION]**

in all cases in which it is not inconsistent with statute, administrative code, or these bylaws.

**[DRAFTING NOTE: Select this option if the second option is selected above, as this clarification allows for the appointment of a parliamentarian when necessary.]**

**[ x] When appropriate, the Board President shall appoint the parliamentarian who shall decide any challenges to parliamentary procedure. The parliamentarian need not be a Board member. [END OF OPTION]**

Any failure to comply with the above procedural protocols will not affect the validity of any substantive action taken by the Board within its legal authority.

**[ x] Upon request, each Board member shall be provided with a copy of the rules of order specified in this bylaw. [END OF OPTION]**

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	PRESIDING OFFICER
Code	po0163 (YES)
Status	From Neola
Legal	120.11, Wis. Stats.

**0163 - PRESIDING OFFICER**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice-President shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	MEETINGS
Code	po0164 V1 (YES)
Status	From Neola
Legal	19.84, Wis. Stats. 120.11, Wis. Stats. 985.05(3), Wis. Stats.

**Version 1 [Common/Union High Schools Only]****0164 - MEETINGS****Regular Meetings**

The Board shall hold a meeting at least once each month on a date and at a time and place determined by the Board.

**Change of Regular Meetings**

If the Board changes the date, time, or place of a regularly scheduled meeting, the meeting notice shall state the date, time, place, and subject matter of the rescheduled meeting, as well as the name and address of the District. Said notice shall be posted

(x) on the front door of the Administrative Office Building and

at such places as the Board may determine. Meeting notices of scheduled Board meetings shall be posted in accordance with State law. (See also Policy 0166 - Agenda)

**Special Meetings**

A special meeting of the Board shall be held upon the written request of any Board member provided there is compliance with the following notice provisions and State law.

The School District Clerk or, in the School District Clerk's absence, the President shall fix a reasonable date, time, and place for the meeting. The School District Clerk or, in the School District Clerk's absence, the President shall notify each Board member of the date, time, and place of the meeting, in a manner likely to give the Board member notice of the meeting, at least twenty-four (24) hours before the meeting. If the School District Clerk or, in the School District Clerk's absence, the President determines that providing notice at least twenty-four (24) hours before a special Board meeting is, for good cause, shown by the School District Clerk or President, impossible or impractical, the School District Clerk or President may notify each Board member of the date, time, and place of the meeting less than twenty-four (24) hours, but not less than two (2) hours, before the meeting. A notice of any special meeting shall be posted at least twenty-four (24) hours before said special meeting at the District office and such other places as the Board may determine unless, for good cause, such notice is impossible or impracticable, but in no case may the notice be less than two (2) hours in advance of the meeting.

A special meeting may be held without prior notice if all Board members are present and consent, or if each member consents in writing even if the Board member does not attend, provided appropriate notice is provided as defined under Chapter 19.

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

**Notice of Meetings**

Public notice of all Board meetings, (  ) and other meetings subject to Policy 8309 - Open Meetings for Non-Board Committees, **[END OF OPTION]** shall be given pursuant to statute. Such notice shall be given, without cost, to any news media which submits a written request for meeting notices and to a news medium likely to give notice in the District's geographic area. In addition, such notice shall be made public in at least one (1) of the following ways:

- A. posting the notice in at least three (3) public places likely to give notice to persons affected;
- B. posting the notice in at least one (1) public place likely to give notice to persons affected and on the governmental body's website; or
- C. by paid publication in a news medium likely to give notice to persons affected.

[  ] The notice shall be given, without cost, to the District's official newspaper, the \_\_\_\_\_ . **[DRAFTING NOTE: The official newspaper of the District, if required according to criteria in 985.05, Wis. Stats.]**

The notice shall list the date, time, place, and subject matter of each regularly scheduled meeting of the Board, including subjects intended for the consideration at any closed session, in the form which is reasonably likely to inform members of the public and the news media. To assure that notice of a meeting is specific enough to apprise the public of the purpose of the meeting, the following factors shall be considered: (1) the time and effort required to provide detailed notice; (2) the level of public interest in the particular subject; and (3) whether the meeting will involve routine or novel issues. The notice shall contain the name and address of the District and its telephone number. The notice shall be given at least twenty-four (24) hours prior to the meeting unless for good cause such notice is impossible or impractical, but in no case may the notice be less than two (2) hours in advance of the meeting.

(  ) The notice shall also contain the following statement:

"Upon request to the **District Administrator** \_\_\_\_\_, submitted twenty-four (24) hours in advance, the District shall make reasonable accommodation including the provision of informational material in an alternative format for a disabled person to be able to attend this meeting." **[DRAFTING NOTE: this language is not required in the meeting notice, however, it is recommended because the Board is obligated to make meetings accessible, including with accommodations, to persons with a disability who wish to attend the meeting regardless of whether this statement is included or not. This clause provides the obligation to give advance notice of any such need so as to assist in providing the accommodation rather than the individual making such requests on the day of or at the meeting itself.]**

**[END OF OPTION]**

## **Cancellation of Meetings**

If a regularly scheduled and legally noticed meeting needs to be canceled (e.g., inclement weather, electrical outage, broken water pipe, lack of quorum, etc.), the Board President or designee shall have the authority to cancel or reschedule the meeting. To the extent practical, a notice of cancellation should be provided, similar to the notice of the meeting.

## **Virtual Participation in Meetings**

**[DRAFTING NOTE: Choose one or both of the options below.]**

**[Option 1]**

[  ] Generally, the Board does not allow virtual participation, unless otherwise determined by the (  ) Board, (  ) Board President, **[END OF OPTION]** or due to an order by an authorized authority preventing in person attendance at a meeting. Board members are expected to attend meetings in person at the location set by the Board for the meeting.

**[OPTION 2]**

[  ] A Board member may attend virtually in instances where a member is unable to attend in person (  ) due to a scheduled absence from the District or due to an illness or a physical restriction preventing attendance **[END OF OPTION]**. The Board member is responsible for making advance arrangements with the District administration to facilitate participation in the meeting. Remote access during quasi judicial functions (e.g., termination hearings, expulsions) may be permitted after consultation with legal counsel.

**[END OF OPTIONS]**

**[DRAFTING NOTE: This option may be selected if one of the options above is selected.]**

[  ] A Board member may only attend closed session portions of meetings in person ( ) unless the Board member verbally represents that they are alone and their physical location is secure from any third parties overhearing the proceedings in closed session. **[END OF OPTION]** **[DRAFTING NOTE: Take this option only if you took Option 1 above.]** ( ) Remote access during quasi judicial functions (e.g., termination hearings, expulsions) may be permitted after consultation with legal counsel. **[END OF OPTION]** **[END OF OPTIONAL PARAGRAPH]**

**[DRAFTING NOTE: If considering prohibiting closed session virtual attendance while allowing open session virtual attendance, consultation with District legal counsel is recommended.]**

Any Board member attending a meeting remotely may vote in accordance with Bylaw 0167.1 – Voting.

Board members are not provided with technology to facilitate remote Board attendance unless the Board authorizes such expenditure.

**[END OF OPTION]**

Any Board member attending a meeting or who intended to attend a meeting remotely but is unable to attend or unable to maintain attendance due to technological complications, such as a poor connection or other equipment failures, will be considered absent for all or part of the meeting. The meeting may continue in the member's absence provided that a quorum is still present.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	AGENDA
Code	po0166 (YES)
Status	From Neola
Legal	19.84(3) Wis. Stats

## 0166 - AGENDA

The District Administrator shall prepare and make available, mail, or deliver to each Board member an agenda prior to each regular meeting and each special meeting unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting. Individual Board members may include items on the agenda upon the concurrence of the Board President. The level of specificity of the description of subject matter for discussion shall be determined considering the following: 1) the time and effort required to provide detailed notice; 2) the level of public interest in the particular subject; and, 3) whether the meeting will involve routine or novel issues.

~~[ ] The agenda of regular meetings or special meetings shall be accompanied by a report from the District Administrator including information and/or a recommendation on agenda items as deemed appropriate by the District Administrator.~~  
**[END-OF-OPTION]**

**[ X ]** Each agenda shall contain the following statement:

"This meeting is a meeting of the Board in public for the purpose of conducting the School District's business and is not to be considered a public hearing. There may be a time for public comment during the meeting as indicated in the agenda."

**[END-OF-OPTION]**

The agenda for each regular meeting shall be mailed or delivered, electronically or in person, to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda and supporting materials should be available, mailed, or delivered ~~no later than~~ \_\_\_\_\_ ( ) days prior to the meeting or delivered so as to provide time for the study of the agenda by Board members. The agenda and supporting materials for a special meeting shall be delivered ~~at least~~ \_\_\_\_\_ ( ) hours before the meeting.

The Board shall transact business according to the agenda prepared by the District Administrator and provided to all Board members in advance of the meeting. The order of business may be altered at any meeting by a majority vote of the members present.

If the Board wishes to discuss items that were not posted at least twenty-four (24) hours prior to the meeting, the Board must: 1) post a separate notice of the item(s) no less than two (2) hours prior to the meeting; and 2) show good cause why posting the item at least twenty-four (24) hours prior to the meeting was impossible or impractical.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	CONSENT AGENDA
Code	po0166.1 (YES)
Status	From Neola

#### 0166.1 - CONSENT AGENDA

The Board shall use a consent agenda to keep routine matters within a reasonable time frame.

The following routine business items may be included in a single resolution for consideration by the Board:

- A. (  ) minutes of prior Board meetings;
- B. (  ) reports of Board committee meetings;
- C. (  ) bills for payment;
- D. (  ) acceptance of bids;
- E. (  ) employment of personnel;
- F. (  ) resolutions that require annual adoption, such as bank signatories, Wisconsin High School Athletic Association membership, etc.;
- G. (  ) resignations and leaves;
- H. (  ) gifts, grants, and donations;
- I. (  ) revisions to handbooks (e.g., student, staff, athletic/activities code);
- J. (  ) revisions or deletions of existing bylaws/policies; **[Drafting Note: This should not be included if two readings have been selected by the Board in Policy 0131.1 - Bylaws and Policies.]**
- K. (  ) other routine items as presented by the District Administrator.
- L. (  ) \_\_\_\_\_

A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be removed and discussed as a nonaction item or be deferred for further study and discussion at a subsequent Board meeting if the District Administrator or any Board member thinks the item requires further discussion.

Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	VOTING
Code	po0167.1 (YES)
Status	From Neola
Legal	19.83, Wis. Stats.

### 0167.1 - VOTING

All regular and special meetings of the Board shall be conducted in public. No act shall be valid unless otherwise required by law or Board bylaw consistent with law, and a proper record made of the vote. A Board member's presence at a meeting includes his/her presence if attending by telephone or other manner of remote access, so long as such remote access is compliant with State law. ~~Remote access during quasi judicial functions (e.g. termination hearings, expulsions) may be permitted after consultation with legal counsel.~~

#### **[OPTION]**

The Board's meetings shall normally be held at a location within the School District boundaries at a location that may accommodate public attendance. However, the Board authorizes the Board President to determine in certain circumstances that it is necessary or appropriate to hold a regular or special Board meeting by means of remote or virtual participation in the event that emergency circumstances justify such action. The Board President and Board Clerk shall cause such meetings to be noticed accordingly and assure that such notice contains explicit instructions concerning the method or methods of remote public access to the Board meeting and may include remote Board member participation in such meetings. Any meeting held under this provision may include voting as any other Board meeting may and such votes shall not be invalid because of the remote or virtual nature of the meeting.

The Board President will assure that consideration is given to providing the broadest scope of public access to the meeting where no central location for the meeting at which the public may gather is provided. This may include multiple different technology options so that the lack of technology access for members of the public does not prevent the ability to attend. The Board president shall conduct the meeting so as to facilitate public understanding of the proceedings, including requiring members to identify themselves before speaking, and limiting instances of multiple members speaking at the same time to the extent possible.

#### **[END-OPTION]**

Any Board member's decision to abstain shall be recorded and be deemed to acquiesce in the action taken by the majority. In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority.

All actions requiring a vote

~~( ) shall be conducted by roll call~~

(x) may be conducted by voice, a show of hands, or roll call

provided that the vote of each member be recorded. Proxy voting shall not be permitted. Any member may request that the Board be polled.

Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	CLOSED SESSION
Code	po0167.2 (YES)
Status	From Neola

### 0167.2 - **CLOSED SESSION**

The Board may meet in a closed session, one closed to the public, for specified purposes.

Each closed session requires a majority roll-call vote of the Board and may be held to:

- A. deliberate a case which was the subject of any hearing before the Board; (19.85(1)(a))
- B. consider dismissal, demotion, licensing, or discipline of any Board employee or person licensed by the Board, or the investigation of charges against such person, and the taking of formal action on any such matter, provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken; (19.85(1)(b))
- The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session.
- C. consider the employment, promotion, compensation, or performance evaluation data of any employee; (19.85[1, c])
- D. considering the strategy for crime detection or prevention; (19.85[1, d])
- E. deliberate or negotiate the purchase of public properties, the investment of District funds, or the conduct of other Board business whenever competitive or bargaining reasons require a closed session; (19.85[(1, e)])
- F. consider financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems, or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; (19.85[1, f])
- G. confer with the Board's legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is or is likely to become involved; (19.85[1, g])
- H. consider requests for confidential, written advice from the ethics board under 19.46(2), Wis. Stats., or from any county or municipal ethics board under 19.59(5), Wis. Stats. (19.85[1, h])

The presiding officer shall announce the nature of the closed session and the specific section of the law that allows for the closed session.

No other business other than that stated in the public notice may be conducted at a closed session. The Board may not reconvene its regular or special meeting after a closed session, within twelve (12) hours, unless public notice of the reconvened meeting was part of the public notice of its regular or special meeting.

[ ] In keeping with the confidential nature of closed sessions, no member of the Board shall disclose to anyone the content of discussions that take place during such sessions. **[END OF OPTION]**

### **Recording of Closed Sessions**

**Choose one of the following [NOTE: Option #1 is recommended]:**

[ ] **[Option #1]**

Other than expulsion hearings, closed sessions of the Board will not be recorded, filmed or photographed without prior approval of the Board. Any such recording, film or photograph must be maintained in accordance with Policy 8310 – Public Records and Policy 8330 – Student Records.

**[ ] [Option #2]**

Board closed sessions may be recorded, filmed or photographed by the full board or an individual Board member, with the understanding that if an individual Board member records, films or photographs the session the Board is responsible for the maintenance of the recording, film or photograph in accordance with Policy 8310 – Public Records and Policy 8330 – Student Records.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	PUBLIC COMMENT AT BOARD MEETINGS
Code	po0167.3 (YES)
Status	From Neola
Legal	19.90, Wis. Stats.

### 0167.3 - PUBLIC COMMENT AT BOARD MEETINGS

The Board recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on District matters.

#### Agenda Item

Any person or group who would like to have an item put on the agenda shall submit their request to the District Administrator no later than five (5) business days prior to the meeting and include:

- A. (x) name and address of the participant;
- B. (x) group affiliation, if and when appropriate;
- C. (x) topic to be addressed.

Such requests shall be subject to the recommendation of the District Administrator and the approval of the Board President.

#### Public Comment Section of the Meeting

To permit fair and orderly public expression, the Board may provide a period for public comment at any regular meeting of the Board and publish rules to govern such comment in Board meetings.

The presiding officer of each Board meeting at which public comment is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

- A. (x) Public comment shall be permitted
  - (x) as indicated on the order of business.
  - (x) before the Board takes official action on any issue of substance.
  - (x) at the discretion of the presiding officer.
- B. (x) Anyone having a legitimate interest in the actions of the Board may comment during the public portion of a meeting.
- C. (x) ~~Attendees must register their intention to comment in the public portion of the meeting upon their arrival at the meeting.~~
- D. (x) Participants must be recognized by the presiding officer
  - (x) and will be requested to preface their comments by an announcement of their name;
  - (x) address;

(  ) group affiliation, if and when appropriate.

E. (  ) Each statement made by a participant shall be limited to \_\_\_\_\_ **five** ( 5 ) minutes duration.

F. (  ) No participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard.

G. (  ) Participants shall direct all comments to the Board and not to staff or other participants.

H. (  ) Participants shall address only topics within the legitimate jurisdiction of the Board.

I. (  ) All statements shall be directed to the presiding officer; no person may address or question Board members individually.

J. (  ) The presiding officer may:

1. (  ) interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;

2. (  ) request any individual to leave the meeting when that person does not observe reasonable decorum;

3. (  ) request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;

4. (  ) call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;

5. (  ) waive these rules.

(  ) with the approval of the Board when necessary for the protection of privacy or the administration of the Board's business.

K. (  ) ~~The portion of the meeting during which the comment of the public is invited shall be limited to \_\_\_\_\_, unless extended by a vote of the Board.~~

L. (  ) The Board may authorize administration to arrange for the recording, filming, photographing, broadcasting, or live streaming of open sessions of Board meetings.

M. (  ) Signage, banners, or other material which impedes any person's view of the proceedings, including a Board member's view, shall be relocated so as not to obstruct views.

Recording, filming, or photographing the Board's open meetings by Third Parties is permitted pursuant to 19.90, Wis. Stat. Recording, filming, or photographing the Board's closed session is only permitted pursuant to Bylaw 0167.2 – Closed Session. The person operating the equipment should contact the District Administrator prior to the Board meeting to review the possible placement of the equipment, and must agree to abide by the following conditions:

A. No obstructions are created between the Board and the audience.

B. No interviews are conducted in the meeting room while the Board is in session.

C. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience or otherwise disrupt the meeting while the Board is in session.

Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	USE OF ELECTRONIC MAIL
Code	po0167.5 (YES)
Status	From Neola

#### 0167.5 - USE OF ELECTRONIC MAIL

E-mail is a form of communication that could conflict with the Open Meetings law and must be preserved for production in the context of a public records request. Board members are strongly discouraged from communicating regarding Board business with other Board members, District administrators, school staff or members of the community via electronic mail.

If a Board member does utilize electronic mail, it may be used only for the purposes of communicating:

- A. (  ) messages between Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board;
- B. (  ) possible agenda items between the District Administrator and the Board president;
- C. (  ) times, dates, and places of regular or special Board meetings;
- D. (  ) a Board meeting agenda or public record information concerning items on the agenda;
- E. (  ) requests for public record information from a member of the administration, school staff, or community pertaining to District operations;
- F. (  ) brief, factual responses to questions posed by members of the public, administrators, or school staff with a concurrent copy of the response sent to the District Administrator.

Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	E-MAIL - PUBLIC RECORDS
Code	po0167.6 (YES)
Status	From Neola

#### 0167.6 - E-MAIL - PUBLIC RECORDS

There should be no expectation of privacy for any messages sent by e-mail. All e-mail sent or received by any member of the Board in the course of conducting the business of the Board, including e-mail addresses not supplied by the District, shall be provided to the (X) District's Records Custodian **[Drafting Note: choose if the District Records Custodian is not the District Administrator. Must be consistent with designation in Policy 8310.]** or the District Administrator for preservation. Such records may be subject to disclosure under the Public Records law.

The District Administrator ( ) in consultation with the District Records Custodian **[END OF OPTION]** shall devise and develop procedures pertaining to e-mail communications and public records. The custodian shall do the following:

- A. (X) develop procedures for collecting, archiving and cataloging Board e-mail communications
- B. (X) develop procedures for reproducing Board e-mail communications to comply with a request under the Public Records law
- C. ( ) promptly disseminate the procedures for collecting, archiving and cataloging Board member e-mail communications to each Board member

Board members are required to provide to the (X) District Administrator ( ) Records Custodian **[END OF OPTION]** all e-mail communications, when sent or received on an e-mail address other than the District provided e-mail address, using the procedure developed by the District Administrator ( ) and Records Custodian **[END OF OPTION]** without regard to whether the Board member believes the communication is subject to disclosure under the Public Records Act.

Prior to implementation of a procedure for collection of e-mail, all such communications of the Board members must be copied to the ( ) Records Custodian or **[END OF OPTION]** District Administrator.

Board members shall utilize e-mail communication only as described in Bylaw 0167.5.

Each Board member as an elected official is independently required by law to comply with public records requests for e-mail communications sent or received on the Board member's personal e-mail account, which involves District business.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	USE OF PERSONAL COMMUNICATION DEVICES
Code	po0167.7 (YES)
Status	From Neola

### **0167.7 - USE OF PERSONAL COMMUNICATION DEVICES**

When performing their duties as a Board member, regardless of whether they are using personally-owned or Board-owned personal communication devices (PCDs), Board members use of PCDs shall be in accordance with the following policies **( )** and **administrative guideline**:

- A. Policy 7530.02 - Staff and School Officials Use of Personal Communication Devices
- B. Policy 7542 - Access to District Technology Resources from Personally-Owned Personal Communication Devices
- C. **( ) Policy 7530.01 - Cell Phone Allowance**
- D. **(x) Policy 7530.01 - Board-Owned Personal Communication Devices**
- E. Policy 7540.04 – Staff Technology Acceptable Use and Safety
- F. **( ) AG 7540.04 – Staff Technology Acceptable Use and Safety**

For purposes of this Bylaw, PCDs shall be defined as set forth in Board Bylaw 0100 - Definitions.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	MEETING MINUTES
Code	po0168.1 (YES)
Status	From Neola
Legal	19.88(3), Wis. Stats. 120.11, Wis. Stats.

#### **x0168.1 - MEETING MINUTES**

The Clerk, or a temporary clerk appointed by the presiding officer, shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. These minutes must be approved by the Board and endorsed

by the President and the Clerk;

by the President;

by the Clerk; or

by a person designated by the presiding officer

which should ordinarily occur at the next regular meeting. The minutes shall include all votes taken at the meeting.

Proceedings of each meeting shall be

published as a Class I notice **[Drafting note: This option should be selected if a newspaper is published in the District. If there is no newspaper published in the District, the proceedings shall be posted or published as the Board directs. See next option.]**

publicized by School District-wide distribution prepared and directed by the Board and paid out of school funds

within forty-five (45) days of the meeting. The notice shall also contain a listing of receipts and expenditures in the aggregate. There will also be a detailed record of all receipts and expenditures available for inspection at each regular Board meeting and upon written request.

The minutes shall be available for inspection at the District Administrator's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

The official minutes shall be maintained in print or in electronic form and shall be accessible in the District office.

The minutes shall show only date, time, place, Board members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called

and the names of non-Board member presenters

and the reports presented by the District Administrator or designee(s)

and if requested, remarks of

Board members.

↳ administration.

↳ citizens present.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	PRESIDENT
Code	po0171.1 (YES)
Status	From Neola
Legal	120.15, Wis. Stats.

#### 0171.1 - **PRESIDENT**

The President of the Board shall:

- A. act as chairperson at meetings of the Board and ensure that minutes of meetings are properly recorded, approved, and signed;
- B. countersign all checks, share drafts, or other drafts for disbursement of District funds;
- C. defend on behalf of the District all actions brought against it;
- D. prosecute, when authorized by **(x)** an annual meeting of the District or by the Board, **[DRAFTING NOTE: For Common and Union High School Districts] ( ) the Board, [DRAFTING NOTE: for Unified School Districts] [END OF OPTIONS]** actions brought by the District and an action for the recovery of any forfeiture incurred under Chapters 115 to 121, Wis. Stats. in which the District has an interest; and
- E. perform other duties appropriate to the office of the President under 120.15, Wis. Stats.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	VICE-PRESIDENT
Code	po0171.2 (YES)
Status	From Neola
Legal	120.15(5), Wis. Stats.

**0171.2 - VICE-PRESIDENT**

The Vice-President of the Board shall act as chairperson of the Board meeting by:

- A. presiding at meetings of the Board when the President is not able to attend;
- B. performing other duties appropriate to the office of Vice-President as the Board determines;
- C. in case of a vacancy in the office of President, succeeding to the office of President for the balance of the unexpired term.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	CLERK
Code	po0171.3 (YES)
Status	From Neola
Legal	7.53, 120.17, Wis. Stats.

#### 0171.3 - CLERK

The Clerk of the Board is responsible for the following duties, which may be completed with the assistance of appropriate staff (  ) or designee pursuant to Bylaw 0152 - Officers ~~[END OF OPTION] [DRAFTING NOTE: This option should only be taken if the designations have been made under Option E in Bylaw 0152 - Officers.]~~

- A. act as clerk and record the proceedings of all meetings of the Board, (  ) ~~[FOR COMMON AND UNION DISTRICTS]~~ and of annual and special meetings;
- B. enter the proceedings of the Board in proper record books;
- C. enter in the record book copies of all Clerk's reports sent to municipal clerks;
- D. draw and record orders on the Treasurer as directed by the Board, (  ) ~~[FOR COMMON AND UNION DISTRICTS]~~ or as directed by an annual or special meeting;
- E. be the chief election officer of the District with authority to report the name and post office address, within ten (10) days after the election or appointment, of each Board officer to the clerk and treasurer of each municipality having territory within the District;
- F. appoint qualified electors of the District to serve on the School District Board of Canvassers for each election in accordance with 7.53(3)(a), Wis. Stats.;
- G. perform other duties as prescribed by law or the Board.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	TREASURER
Code	po0171.4 (YES)
Status	From Neola
Legal	66.0607, 120.16, Wis. Stats.

#### 0171.4 - **TREASURER**

The Treasurer of the Board is responsible for the following duties, which may be completed with the assistance of appropriate staff (  ) or designee pursuant to Bylaw 0152 - Officers. **[END OF OPTION] [DRAFTING NOTE: This option should only be taken if the designations have been made under Option E in Bylaw 0152 - Officers.]**

- A. apply for, receive, and sue for all money appropriated to or collected for the District and disburse the same in accordance with law;
- B. enter in the account books all money received and disbursed and specify the source of the funds and the person to whom funds were paid and the object of the payment;
- C. immediately upon receipt, deposit District funds in the District's name in a public depository designated by the Board in accordance with 120.12(7), Wis. Stats.;
- D. (  **[FOR COMMON AND UNION DISTRICTS]** )-present at the annual meeting a written statement of all money received and dispersed by the District in the preceding year;
- E. perform other duties prescribed by statute or by the Board.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	LEGAL COUNSEL
Code	po0172 (YES)
Status	From Neola

**0172 - **LEGAL COUNSEL****

The Board may employ or retain an attorney or attorneys to represent the School District or Board in actions brought for or against the District and to render other legal services for the welfare of the School District.

Authority to contact such counsel for legal advice or assistance on behalf of the District shall normally be that of the Board President and District Administrator unless otherwise specified by the Board.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	INDEPENDENT FINANCIAL AUDITOR
Code	po0173 (YES)
Status	From Neola
Legal	120.14, Wis. Stats.

**0173 - INDEPENDENT FINANCIAL AUDITOR**

The financial records and accounts of the District shall be audited annually by a certified public accountant in accordance with prescribed standards and legal requirements.

The independent auditor shall:

- A. examine the balance sheet of the District at the close of its fiscal year and the related statements of transactions in the various funds for the fiscal year then ended;
- B. conduct such examination in accordance with generally accepted auditing standards and to include such tests of the accounting records and such other auditing procedures as are necessary for the circumstances;
- C. render an opinion of the financial statements prepared at the close of the fiscal year;
- D. make such recommendations to the Board of Education concerning its accounting records, procedures, and related activities as may appear necessary or desirable;
- E. perform such other related services as may be requested by the Board.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	ANNUAL REPORT
Code	po0174.1 (YES)
Status	From Neola
Legal	120.18, Wis. Stats.

#### **0174.1 - ANNUAL REPORT**

The Board Clerk, or an Administrator if authorized in accordance with  Bylaw 0152 - Officers ~~( Board action~~ **[END OF OPTIONS]**, shall file with the Department of Public Instruction (DPI) (publish) an annual District report by September 1st in the format prescribed by the DPI as required by law.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	OTHER REPORTS
Code	po0174.3 (YES)
Status	From Neola
Legal	120.18, Wis. Stats. 115.38(1), Wis. Stats.

#### **0174.3 - OTHER REPORTS**

In addition, the Board shall publish other reports it deems necessary to keep the community and government authorities adequately informed about the operation of the District.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	ASSOCIATION MEMBERSHIPS
Code	po0175 (YES)
Status	From Neola

**0175 - ASSOCIATION MEMBERSHIPS**

The Board may maintain membership in the  National School Boards Association  (x) Wisconsin Association of School Boards  Consortium of State School Board Associations   and may take part in the activities of these groups.

The Board may also maintain institutional memberships in other educational organizations which the District Administrator and Board find to be of benefit to members and District personnel.

The materials and other benefits of these memberships will be distributed and used to the best advantage of the Board and staff.

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Book	Neola Policy Templates for Processing
Section	0000 Bylaws Templates (X)
Title	SCHOOL BOARD CONFERENCES, CONVENTIONS, AND WORKSHOPS
Code	po0175.1 (YES)
Status	From Neola

#### **0175.1 - SCHOOL BOARD CONFERENCES, CONVENTIONS, AND WORKSHOPS**

The Board recognizes the value of membership and attendance at conferences and meetings at the local, County, State, and National level.

Attendance at local, County, (  ) State, ~~[END-OF-OPTION] ( )~~ and/or National ~~[END-OF-OPTION]~~ workshops and conferences is encouraged.

Each Board member is expected to report back to the Board after attending a conference at District expense.

Travel and personal expenses of a spouse, children, or other guest traveling with a Board member shall be the responsibility of the Board member or of the individual. Expenses for convention functions attended as a group will be borne by the District within budgetary limits.

The President of the Board will regularly receive a record of Board member attendance at conferences.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	DISTRICT ORGANIZATION
Code	po1100 (YES)
Status	From Neola
Legal	118.24, Wis. Stats.

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

The Board 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 District Administrator 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 efficient use of District resources, and serve the educational goals of the Board. Any reconfiguration of the grouping of grades, the use of buildings, or revision of services as part of the District's instructional program shall require Board approval.

The District Administrator shall be the administrative head of the District. The District Administrator shall define and recommend those administrative positions required to implement the educational system and program of learning established by the Board. Any revision of the District's administrative organizational structure shall require Board approval.

Responsibility shall flow clearly from the District Administrator through administrators to the operational personnel in a manner consistent with the District's plan of supervision for staff.

It shall be the responsibility of the District Administrator to determine the need for and define operational requirements sufficient to ensure the effective functioning of the District.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	ETHICS AND CONFLICT OF INTEREST
Code	po1130 (YES)
Status	From Neola
Legal	19.42(7), 19.59, 946.13, 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

#### 1130 - ETHICS AND 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, and 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 that are designed to avoid the occurrence or appearance of any conflicts of interest. 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 an ethical manner and free from an actual conflict of interest or from situations that create the appearance of a conflict of interest, in a manner consistent with 19.59, Wis. Stats. The Board's interest in enforcing this policy is to assure that the decisions and actions of public employees retain the public's trust. Therefore, even a conflict relationship that can be viewed as beneficial to the District or that was intended to be beneficial to the District, may still be a violation of this policy.

A. No administrative employee, officer, or agent shall engage in or have a personal or financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the employee's, officer's, or agent's duties and responsibilities in the school system. Specifically, administrative employees must perform their duties in a manner that does not violate criminal conflict of interest laws pursuant to 946.13, Wis. Stats. by having a private pecuniary interest in an amount that exceeds \$15,000, but also lesser valued conflicts that nonetheless create the appearance of using one's public position to secure a private pecuniary interest and/or benefit.

B. Administrative employees shall not directly supervise a relative employed by the District or employed in a position contracted for by the District.

C. Administrative employees, officers, and agents shall not engage in business, private practice of their profession, the rendering of services, or anything of substantial value or the sale of goods of any type where advantage is taken of any professional relationship they may have with any employee, 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, unless the provision of services is arranged outside of school and is separate from, and in addition to, regular support provided to students as part of the administrator's regular duties ~~( ) or the service is not provided to students enrolled in one or more class with an administrative staff member~~  
**[END OF OPTION]**

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 granted in the course of the employee's, officer's, or agent's employment or professional relationship with the School District through their 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 employees, 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.

D. 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 District Administrator before entering into any private relationship.

E. 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.

F. Administrative employees, officers, and agents shall not participate in the selection, award, and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit, or in which a dependent of the employee has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild, or adopted child under the age of eighteen (18); or individual for whom the employee provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee or the employee's dependent who is under the direct or indirect administrative control of the professional employee or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.

Administrative employees, officers, and agents may not 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 ~~\$50.00~~ or less. **[END OF OPTIONAL LANGUAGE]**

**[DRAFTING NOTE: Section 200.318 of Title 2 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. Nominal value is frequently defined as anything of value less than \$25, however, local standards may differ.]**

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

discipline in accordance with Policy 3139 - Staff Discipline.

~~discipline as specified in the Employee Handbook.~~

the following disciplinary actions: **[insert School District's disciplinary actions]**

**[DRAFTING 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 applicable Board policy or employee handbook provisions.]**

No administrative employee may accept or engage in any employment, consulting, advising, or other professional activity with any organization other than the District, whether the administrator will receive compensation for such outside activity or not, without first  providing notice to  obtaining the approval of **[END OF OPTION]** the District Administrator, or in the case of the District Administrator, such  notice must be provided to  approval must be obtained from **[END OF OPTION]** the Board.  No administrative employee shall receive compensation, including payment for expenses, from any outside organization for any activity related to the administrator's occupation as a professional educator without Board approval.

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 the employee's public position to obtain a financial gain or anything of substantial value for oneself or the employee's immediate family, as defined in 19.42(7), Wis. Stats.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	BOARD - DISTRICT ADMINISTRATOR RELATIONSHIP
Code	po1210 (YES)
Status	From Neola

#### **1210 - BOARD - DISTRICT ADMINISTRATOR RELATIONSHIP**

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

The District Administrator, as the chief administrative officer of the 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.~~

The District Administrator and those administrators directed by the District Administrator 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.

In the interests of promoting and maintaining a healthy and productive work environment, the District Administrator shall report to the Board President any information regarding Board member conduct in violation of Policy 3362.01 - Threatening Behavior Toward Staff Members, Policy 4362.01 - Threatening Behavior Toward Staff Members, or Bylaw 0144.5 - Board Member Behavior and Code of Conduct. If such a report involves the Board President, the Board Vice-President shall be notified.

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

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	WHISTLEBLOWER PROTECTION
Code	po1211 (YES)
Status	From Neola

#### **1211 - WHISTLEBLOWER PROTECTION**

The Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies, and administrative procedures. The Board expects employees to report to their immediate supervisors any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare. Additionally, employees are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an administrator who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of the employee's immediate supervisor. If the administrator's immediate supervisor is not responsive or is the employee whose behavior is in question, the administrator should report the alleged misconduct to the District Administrator.

After such a report is made by the administrator, the immediate supervisor or the District Administrator will ask that the report be put in writing.

Any administrator making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the administrator made such a report based on a reasonable and good faith belief that the report is accurate and not based on the administrator's intent to harm, harass, intimidate, or retaliate against another individual.

Administrators are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, administrators are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor or to the District Administrator, as appropriate.

If the alleged misconduct that is reported involves a Board member, the employee shall report to the District Administrator who is authorized to engage the Board's legal counsel to manage an investigation concerning the matter. If the report concerns the District Administrator the administrator shall make the report to the Board President, who is authorized to engage the Board's legal counsel to manage the investigation.

Upon receipt of a report made by a staff member pursuant to this policy, an investigation shall be commenced as soon as possible and shall be handled expeditiously.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	STUDENT SUPERVISION AND WELFARE
Code	po1213 (YES)
Status	From Neola
Legal	48.981, Wis. Stats. 948, Wis. Stats. 948.095, Wis. Stats.

### 1213 - STUDENT SUPERVISION AND WELFARE

Administrators are frequently confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the administrator. It is the intent of the Board to direct the preparation of guidelines that would minimize that possibility.

An administrator who is found to have had sexual contact with any student 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 48.981, Wis. Stats. and Policy 8462.

Each administrator shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities which include, but are not limited to, the following:

- A. An administrator shall report immediately any accident or safety hazard about which they are informed, or detect, to their supervisor as well as to other authorities or District staff members as may be required by established policies and procedures.
- B. An administrator shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or threat of these activities, by students to the District Administrator and local public safety agencies and/or school officials in accordance with Policy 8420 - School Safety.
- C. An administrator should not volunteer to assume responsibility for duties that they cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
- D. An administrator shall not send students on any personal errands.
- E. An administrator 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. Any sexual or other inappropriate conduct with a student by any administrator will subject the offender to potential criminal liability and District discipline, up to and including termination of employment.

This provision should not be construed as precluding an administrator from associating with students in private for legitimate or proper reasons or to interfere with familial relationships that may exist between staff and students.

- F. An administrator shall not disclose personally identifiable information about a student to third parties unless specifically authorized by law or the student's parent(s) to do so.
- G. An administrator, other than the District Administrator, shall not transport students for school-related activities in a private vehicle without the approval of their immediate supervisor and consistent with the provisions of Policy 8660. This does not apply to any student who is an administrator's family member.

H. A student shall not be required to perform work or services that may be detrimental to their health.

I. Administrators (x) are discouraged from engaging ( ) shall not engage [END OF OPTIONS] students in social media and online networking media (see also Policy 7544), except for appropriate academic, extra-curricular, and/or professional uses only. **[Must be consistent with selections made in Policy 7540, Policy 7540.03, Policy 7540.04.]**

J. Administrators are expressly prohibited from posting any picture, video, meme, or other visual depiction, or comment pertaining to any student on personal or unauthorized social networking media or similar forums. This provision of the policy does not apply to pictures and/or videos taken of public events that may involve or incidentally include depictions of students participating in or observing such events where the purpose of the photo or video is to depict the event, not a particular student. This section does not apply to depictions of an administrator's own child or other relative.

Since most information concerning a child in school, other than directory information described in Policy 8330 - Student Records, is a confidential student record under Federal and State laws, any administrator who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

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

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	EMPLOYMENT OF THE DISTRICT ADMINISTRATOR
Code	po1220 (YES)
Status	From Neola
Legal	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

#### 1220 - EMPLOYMENT OF THE DISTRICT ADMINISTRATOR

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

Whenever the position of District Administrator shall be vacant, the Board shall appoint a District Administrator 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.

The Board shall actively seek the best qualified and most capable candidate for the position of District Administrator.

It may be aided in this task by:

- A.  a committee of Board members;
- B.  the services of professional consultants;
- C.  the counsel of the out-going District Administrator;
- D.  the participation of members of the community.

Recruitment procedures may be prepared in advance of the search and ~~( ) shall~~  may include:

- A.  preparation of a written job specification for the position of District Administrator;
- 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 District Administrator.

No person may be employed as District Administrator of this District unless s/he has the proper Wisconsin certification or has applied for certification as a District Administrator 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 District Administrator 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 District Administrator 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 District Administrator 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 District Administrator, if not already an employee of the District, shall be required to undergo a physical examination, including a 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 the District guidelines and applicable law. The cost of the examination shall be borne by the District.

The District Administrator 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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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	RESPONSIBILITIES OF THE DISTRICT ADMINISTRATOR
Code	po1230 (YES)
Status	From Neola
Legal	118.24, 120.13(1)(b), Wis. Stats

## 1230 - **RESPONSIBILITIES OF THE DISTRICT ADMINISTRATOR**

The District Administrator shall strive to achieve District goals by providing educational direction and supervision to the professional staff and supervision to the support staff and by acting as a proper model for staff and students both in and outside the District.

### **Duties and Responsibilities**

The District Administrator shall be directly responsible to the Board of Education for the performance of the following assigned duties and responsibilities:

- A. (  ) keep the Board informed of school operation by preparing monthly Board agendas, providing oral and written communication, scheduling management team committee meetings, and requesting special Board meetings that become necessary to keep the Board properly informed
- B. (  ) ensure that all aspects of District operation comply with State laws and regulations as well as Board contracts and policies
- C. (  ) establish and maintain any written educational plan that may be required by law and consistent with the educational goals adopted by the Board
- D. (  ) ensure proper implementation of the current District-wide instructional plan
- E. (  ) strive to increase the efficient use of District resources in the daily operations of the schools
- F. (  ) assign staff to achieve the maximum benefit toward the attainment of educational goals
- G. (  ) evaluate the progress of the professional and support staff toward the attainment of educational goals
- H. (  ) analyze the results of instructional program development as it applies to the Board's educational goals
- I. (  ) recommend changes in instructional or staffing patterns based on an analysis of staff and program progress
- J. (  ) work to assure, where appropriate, that the decision-making process includes the participation of the administration and staff, parents, students and others in the community
- K. (  ) work cooperatively with parents and community groups concerned with programs in the schools
- L. (  ) develop personal capabilities in personnel strategies and facility management
- M. (  ) work cooperatively with the Board and administrative staff
- N. (  ) strive toward the highest standards of personal conduct
- O. (  ) perform other duties as assigned by the Board and as consistent with statute
- P. (  ) perform such other duties as the Board may direct

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	DEVELOPMENT OF ADMINISTRATIVE GUIDELINES
Code	po1230.01 (YES)
Status	From Neola
Legal	118.24, Wis. Stats.

#### **1230.01 - DEVELOPMENT OF ADMINISTRATIVE GUIDELINES**

The Board of Education delegates to the District Administrator 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 District Administrator recommends Board adoption.

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

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	NON-RENEWAL OR TERMINATION OF THE DISTRICT ADMINISTRATOR'S CONTRACT
Code	po1241 (YES)
Status	From Neola
Legal	118.24(6) and (7), Wis. Stats.

#### **1241 - NON-RENEWAL OR TERMINATION OF THE DISTRICT ADMINISTRATOR'S CONTRACT**

The Board has an obligation to the students, parents, and residents of this District to employ the professional leadership the Board feels best suited to meet the educational needs of the students. The Board shall meet this obligation through recruitment, hiring, and supervision efforts designed to assure that the District Administrator is highly qualified and meeting performance standards while in the position.

**[ X ]** If the District Administrator's performance is found to be unsatisfactory by the Board, the District Administrator shall be notified in writing by the President. The District Administrator shall normally be given an opportunity to address identified deficiencies in performance.

If the Board intends to consider non-renewal of the District Administrator's contract, it shall give the District Administrator written preliminary notice by registered mail at least five (5) months prior to the expiration of the contract.

If the District Administrator files a written request with the Board within seven (7) days after receiving such notice, the District Administrator has a right to a hearing prior to being given the notice of non-renewal of the contract. The District Administrator 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 District Administrator, 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 membership of the Board.

Non-renewal or unilateral termination of the District Administrator's contract shall be consistent with State law and with the provisions of the employment contract between the Board and the District Administrator. The Board President, with the assistance of Board legal counsel, shall be responsible for compliance with non-renewal or termination procedural requirements.

By mutual agreement of the Board and the District Administrator, the employment contract may be modified or terminated. Policy 3140 - Non-Renewal, Resignation, and Termination applies to administrators other than the District Administrator.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	INCAPACITY OF THE DISTRICT ADMINISTRATOR
Code	po1260 (YES)
Status	From Neola

#### **1260 - INCAPACITY OF THE DISTRICT ADMINISTRATOR**

It is the duty of the Board to appoint an interim District Administrator by a majority vote of the Board upon a determination that the District Administrator is incapacitated in such a manner that the District Administrator is unable to perform the duties of the office. Until such appointment, the Board President shall have the authority to take or delegate necessary administrative actions on behalf of the District.

The Board shall fix the compensation of the interim District Administrator who shall serve, pending further determination of the District Administrator's ability to perform assigned duties and functions, or until the District Administrator's employment ends and a new District Administrator assumes office. The interim District Administrator shall perform all of the duties and functions of the District Administrator, and may be removed at any time using the procedures set forth in Policy 3140 - Non-Renewal, Resignation, and Termination.

The Board will exercise its authority under law to determine the incapacity of the District Administrator and to place the District Administrator on leave for a physical or mental condition that affects the District Administrator's ability to perform assigned duties in conformance with the law. The Board may require that the District Administrator submit to an appropriate examination by a healthcare provider of the District Administrator's choice, a healthcare provider designated and compensated by the District, or both.

The District Administrator 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 District Administrator is unable to perform the duties of the office, the District Administrator may:

- A.  at the District Administrator's request, be placed on sick leave, with pay, not to exceed the amount of accumulated, but unused, sick leave and any advancement of such sick leave which may be authorized by Board policy;
- B.  at the request of the Board be placed on sick leave with such pay to which the District Administrator may be entitled or which may be authorized by Board policy;
- C.  at the District Administrator's 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 such examination, the District Administrator is found to be unable to perform assigned duties, the District Administrator may be placed on a leave of absence until such time as the District Administrator is able to return to the performance of the position or other action is taken.

The Board 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 of the District Administrator.

The District Administrator 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 District Administrator to establish to its satisfaction that the District Administrator is capable of resuming such duties on a full-time basis.

The Board may demand that the District Administrator return to active service upon medical documentation that the District Administrator is able to resume the position's duties.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	GROUP HEALTH PLANS
Code	po1619 (YES)
Status	From Neola

#### 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 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 OPTIONS]** compensation equal to ( ) \_\_\_\_\_ (%) of the cost of single medical coverage for that employee, or ( ) 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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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	JOB DESCRIPTIONS
Code	po1400 (YES)
Status	From Neola

## 1400 - JOB DESCRIPTIONS

The Board recognizes that it is essential for District and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for professional staff positions, and thereby promote organizational effectiveness and efficiency. Therefore, the District Administrator shall maintain a current, comprehensive, and coordinated set of job descriptions for professional and support staff positions. Job descriptions of licensed personnel, and any revisions thereof, shall be approved by the Board and maintained at the District Office\_\_\_\_\_.

The job description of the District Administrator shall be included in the Board policy manual.

All job descriptions of non-licensed administrators shall be approved by the District Administrator\_\_\_\_\_ and will be maintained at the District Office\_\_\_\_\_.

As long as the provisions of the job description(s) 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.

Each professional staff member's job description shall contain the following provision:

"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."

Each support staff member's job description shall contain the following provision:

"The employee shall remain free of any alcohol or illegal substance in the workplace in compliance with Policy 4122.01 throughout his/her employment in the District."

Employees will be evaluated, at least in part, against their job descriptions.

Job descriptions shall be brief, factual, and, wherever possible, generically descriptive of similar jobs.

Each job description shall include the requirement that the staff member serves as a positive role model for students and to help instill in students the belief in, and practice of, ethical principles and democratic values.

Each job description shall include a statement that reserves the authority to the District Administrator to assign additional duties and responsibilities as necessary within the scope of the employment position.

During the hiring process, the current job description for the position for which the individual is interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the position.

Upon employment by the Board, the staff member shall receive a copy of the current job description for the position for which s/he has been employed. The employee's immediate supervisor shall review this job description with the staff member as part of the employment orientation process.

From time-to-time, the Board further recognizes that the District Administrator may find it necessary to revise job descriptions for support staff positions.

During the revision of a job description, the District Administrator may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, staff members who are affected by that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

~~[-] The District Administrator shall prepare administrative guidelines necessary for the proper implementation of this policy.~~

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	DISTRICT ADMINISTRATOR JOB DESCRIPTION
Code	po1400.01 (YES) cross reference with current
Status	From Neola

## 1400.01 - **DISTRICT ADMINISTRATOR JOB DESCRIPTION**

**Title:** District Administrator

**Reports To:** \_\_\_\_\_ Medford Area Public School District Board

**Supervises:**

Directly: All District office administrators and all principals

Indirectly: All employees of the \_\_\_\_\_ Medford Area Public School District

**District Administrator Job Function:**

The District Administrator serves as the administrative head of the District 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 District Administrator may delegate responsibility and authority for the operation of the various School District functions to District employees. However, the District Administrator 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 District Administrator 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 District Administrator 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 District Administrator 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 District Administrator fosters the well-being and success of all staff and students through continuous improvement process for effective **operations and resource management**.
- E. The District Administrator fosters the success of all students by **communicating, collaborating, and connecting** effectively with the Board, staff, families, community, and other stakeholders.
- F. The District Administrator 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 measurable outcomes.
2. Promotes 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.

Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS
Code	po1421 (YES)
Status	From Neola
Legal	111.335, Wis. Stats.

## **1421 - CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS**

### **Criminal History Record Check**

To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant the District Administrator recommends for employment on the District's administrative staff. Any contracts with outsourced services, employment agencies, or temporary services must require such providers to conduct and retain a criminal history record check of individuals providing service to the District.

Such an inquiry shall also be made for substitutes who may be employed by the District.

The District Administrator shall establish the necessary procedures for obtaining any criminal history on the applicant.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the District Administrator may employ the person on a provisional basis until the report is received.

All information and records obtained from such inquiries are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications.

### **Employee Self-Reporting Requirement**

All District employees shall notify the District Administrator as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any criminal or municipal offense.

The District Administrator, as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication shall notify the (  ) Board President (  ) for any criminal or municipal offense.

The requirement to report a conviction or deferred adjudication applies to major traffic offenses (e.g., operating under the influence of an intoxicant or other drug, reckless driving, operating after suspension/revocation, failure to report an accident, refusal to take a breath test). Minor traffic offenses (e.g., non-moving violations, speeding, failure to yield, failure to obey a traffic signal, unattended vehicle, illegal parking) do not need to be reported.

However, if an employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff, other than the staff member's own family, in any vehicle they must report any traffic offense (not including parking tickets).

Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po1422 (YES)
Status	From Neola
Legal	<p>111.31 et seq., Wis. Stats.</p> <p>111.335(d)(2), Wis. Stats.</p> <p>118.195, Wis. Stats.</p> <p>118.20, Wis. Stats.</p> <p>Fourteenth Amendment, U.S. Constitution</p> <p>20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974</p> <p>20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act</p> <p>29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended</p> <p>38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act</p> <p>42 U.S.C. 2000 et seq., Civil Rights Act of 1964</p> <p>42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 1973 as amended</p> <p>42 U.S.C. 6101 et seq., Age Discrimination Act of 1975</p> <p>42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended</p> <p>29 C.F.R. Part 1635, The GINA Regulations</p> <p>34 C.F.R. Part 110, The Age Discrimination Act Regulations</p>

## **1422 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

The Board does not discriminate in the employment of administrative staff on the basis of race, color, national origin, age, sex (including gender 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.), 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 legally protected category in its programs and activities, including employment opportunities.

Notice of the Board's policy on nondiscrimination and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

### **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Complainant** is the individual who alleges, or is alleged, to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

**Day(s):** Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

**Military status** refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Wisconsin organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

**Respondent** is the individual who has been alleged to have engaged in discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

**School District community** means students and Board employees (i.e., administrators, and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

### **District Compliance Officers**

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators"; hereinafter referred to as the "COs").

**[DRAFTING NOTE: Neola suggests the Board 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/retaliation that pertains to the other CO, if appropriate.]**

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

Elizabeth Rachu

Director of Curriculum and Instruction

715-748-4620, 5522

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rachuel@medford.k12.wi.us

Joseph Greget

Director of Special Education and Student Services

715-748-2316, 3324

1065 W Broadway, Medford, WI 54451

gregeo@medford.k12.wi.us

The names, titles, and contact information of these individuals will be published annually:

A. on the School District's website.

B. ( ) in the staff handbooks.

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

D. ( ) on each individual school's website.

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

F. ( ) \_\_\_\_\_.

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 has been provided for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, 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. (  ) Any sections of the District's postings, notifications, advertisements, or other materials regarding recruiting, hiring, and promotion need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from these materials. **[END OF OPTION]**

### **Reports and Complaints of Discrimination and Retaliation**

Employees are required to report incidents of discrimination and/or retaliation to an administrator, supervisor, or other supervisory employees so that the Board may address the conduct. Any administrator, supervisor, or other supervisory employees who receive such a report shall file it with the CO at the employee's first opportunity, but no later than two (2) days.

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her gender status, sexual orientation, and gender identity.

Any questions concerning whether alleged conduct might violate this prohibition should be brought to the CO's attention promptly.

Employees who believe they have been discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint will not adversely affect the Complainant'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 discrimination/retaliation. COs shall accept reports of discrimination/retaliation directly from any member of the School District community or a Third Party, or receive reports that are initially filed with another Board employee. Upon receipt of a report of alleged

discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or ~~the CO will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators.~~ **[END OF OPTION 1]** **[x] Option 2** the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. **[END OF OPTION 2]** The CO will provide a copy of this policy to the Complainant and the Respondent upon request.

Any Board employee who directly observes 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 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 Complainant within two (2) business days to advise of the Board's intent to investigate the alleged wrongdoing.

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

Except for sex discrimination and/or sexual harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to discrimination or retaliation may seek resolution of the complaint through the procedures described below. The complaint procedures involve an investigation of the individual's claims of discrimination/retaliation 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) 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 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**

A Complainant who alleges discrimination/retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) the CO; or 3) to the District Administrator or other supervisory employees. Any complaint received regarding the District Administrator 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 coordinate with the other appointed/designated CO or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.

Due to the sensitivity surrounding complaints of discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) 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 employees, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO at the employee's first opportunity, but no later than two (2) days.

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

All complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); 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 Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the District Administrator.

Within two (2) days of receiving the complaint, the CO or designee will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and upon request 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 and the obligation to do so within five (5) days.

**[ ] [OPTION 1]** Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint. **[ x ] OPTION 2]** Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress. **[END OF OPTIONS]**

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, as determined by the CO;
- 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, as determined by the CO.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in harassment/retaliation of the Complainant. 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.

**( x )** The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may **( x )** in consultation with the District Administrator or Board President, if the matter involves the District Administrator, **[END OF OPTION]** engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) days of receiving the report of the CO, the District Administrator either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A summary of the District Administrator's final decision will be provided to both the Complainant and the Respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days, or as quickly as possible if additional time is necessary due to the availability of necessary witness(es) or documents. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in discrimination/retaliation toward the Complainant, the District Administrator 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, age-appropriate, effective, and tailored to the specific situation.

**[ ]** The decision of the District Administrator shall be final.

**OR**

**[ x ]** A Complainant or Respondent who is dissatisfied with the final decision of the District Administrator may appeal through a signed written statement to the Board within five (5) days of the party's receipt of the District Administrator's decision. The written statement of appeal must be submitted to the District Administrator, who will forward the request to the Board President.

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) 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) days of its decision. The decision of the Board will be final.

#### **[END-OF-OPTIONS]**

The Board reserves the right to investigate and resolve a complaint or report of discrimination/retaliation regardless of whether the Complainant 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 or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

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, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process 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. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.

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 is learned or provided during the course of the investigation.

#### **Remedial Action and Monitoring**

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

#### **Sanctions and Disciplinary Action**

The Board shall vigorously enforce its prohibitions against 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 or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and any relevant codes of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where 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 disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or District Administrator 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 discrimination/retaliation, or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in

any manner in an investigation, proceeding, or hearing under those laws and/or this policy, 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 and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The District Administrator 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.

## **Retention of Investigatory Records and Materials**

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee

Handbooks);

- O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

**[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]**

- Q. () documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- R. () copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- S. () copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;
- T. () copies of any notices sent to the Complainant and alleged perpetrator in advance of any interview or hearing;
- U. () copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po1422.02 (YES)
Status	From Neola
Legal	<p>42 U.S.C. 2000ff et seq.</p> <p>Title II, The Genetic Information Nondiscrimination Act of 2008</p> <p>29 C.F.R. Part 1635</p>

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

The Board 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 applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information also is prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.

The identity of the Compliance Officer (see Policy 1422 - Nondiscrimination and Equal Employment Opportunity) shall be posted throughout the District and published in any District statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the District as required by Federal and State law and on the District website.

In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq., and 29 C.F.R. Part 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and 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 provided as part of the certification process for FMLA leave, or 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 for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a District employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the District.

~~The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits District employees and agents including commercial background investigation agents from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall be redacted immediately and not shared beyond the point of first receipt.~~

As used in this policy, "genetic information" 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.

The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the District's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

The District's Compliance Officer (see Policy 1422 - Nondiscrimination and Equal Employment Opportunity) is responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to ensure the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The Compliance Officer also shall verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members, and that all 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) are 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:

#### **Genetic Information Nondiscrimination Act of 2008 (GINA) Disclosure Requirement**

The Genetic Information Nondiscrimination Act of 2008 or "GINA" prohibits employers and other entities covered by the law, including the Board, from requesting or requiring genetic information of an employee or applicant or family member of an employee or applicant, except as specifically allowed by law. To comply with GINA, 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. Questions concerning compliance with the requirements of GINA may be directed to the Compliance Officer at **715-748-4620** [phone].

~~The Board 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 District and no applicant or employee shall be identified or identifiable from the reported information.~~

The grievance procedure for complaints of discrimination in Policy 1422 applies to complaints of discrimination, including harassment, or retaliation prohibited by GINA and may be utilized if an employee alleges discrimination or harassment on the basis of genetic information or retaliation for identifying, objecting to, or filing a complaint concerning a violation of GINA or this policy.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	PHYSICAL EXAMINATION
Code	po1460 (YES)
Status	From Neola
Legal	<p>118.25, Wis. Stats.</p> <p>118.25(2)(a), Wis. Stats.</p> <p>121.52(3), Wis. Stats.</p> <p>29 C.F.R. Part 1630</p> <p>29 C.F.R. Part 1635</p> <p>42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as amended</p> <p>42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act</p>

#### 1460 - PHYSICAL EXAMINATION

The Board requires any candidate who has been offered employment in a position that involves contact with children or the preparation of food for children, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire. Additional testing may be required to assure freedom from tuberculosis in communicable form.

~~[ ] The Board requires every employee to undergo a physical examination as a condition of ongoing employment every \_\_\_\_\_ years of employment. [END-OF-OPTION]~~

No physical examination may be required of any employee who has filed an affidavit with the **District Administrator** requesting such exemption on the basis that the employee relies exclusively on prayer or spiritual healing in accordance with the teaching of a bona fide religious sect, denomination, or organization and that the employee is to the best of his or her knowledge and belief in good health. An employee exempt from the physical examination requirement may still be required to submit to an examination if there is reason to believe the employee may have an illness that is detrimental to the health of students. Such examination shall be only to the extent sufficient to determine whether the employee suffers from such illness.

**[x]** The District Administrator may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job related and out of necessity for safe and proper performance of job duties. **[END-OF-OPTION]**

Freedom from tuberculosis in a communicable form is a condition of employment.

**[x]** The Board shall also require the candidate 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 District Administrator's guidelines. ~~**[NOTE: the legality of blanket pre-employment drug testing by a government employer 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/District Administrator and to allow the District Administrator 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 District Administrator, 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).

The results of any physical examination conducted in the course of the employment process shall be solely for the purpose of determining employment eligibility or as may otherwise be required by law. Consideration of physical information in employment shall be consistent with the Americans with Disabilities Act (ADA) as amended and the Wisconsin Fair Employment Act (WFEA).

The Board shall assume any fees for required examinations.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY
Code	po1461 (YES)
Status	From Neola
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

#### **1461 - UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

It is the policy of the Board to protect students and employees from the effects of contagious diseases and other circumstances that render administrators unable to perform their duties.

The Board authorizes the District Administrator to place an administrator on leave for a physical or mental condition that affects the employee's ability to perform assigned duties in conformance with the law.

The District Administrator may require that the administrator submit to an appropriate examination by a healthcare provider of the administrator's choice, a healthcare provider designated and compensated by the District, or both.

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/District Administrator and to allow the District Administrator to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal of the administrator to submit to an appropriate examination requested by the District Administrator 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 - Nondiscrimination Based on Genetic Information of the Employee, the District Administrator shall direct the provider designated by the District 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 administrator is found to be unable to perform assigned duties, the administrator shall be placed on a leave of absence pending further determination of ability to perform duties, including evaluation of any reasonable accommodations in the event of the existence of a disability.

Should an Administrator, as defined in Policy 0100 - Definitions, refuse to submit to the examination requested by the District Administrator, such refusal shall subject the administrator to disciplinary action.

The District Administrator 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 - Family & Medical Leave of Absence (FMLA) as provided by law.

In the event the District Administrator is the administrator subject to this policy, the Board President shall direct the appropriate actions pursuant to this policy and Policy 1260 - Incapacity of the District Administrator.

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Book Neola Policy Templates for Processing

Section 1000 Administration Templates (X)

Title EVALUATION OF THE DISTRICT ADMINISTRATOR

Code po1240 (YES)

Status From Neola

Legal 115.415, 118.24, 120.12(2m), 121.02(1)(a), 121.02(1)(g), Wis. Stats.

PI 8.01(2)(a)

PI 8.01(2)(g)

PI 34.03

PI 34.32(1)

PI 47

#### 1240 - EVALUATION OF THE DISTRICT ADMINISTRATOR

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

The Board shall

annually, no later than December 31st \_\_\_\_\_

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

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

- A.  the progress toward the educational goals of the District;
- B.  the working relationship between the Board and the District Administrator;
- C.  the Board's own effectiveness in providing direction to the District Administrator.

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

The Board

and the District Administrator, jointly,

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

- A.  the District Administrator's own self-analysis of the current status of the District;
- B.  the active participation of each Board member;
- C.  a recommendation from a Board committee;
- D.  a compilation of assessments  
(  on a prepared standard form

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

- E. ~~evaluation interviews between the Board and District Administrator during which no other business is discussed;~~
- F. ~~the District Administrator's assessment of Board efficiency and effectiveness.~~

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

- A. ~~determine the District Administrator's salary;~~
- B.  identify strengths and weaknesses in the operation of the District and determine means by which weaknesses can be reduced and strengths are maintained;
- C.  establish specific objectives, the achievement of which will advance the District toward its goals;
- D. ~~improve its own performance as the public body ultimately charged with the educational responsibility of this District.~~

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS
Code	po1619.02 (YES)
Status	From Neola
Legal	<p>20 U.S.C. 1232g</p> <p>29 C.F.R. Part 1635</p> <p>42 U.S.C. 1320d-2</p> <p>42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act</p> <p>Health Insurance Portability and Accountability Act (HIPAA)</p> <p>45 C.F.R. 160.102(a), 164.302, 164.308 (a)(2), 164.404, 164.406, 164.408</p> <p>45 C.F.R. 164.502, 164.502(a), 164.520(a), 164.530(g), 164.530(h), 164.530(j)</p> <p>45 C.F.R. 164.530(k)</p>

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

The Board 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.  Health Flexible Spending Accounts (FSA)
- H.  Limited Purpose Flexible Spending Accounts (LPFSA)
- I.  [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 the District Administrator 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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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	PATIENT PROTECTION AND AFFORDABLE CARE ACT
Code	po1619.03 (YES)
Status	From Neola
Legal	26 U.S.C. 4980H 29 U.S.C. 218B

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

The Board acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the actions listed below.

- 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. Such notice shall be consistent with the sample notice language provided by the U.S. Department of Labor.
- 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 the event the District concludes that it is fiscally advantageous 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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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")
Code	po1630.01 (YES)
Status	From Neola
Legal	<p>29 U.S.C. 2601 et. seq.</p> <p>29 C.F.R. Part 825</p> <p>103.10, Wis. Stats.</p> <p>Wis. Admin. Department of Workforce Development (DWD) 225</p> <p>National Defense Authorization Act of 2010</p>

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

### Introduction

In accordance with Federal and State law, the Board 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.

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

themselves due to a physical or mental disability or, for leave under State law only, unable to care for themselves 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 W FMLA.

"Spouse" includes a qualified domestic partner for leaves governed by the W FMLA. 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 the staff member's 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 the staff member's 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 District Administrator 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, the staff member is entitled to a total of twelve (12) work weeks of leave in ~~( ) a calendar year ( ) a fiscal year running from July 1 to the following June 30 ( ) a twelve (12) month period marked by each employee's date of hire ( ) a rolling twelve (12) month period measured forward from the date of any employee's first FMLA usage~~ **[END-OF-CALENDAR-OPTIONS]** 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, the staff member 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 the staff member's 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. The staff member or their 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 District Administrator 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 the staff member's own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFLMA, 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 District Administrator (forms available from the U.S. Department of Labor).

When planning medical treatment, the staff member should consult with their 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 their supervisor in order to work out a treatment schedule which best suits the staff member's needs, as well as the District's.

If a staff member must take more leave than originally anticipated, they must notify the District Administrator 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 their own serious health condition or the serious health condition of their 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 District Administrator 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 District Administrator 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 District Administrator 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 District Administrator doubts the validity of a certification, the District Administrator 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 District Administrator may request re-certifications on a periodic basis as permitted by law.

### **Designation of Leave**

In all circumstances, it is the responsibility of the District Administrator to designate leave, whether paid or unpaid, as FMLA leave and to give the staff member notice of the designation and their rights and responsibilities under this policy.

The District Administrator will give the staff member the notice on each occasion that the staff member notifies their 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 District Administrator 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 District Administrator sufficient to enable the District Administrator to determine that the leave is being taken for an FMLA-qualifying reason.

The District Administrator 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 their supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

When leave is governed only by the FMLA, intermittent or reduced schedule leave to be with the employee's newborn child, or after the placement of a child with the employee for adoption or foster care, requires the District's agreement, unless the intermittent or reduced schedule leave is due to a serious health condition.

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 District Administrator may offer a staff member a temporary transfer to another position for which the staff member 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 District Administrator 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 ~~can~~ ~~must~~ (X) ~~(X)~~ 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 their portion of health insurance premiums regardless of whether the family and medical leave is paid or unpaid. It is the staff member's responsibility to make arrangements with the District Administrator 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 they 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 the staff member had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, the staff member is not entitled to be reinstated.

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

### **Fitness For Duty Certification**

If leave is due to the staff member's serious health condition, the staff member must present certification to return to work to their 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, the staff member 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 District Administrator may designate another administrator to perform their 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 District Administrator shall see that the policy is posted properly.

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

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates (X)
Title	EMPLOYEE ANTI-HARASSMENT
Code	po1662 (YES)
Status	From Neola
Legal	<p>111.31, 118.195, 118.20, Wis. Stats.</p> <p>29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967</p> <p>29 U.S.C. 794, Rehabilitation Act of 1973</p> <p>42 U.S.C. 1983</p> <p>42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act</p> <p>42 U.S.C. 6101 et seq., Age Discrimination Act of 1975</p> <p>42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended</p> <p>29 C.F.R. Part 1635</p> <p>National School Boards Association Inquiry and Analysis - May 2008</p>

## 1662 - EMPLOYEE ANTI-HARASSMENT

### Prohibited Harassment

The Board 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 gender 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.), 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 (collectively, Protected Classes), or any other characteristic protected by law in its employment practices (hereinafter referred to as harassment), 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, take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects.

Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

~~The District will offer counseling services to any person found to have been subjected to harassment and, where appropriate, the person(s) who committed the harassment.~~

### Notice

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

## **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Complainant** is the individual who alleges, or is alleged, to have been subjected to harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

**Day(s)**: Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

**Respondent** is the individual who has been alleged to have engaged in harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

**School District community** means students and Board employees (i.e., administrators, and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

## **Bullying**

Bullying rises to the level of harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

"Harassment" also includes "hate speech"—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

- A. making statements that promote violence toward a racial or ethnic group;
- B. drawing, displaying, or posting images or symbols of prejudice (e.g., swastikas).

### **Sexual Harassment**

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, 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 any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 ~~( )/AG-2266 [END OF OPTION]~~ – Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266 ~~( )/AG-2266 [END OF OPTION]~~ - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Prohibited acts that constitute sexual harassment under this policy 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. unwanted physical and/or sexual contact;
- 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, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;
- E. sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work environment that reasonably may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. asking or telling about sexual fantasies, sexual preferences, or sexual activities;
- H. speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;
- I. giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;

- J. leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. 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;
- L. inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life; and
- M. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

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;~~
- 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 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;~~

(1) \_\_\_\_\_.

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 District Administrator.

#### **[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/Ancestry Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry 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 or ancestry, 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. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

#### **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 disability 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.

#### **Anti-Harassment Compliance Officers**

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)" or CO or COs):

**[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female Compliance Officer 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 same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s) / ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer, as appropriate.]**

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(School District Title)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Office Address)

\_\_\_\_\_  
(E-mail Address)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(School District Title)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Office Address)

\_\_\_\_\_  
(E-mail Address)

Elizabeth Rachu  
Director of Curriculum and Instruction  
715-748-4620, 5522  
124 W State St, Medford, WI 54451  
[rachuel@medford.k12.wi.us](mailto:rachuel@medford.k12.wi.us)

Joseph Greget  
Director of Special Education and Student Services  
715-748-2316, 3324  
1065 W Broadway, Medford, WI 54451  
[gregejo@medford.k12.wi.us](mailto:gregejo@medford.k12.wi.us)

The names, titles, and contact information of these individuals will be published annually:

- A. on the School District's website.
- B. ~~( ) in the parent and staff handbooks.~~
- C. ~~( ) in the School District Annual Report to the public.~~
- D. ~~( ) on each individual school's website.~~
- E. ~~( ) in the School District's calendar.~~

F.       .

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with 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 harassment.

### **Reports and Complaints of Harassing Conduct**

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or ~~1. Option 1 the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. [END OF OPTION 1]~~ ~~2. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.~~ **[END OF OPTION 2]** **2. The Compliance Officer(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. [END OF OPTION 1]** **2. The District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. [END OF OPTION 2]** The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of harassment is expected to intervene to stop the harassment, 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 harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Members of the School District community along with Third Parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other 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 report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School District community and 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 Complainant's employment unless the complaining individual makes the complaint maliciously or with the 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 District 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 District 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 District Administrator, who will coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.

2. Any complaint under this policy regarding the District Administrator or Board Member that is received by the District Compliance Officer shall be referred to the 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 District Administrator or other supervisory employee.
- 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.

If during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be investigated in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 1662 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

#### **Investigation and Complaint Procedure (see Form 1662-F1)**

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to harassment or has witnessed harassment of another may seek resolution of the complaint through the procedures described below. The complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights (OCR), the Wisconsin Equal Rights Division, and/or Equal Employment Opportunity Commission (EEOC). The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: <http://www.ed.gov/ocr>.

#### **Complaint Procedure**

A Complainant who alleges harassment based on a protected class or retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) directly to one of the COs; or 3) to the District Administrator or other supervisory employee. As noted above, any complaint received regarding the District Administrator 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 will consult with the other appointed/designated CO, if any, and if necessary appoint/designate another individual to serve in the role of CO for a complaint regarding a CO.

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

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

All written complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); 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 harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the District Administrator. No temporary arrangements shall be disciplinary to either the Complainant or Respondent.

Within two (2) days of receiving a complaint, the CO will inform the Respondent that a complaint has been received.

The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, the Respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint.

Within two (2) days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

~~[ ] [OPTION 1] Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint. [x ] [OPTION 2]~~ Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress. ~~[END OF OPTIONS]~~

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;
- 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, as determined by the CO.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the District Administrator 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 Respondent engaged in harassment or retaliation toward the Complainant. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

(x ) The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may (x ) in consultation with the District Administrator or Board President, if the matter involves the District Administrator ~~[END OF OPTION]~~ engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) days of receiving the report of the CO, the District Administrator must either issue a written decision regarding whether or not the complaint of harassment has 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 District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in harassment of or retaliation toward the Complainant, the District Administrator must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the District Administrator 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 parties may be represented, at their own cost, at any of the above-described meetings/hearings.

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, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

### **Privacy/Confidentiality**

The District will employ 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. Additionally, the Respondent must be provided with the Complainant's identity.

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 is learned or provided during the course of the investigation.

### **Directives During Investigation**

The CO may recommend to the District Administrator placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the District Administrator is the Respondent, the CO shall make such recommendation to the Board. Administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

### **Remedial Action and Monitoring**

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be an employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

### **Sanctions and Disciplinary Action**

The Board shall vigorously enforce its prohibitions against harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment 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 law.

When imposing discipline, the District Administrator 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.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, 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 and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **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 District Administrator shall be advised that local law enforcement was notified.

If the Complainant has been the victim of criminal conduct and the accused is the District Administrator, such knowledge should be reported by the CO to local law enforcement. After such report has been made, the ( **Board President**) ( **Board Attorney**) shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the COs 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 District Administrator.

### **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  a summary of **[END-OF-OPTION]** 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 District Administrator 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 District Administrator 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.

## **Retention of Investigatory Records and Materials**

The CO(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any supportive measures offered and/or provided to Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to

students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

- O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDED: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

**[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]**

- Q.  documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- R.  copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- S.  copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;
- T.  copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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