



Policy Manual Index Series 500 – Employees

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EQUAL OPPORTUNITY EMPLOYMENT

The Pecatonica Board of Education shall provide fair and equal treatment to current and prospective employees in all District employment practices regardless of race, religion, sex or sexual orientation, gender identity, age, national origin, citizenship, handicap, marital status, pregnancy, genetic information, ancestry, creed, color, political affiliation, disability, arrest or conviction record, military service, use or nonuse of a lawful product off school premises during nonworking hours, declining to attend a meeting or participate in any communication about religious or political matters, or any other reason prohibited by state or federal law. Exceptions to this policy may only be made in accordance with state and federal law.

Complaints regarding the interpretation or application of this policy shall be referred to the administrative staff and processed in accordance with established procedures.

Reasonable accommodations shall be made for qualified individuals with a disability or handicap, unless such accommodations would impose an undue hardship to the District.

Notice of this policy shall be given in accordance with state and federal laws and regulations.

LEGAL REF.: 111.31-111.395 Wisconsin Statutes
118.195
118.20
Title VI and VII, Civil Rights Act of 1964 (as amended)
20 U.S.C. Section 1681, Title IX Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended
29 C.F.R. Part 1635
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. s. 2000c, Pregnancy Discrimination Act of 1975
42 U.S.C. 2000ff et seq., Genetic Information Nondiscrimination Act
Title II, Chapter 8, Act 274B, Immigration and Nationality Act
42 U.S.C. 12101 et deq., Americans with Disabilities Act of 1990, as amended
Civil Rights Act of 1991

CROSS REF.: 221.1 -Recruitment and Selection of District Administrator
411 - Equal Educational Opportunities
511 Rule - Employee Discrimination Complaint Procedure
512 - Employee Sexual Harassment
533 - Professional Staff Recruiting and Hiring

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May 16, 2022

EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURE

Any employee or applicant who believes that the District or any part of the school organization has in some way violated the District's Equal Opportunity policy may bring forward a complaint as outlined below. While there are no time limits for initiating a complaint 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.

Informal Procedure

Anyone who believes he/she has a valid basis for complaint shall discuss the concern with the immediate supervisor, who will investigate the complaint and reply to the complainant. If this reply is not acceptable to complainant, he/she may initiate formal procedures according to the steps listed below.

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Wisconsin Equal Rights Division, or the Equal Employment Opportunity Commission ("EEOC").

Formal Complaint Procedure

- STEP 1: A written complaint statement shall be prepared by the complainant and signed. It shall be presented to the District Administrator who shall immediately undertake an investigation of the suspected infraction. He/she shall review with building principals and other appropriate persons the facts comprising the alleged discrimination, decide the merits of the case, determine the action to be taken, if any, and report in writing the findings and the resolution of the case to the complainant. Although certain cases may require additional time, the District Administrator will attempt to complete an investigation within twenty (20) business days of receiving the formal complaint.
- A. All complaints must include the following information to the extent it is available: a description of the alleged violation, the identity of the individual(s) believed to have engaged in, or to be actively engaging in, conduct in violation of this policy, if any; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.
 - B. If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the investigator shall ask for such details in an oral interview. Thereafter the investigator will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the report by signing the document.
 - C. Upon receiving a complaint, the investigator will consider whether any action should be taken during the investigatory phase to protect the Complainant from further discrimination or retaliation, including but not limited to a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the investigator should consult the District Administrator prior to any action being taken. The Complainant should be notified of any proposed action prior to such action being taken

- D. As soon as appropriate in the investigation process, the investigator will inform any individual named by the Complainant in connection with an alleged violation of this policy, that a complaint has been received. The person(s) must also be provided an opportunity to respond to the complaint.

STEP 2: If the complainant is dissatisfied with the decision of the district administrator, he/she may appeal the decision in writing to the Board of Education. Sections A-D as noted above apply if the complaint is made directly to the School Board. The Board shall hear the appeal at its next regular meeting, or a special meeting may be called for the purpose of hearing the appeal. The Board shall make its decision in writing. Copies of the written decision shall be mailed or delivered to the complainant and the district administrator.

STEP 3: If the complainant is not satisfied with the Board's decision, or in lieu of utilizing these complaint procedures, the complainant may pursue alternate actions available under state or federal laws (e.g. appeal to State Superintendent of Public Instruction (for teachers), filing of complaint with the Equal Rights Division of the Department of Workforce Development, the U.S. Office for Civil Rights – Region V and/or the courts having proper jurisdiction).

INVESTIGATION PROCEDURE

The investigation will include:

- A. interviews with the Complainant;
- B. interviews with any persons named in the complaint;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the investigator;
- 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 investigator.

At the conclusion of the investigation, the investigator shall prepare and deliver a written report which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination as provided in Board policy, as well as in State and Federal law as to whether the Complainant has been subjected to unlawful discrimination. The investigator's recommendations must be based upon the totality of the circumstances. In determining if discrimination occurred, a preponderance of evidence standard will be used.

The investigator may consult with the Board Attorney before finalizing the report.

If the investigator determines the Complainant was subjected to unlawful discrimination, corrective action will be identified to stop, remedy, and prevent the recurrence of discrimination. The corrective action should be reasonable, timely, effective, and tailored to the specific situation.

PRIVACY/CONFIDENTIALITY

The School District 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 District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants will be advised that their identities may become known to the Respondent(s) through the investigation process.

During the course of an investigation, the investigator will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

SANCTIONS AND MONITORING

The District shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the District may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies and/or the Employee Handbook.

Where the District becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

RETALIATION

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised their rights, aided or encouraged any other person in the exercise of any right granted or protected by those laws.

Maintenance of Complaint Records

Complaint records shall be maintained for the purpose of documenting compliance. Records shall be kept for each complaint filed and, at a minimum, should include:

1. The name and address of the complainant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made, and any corrective action requested by the complainant.
4. The name and address of the respondents.
5. Any documentary evidence.
6. Any written documentation of actions taken by District personnel.
7. Dated written descriptions of verbal notifications to the parties
8. The levels of processing followed, and the resolution, date and decision-making authority at each level.
9. A summary of facts and evidence presented by each party involved.
10. Written documentation of any interim measures offered and/or provided to the complainant.
11. A determination of the facts, statement of the final resolutions, and the nature and date(s) of any corrective or remedial action taken.
12. Documentation of all actions taken to stop the discrimination, prevent its recurrence, eliminate any

hostile environment, and remedy the discriminatory effects.

LEGAL REF.: 111.31-111.395 Wisconsin Statutes
118.195
118.20
Title VI and VII, Civil Rights Act of 1964 (as amended)
20 U.S.C. Section 1681, Title IX Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended
29 C.F.R. Part 1635
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. s. 2000c, Pregnancy Discrimination Act of 1975
42 U.S.C. 2000ff et seq., Genetic Information Nondiscrimination Act
Title II, Chapter 8, Act 274B, Immigration and Nationality Act
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
Civil Rights Act of 1991

CROSS REF.: 221.1 -Recruitment and Selection of District Administrator
411 - Equal Educational Opportunities
511 - Equal Opportunity Employment
512 - Employee Sexual Harassment
533 - Professional Staff Recruiting and Hiring

APPROVED: February 27, 2012

REVISED: May 16, 2022

EMPLOYEE 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 District who violates this policy will be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our employees.

The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including transgender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices (hereinafter referred to as "Protected Characteristics"), and encourages those within the District 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 Board will investigate all allegations of harassment and in those cases where harassment is substantiated, the Board will take immediate steps calculated to end the harassment, prevent its recurrence, and, if applicable, remedy its effects.

Definitions

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

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

Sexual Harassment

See Policy - 513 Title IX: Sexual Harassment for the definition.

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.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work

performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Age Harassment

Prohibited age based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

Race/Color Harassment

Prohibited race/color based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disabling condition or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

It is the responsibility of the administration, supervisors and all employees to ensure that these prohibited activities do not occur. Accordingly, any employee who believes that he/she has been the subject of prohibited harassment shall report the matter immediately to his/her immediate supervisor. If the complaint involves alleged improper behavior by the immediate supervisor, the employee shall report the matter to the next higher administrative authority. If the complaint involves alleged improper behavior by the District Administrator, the employee shall report the matter to the Board President. All such reports shall be investigated in a timely manner. Members of the District who believe they have been harassed are entitled to utilize the District's complaint process that is set forth in 511 Rule - Employee Discrimination Complaint Procedure. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.

Harassment is a serious issue not just for the District, but also for each individual. Any employee who engages in harassment shall be subject to immediate discipline, up to and including discharge.

This policy shall be distributed to employees and reviewed annually. Employees shall attend in- service on a periodic basis in which an understanding of harassment will be discussed.

LEGAL REF.: 111.31 Wisconsin Statutes
 118.20
 118.195

Title VII of the Civil Rights Act of 1964 (as amended)
20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act
of
2004, as amended
20 U.S.C. 1681 et seq.
20 U.S.C. 1681 et seq., Title IX
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973
29 C.F.R. Part 1635
29 U.S.C. 6101, The Age Discrimination Act of 1975
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

CROSS REF: 411 - Equal Educational Opportunities
 511 - Equal Opportunity Employment
 Employee Handbook

APPROVED: January 16, 2012

REVISED: May 16, 2022

Title IX: Sexual Harassment

WASB 513

Title IX of the Education Amendments of 1972 and its implementing regulations in 34 C.F.R. Part 106 (collectively “Title IX”), Title VII of the Civil Rights Act of 1964 (“Title VII”), and the Wisconsin Fair Employment Act (Wis. Stat. §§111.31-111.395), all protect employees from discrimination, including harassment, on the basis of sex. The Pecatonica Area School District (“District”) does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX not to discriminate in such a manner. The requirement not to discriminate in the District’s education programs and activities extends to employment. Inquiries about the application of Title IX may be referred to the Title IX Coordinator or the Assistant Secretary for Civil Rights of the United States Department of Education, or both. Contact information for the Title IX Coordinator is provided below.

This policy is only intended to address sexual harassment against employees under Title IX. Any other type of discrimination and harassment (including sexual harassment under Title VII or the Wisconsin Fair Employment Act) against employees, based on race, color, national origin, age, sex, sexual orientation, pregnancy, creed or religion, genetic information, disability, marital status, citizenship status, veteran status, ancestry, arrest record, conviction record, or any other status protected by law, as addressed in Policy 511 and 512.

Sexual harassment against students under Title IX is addressed in Policy 413.

I. Definition of Sexual Harassment under Title IX

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on another employee’s participation in unwelcome sexual conduct;
- (2) Unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
- (3) Sexual assault, as defined in 20 U.S.C. § 1092(f)(6)(A)(v), dating violence, as defined in 34 U.S.C. § 12291(a)(10), domestic violence, as defined in 34 U.S.C. § 12291(a)(8), or stalking, as defined in 34 U.S.C. § 12291(a)(30).

II. Notice of Sexual Harassment under Title IX

When the District has actual knowledge of sexual harassment under Title IX in an education program or activity of the District against an employee, in the United States, the District shall respond promptly in a manner that is not deliberately indifferent.

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment under Title IX to (1) the District’s Title IX Coordinator; (2) any official of the District who has authority to institute corrective measures on behalf of the District; or (3) any employee of the District.

“Education program or activity” includes locations, events, or circumstances over which the recipient exercised substantial control over both the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX and the context in which the sexual harassment occurred.

III. Identification of Title IX Coordinators

The District Administrator is designated as the “Title IX Coordinator” and authorized by the District to coordinate its efforts to comply with Title IX and this Policy. The contact information for the Title IX Coordinator is as follows:

Dr. Dani Scott
Pecatonica Area School District
704 Cross Street
Blanchardville, WI 53516
Phone:(608) 523-4248
Email: dscott@pecatonica.k12.wi.us

IV. Reporting Sexual Harassment under Title IX

Any employee or any official of the District who has authority to institute corrective measures with actual knowledge of sexual harassment under Title IX must immediately report sexual harassment to the Title IX Coordinator. In the event that the sexual harassment involves conduct by the Title IX Coordinator against an employee, such employees or officials must report the alleged conduct to the District Administrator.

Any person (including a person not alleged to be the victim of sexual harassment) may report sexual harassment at any time, including during non-business hours, to the Title IX Coordinator by mail, by telephone, by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report.

V. Response to Report of Sexual Harassment under Title IX

When the District has actual knowledge of sexual harassment under Title IX, a complainant and respondent may be identified (collectively “parties”). A complainant means an employee who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.

The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without filing a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, while protecting the safety of all parties and the District’s educational environment; and deterring sexual harassment.

Supportive measures may include counseling, modifications of work schedules, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school property, and other similar measures. The District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

VI. Administrative Leave

The District may place an employee respondent on administrative leave, including during the pendency of a grievance process.

VII. Formal Complaint

A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator, alleging sexual harassment against a respondent and requesting the District investigate the allegation of sexual harassment. At the time a formal complaint is filed (either by the complainant or the Title IX Coordinator), the named complainant must be an employee of the District.

A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, by using the contact information for the Title IX Coordinator, or by any additional method designated by the District. A document filed by a complainant means a document or electronic submission that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the formal complaint. If the District receives a formal complaint, the District must follow the grievance process below.

VIII. Grievance Process

The District's grievance process shall include all the basic requirements under Title IX. Any individual designated by the District as a Title IX Coordinator, investigator, decision-maker, appeal-decision maker, or facilitator of an informal resolution shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. In addition, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

A. Written Notice

Upon receiving a formal complaint, the District shall provide a written notice to the parties who are known. The written notice shall be provided to the parties within forty-five (45) days of receipt of the formal complaint.

The written notice shall include:

1. Notice of the District's grievance process, including any informal resolution process;
2. Notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time of the notice (identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident);
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
4. A statement that the parties may request to inspect and review evidence that is directly related to the allegations raised in the formal complaint;
5. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and
6. Notice to the parties of any provision in the District's board policies, employee handbook, or code of conduct that prohibits knowingly making false statements or knowingly submitting false information

during the grievance process.

The notice described above shall be provided to the parties with sufficient time to prepare a response before any initial interview. If, during an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the notice, the District shall provide notice of the additional allegations to the parties whose identities are known.

B. Dismissal of Formal Complaint

If the conduct alleged in a formal complaint: (1) would not constitute sexual harassment as defined under Title IX even if proved; (2) did not occur within the District's program or activity; or (3) did not occur against a person in the United States, the District **must** dismiss the formal complaint with regard to that conduct. If dismissal is required, the District must promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. Dismissal of a formal complaint does not preclude action under the District's board policies, employee handbook or code of conduct.

The District **may** dismiss a formal complaint if, at any time during the investigation, any of the following occurs: (1) the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint; (2) the respondent is no longer enrolled in or employed by the District; or (3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint. If such dismissal occurs, the District must promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. If dismissed, the District will review whether the complaint should be investigated under other applicable policies.

C. Consolidation

The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances.

D. Informal Resolution

Following the filing of a formal complaint, and at any time prior to reaching a determination regarding responsibility, the District may facilitate an informal resolution process, including mediation, which does not involve a full investigation and adjudication. The District shall not require as a condition of employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment under Title IX. The District shall not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.

Before conducting any informal resolution process, the District will provide to the parties a written notice disclosing: (1) the allegations; (2) the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, if any; (3) that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal complaint process; and, (4) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared and whether the facilitator of the informal resolution process may be a witness in any subsequent formal complaint process. The District will obtain the parties' voluntary written consent to the informal resolution process. Any such informal resolution process shall be resolved within thirty (30) days of the written notice described in this paragraph, unless additional time is needed as determined by the District.

E. Investigation of Formal Complaint

The District shall designate an investigator to investigate the allegations in a formal complaint and ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties. The investigation process instituted by the District shall treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process that complies with Title IX before imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

During the investigation, the District shall:

1. Not restrict the ability of either party to gather and present relevant evidence, or to discuss the allegations under investigation;
2. Provide equal opportunity for the parties to present witnesses and other inculpatory and exculpatory evidence;
3. Provide the parties with the same opportunities to have others present during any complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. However, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
4. Provide to the party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
5. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, as well as inculpatory and exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation;
6. Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review, in an electronic format or a hard copy, and the parties shall have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report;
7. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to the time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or hard copy, for their review and written response; and,
8. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

F. Determination Regarding Responsibility

The District shall identify a decision-maker (other than the Title IX Coordinator, investigator, and facilitator of

an informal resolution) who will issue a written determination regarding responsibility on the formal complaint. To reach this determination, the decision-maker will apply the preponderance of the evidence standard.

After receipt of the investigative report and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent. The decision-maker must explain to the party proposing the questions any decision to exclude questions as not relevant.

The decision-maker must make an objective evaluation of all relevant evidence (both inculpatory and exculpatory) and must not make credibility determinations based on a person's status as a complainant, respondent, or witness.

G. Decision-maker's Written Determination

The decision-maker will apply a preponderance of the evidence standard in issuing a written determination. The written determination shall include all of the following:

1. Identification of the allegation(s) potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's policies, employee handbook provisions and/or code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding

responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve access to the District's education program or activity will be provided by

the District to the complainant; and,

6. The District's procedures and permissible bases for the complainant and respondent to appeal.

The District will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

H. Possible Sanctions and Remedies

The District may implement a range of possible sanctions and remedies following a determination of responsibility. The range of remedies include counseling, no-contact orders, or other appropriate remedies. The range of sanctions include written warning, unpaid suspension, termination, and other disciplinary sanctions.

I. Supportive Measures

The District may provide a range of supportive measures available to complainants and respondents. The range of supportive measures include those identified above.

J. Appeal

The District shall identify an individual to serve as a decision-maker on the appeal (other than the Title IX Coordinator, investigator, decision-maker, and facilitator of an informal resolution).

The District shall offer both parties an appeal from a determination regarding responsibility or from a dismissal of a formal complaint. An appeal must be filed within ten (10) days of issuance of the written determination on responsibility or dismissal of a formal complaint and may be based upon any of the following:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter; and,
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter.

As to all appeals, the District shall:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the appeal decision-maker is not the same person as any investigator(s), decision-maker(s) that reached the determination of responsibility or dismissal, the Title IX Coordinator, or the facilitator of an informal resolution;
3. Ensure that the appeal decision-maker complies with the standards set forth in 34 C.F.R. § 106.45(b)(1)(iii);
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result, which shall be issued within thirty (30) days of the filing of the appeal, unless the appeal decision-maker needs additional time; and,
6. Provide the written decision on appeal simultaneously to both parties.

K. Timeframe for Determination

The conclusion of the grievance process, including any appeal, shall be done in a reasonably prompt timeframe, which in most cases shall be no more than ninety (90) days from the date the complaint is received. The District may temporarily delay the grievance process or provide for a limited extension of any deadline included in this policy for good cause. "Good cause" shall include, but is not limited to, the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. If the District delays the grievance process or extends any deadline, it must provide written notice to the complainant and the respondent of the delay or extension and the reasons for the action.

IX. Retaliation Prohibited

Neither the District nor any person may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Complaints alleging retaliation may be filed according to the complaint procedures for sexual harassment under this Policy.

X. Confidentiality

The District shall keep confidential the identity of any person who has made a report or complaint of sexual harassment under Title IX, any complainant, any individual who has been reported to be the perpetrator of sexual harassment, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), as required by law, or to carry out the purposes of this Policy or Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

The District may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains the voluntary written consent of the party or the party's parent or guardian.

XI. Recordkeeping

The District shall maintain for a period of seven years, records of:

1. Each sexual harassment investigation, including any determination regarding responsibility, any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve access to the District's education program or activity;
2. Any appeal and the result therefrom;
3. Informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process with regard to sexual harassment.

The District shall create and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

With respect to each response, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it took measures designed to restore or preserve access to the District's educational program or activity. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

XII. Training

The District shall ensure that the Title IX Coordinators, investigators, decision-makers, appeal decision-makers and facilitators of informal resolution processes, receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including appeals and informal resolution processes, if applicable, for the purpose of protecting the safety of employees, ensuring due process protections for all parties, and promoting accountability.

The District shall ensure decision-makers receive training on issues of relevance of questions and evidence, including questions and evidence about a complainant's prior sexual behavior. The District shall also ensure investigators receive training on how to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and facilitators of informal resolutions may not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

XIII. Harassment under Other Laws

Other state and federal laws prohibit harassment of employees on the basis of sex, including Title VII and the Wisconsin Fair Employment Act. Employees may bring complaints of such harassment to the Title IX Coordinator. The Title IX Coordinator shall be responsible for addressing such allegations, including conducting an investigation, if appropriate, pursuant to this Policy and Policy 511 and 512.

If an employee files a complaint alleging harassment on the basis of sex under state law or Title VII, the Title IX Coordinator shall consider any appropriate action, including directing the employee to follow any general employee harassment procedure adopted to comply with state law prohibiting harassment based on sex. However, the Title IX Coordinator may determine that it is appropriate to proceed with the complaint under this Title IX Sexual Harassment policy, including resolution of the allegations under the grievance process.

LEGAL REF.: Title IX of the Education Amendment of 1972
Title IX regulations, 34 C.F.R. Part 106
Title VII of the Civil Rights Act of 1964
Wis. Stat. §§ 111.31-111.395

ADOPTED: August 17, 2020

REVISED: July 19, 2021

ALCOHOL AND DRUG FREE WORKPLACE

The Board of Education believes that quality education is not possible in an environment affected by the use of illegal drugs and alcohol as well as the abuse of prescription drugs. It will seek, therefore, to establish and maintain an educational setting which is free from alcohol and other drug abuse.

An employee, contracted or otherwise, shall not use, possess, distribute, sell, or be under the influence of alcohol or other drugs not medically prescribed while on school premises, while involved in or attending any school-sponsored activity or when performing school district business. Staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member, and taken in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken in private, out of the view of students.

Employees, contracted or otherwise, violating this policy shall be subject to disciplinary action, up to and including suspension or termination of employment. The District may take action through a medical referral or law enforcement in response to violations of this policy.

This policy shall be published annually in the employee handbook and distributed to all employees of the District. Building Principals and other supervisors shall receive alcohol and other drug awareness training and information necessary to carry out their policy enforcement responsibilities.

All employees, contracted or otherwise, shall be expected to abide by provisions of this policy. In addition, employees engaged in the performance of a grant received directly from the federal government shall notify the District Administrator or designee of any criminal drug statute conviction occurring in the workplace within the time period specified by law. The District Administrator shall notify the granting agency of the conviction.

LEGAL REF.: 111.35 Wisconsin Statutes
 12013(1)(a)
 121.02(1)(i)
 125.09
 Chapter 961
 Drug-Free Workplace Act of 1988
 34 CFR Part 85, Subpart F (Regulations Implementing Drug Free Workplace Act

CROSS REF.: 443.3 - Student Alcohol and Other Drug Use
 522.3 - Staff Ethics
 Employee Handbooks

APPROVED: January 16, 2012

REVISED: May 16, 2022

STAFF ETHICS

The Board of Education believes an effective educational program requires the services of individuals with integrity, high ideals, and human understanding.

All District employees are expected to accept responsibility for their conduct and to understand that their conduct may be regarded as representative of the District. Employees are required to abide by a standard of conduct that models good citizenship and to be an example of self-discipline for students, parents, and the community. All staff members are expected to be familiar with and adhere to Board policies, related administrative rules and other ethical conduct expectations outlined in employee handbooks. Staff members shall adhere to all laws that affect their work including the ethical standards for public employees required by state law. Violations of this policy may result in disciplinary action, up to and including termination, and/or possible legal action when applicable.

All District Employees are expected to maintain high standards in their school relationships including but not limited to the following:

1. The education of children as the first concern of the school system.
2. The maintenance of just and courteous professional relationships with students, parents, and others.
3. The maintenance of their efficiency and knowledge of the developments in their fields of work.
4. The maintenance, respect, compliance with state and federal laws to protect the information concerning students, families, staff, and District matters.
5. The transaction of all official business with the properly designated authorities of the school system, while ensuring the confidentiality of privileged information as appropriate.
6. The establishment of a friendly and cooperative relationship between the community and the school system.
7. The establishment of a respectful, individual, and collaborative effort to support District goals, Board policies, and procedures, and the education of our students.
8. Restraint from using their position to promote partisan politics, sectarian religious views, or selfish propaganda of any kind, or for personal, monetary, or non-monetary gain.
9. The establishment and maintenance of a culture that seeks to continually improve the education and welfare of our students. This requires assessment of both the strength and weaknesses of our current practices, and the willingness to seek improvement with the staff members directly involved. The purpose of sharing the information is to improve services to our students within an atmosphere of support, honesty, and professionalism.
10. The proper use and protection of all school properties, equipment, and materials.
11. The adherence to all ethical standards for public employees and officials required by state law.
12. The knowledge of and adherence to District policies in areas related to their employment responsibilities.
13. Restraint from outside employment which will impair the ability to execute employment responsibilities.
14. Failure to adhere to this Code of Ethics will result in action appropriate to the infraction.

LEGAL REF.: 19.41 Wisconsin Statutes
19.42
19.59(1)
19.85
103.14
115.31
118.12
120.13(1)(a)
946.10
946.12
946.13

CROSS REF.: 512 - Employee Harassment
522.7 - Employee Access to Networked Information Resources
Employee Handbooks

APPROVED: January 19, 1987

REVISED: January 16, 2012
May 16, 2022

EMPLOYEE ACCESS TO NETWORKED INFORMATION RESOURCES

With the spread of telecommunications throughout the modern workplace, the Board of Education recognizes that District employees will shift the ways they share ideas, transmit information and contact others. As employees are connected to the global community, their use of new tools and systems brings new responsibilities as well as opportunities. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning to incorporate the vast, diverse, and unique resources available through the Internet.

The Board encourages District employees to make use of the Internet and telecommunications to explore educational topics, conduct research, and contact others in the educational world. The Board anticipates that systems will expedite the sharing of effective practices and lessons across the District and will help employees stay on the leading edge of practice by forming partnerships with others across the nation and around the world. The Board of Education provides staff with access to the Internet for limited educational purposes only and utilizes online educational services to enhance the instruction delivered to its students and to facilitate the staff's work. The District's Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board expects that all employees will use electronic mail (e-mail) and telecommunications tools and apply them daily in appropriate ways to the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the District Administrator to provide District employees with training in the proper and effective use of telecommunications and e-mail. Specifically, the District Administrator is directed to specify those behaviors which are permitted and those which are not permitted, as well as appropriate procedures to guide network use by employees. Employees are expected to communicate in a professional manner consistent with applicable state and federal laws and regulations. E-mail and telecommunications are not utilized to share confidential information about students or other employees. No user may disclose, use or disseminate personal identification information regarding minors without authorization.

Staff members will provide instruction on standards of acceptable technology use and Internet safety as part of technology courses and as part of instruction within regular classrooms. Staff will provide students training in the use of the District network, and the requirements of District policy and applicable rules. Instruction shall include appropriate use of online resources (i.e. social networking sites, chat rooms, and blogs), and cyber-bullying awareness and response.

Communication over e-mail and other telecommunication networks should not be considered private. Network supervision and maintenance may require review and inspection of directories or messages. The District reserves the right to access stored records in cases where there is reasonable cause to suspect wrong-doing or misuse of the system. The District Administrator or his/her designee may also examine communications in order to ascertain compliance with network procedures for acceptable use. E-mail and other telecommunication messages transmitted over District networks are considered District property and may be subject to provisions of the state public records law.

Administration shall provide all staff members with copies of all applicable technology use policies and procedures annually as part of the employee handbook. Each staff user shall have a signed current employee handbook receipt and acknowledgement form on file with the District Office. Staff members shall verify that they understand both the staff and student technology use policies and rules. The District reserves the right to amend its policies and procedures regarding employee access to network information resources and acceptable use agreements.

943.70
947.0125
948.11
948.12
Federal Copyright Law
Children's Internet Protection Act
Neighborhood Children's Internet Protection Act
Children's Online Privacy Act
Technology Education and Copyright Harmonization Act (TEACH)
Broadband Data Improvement Act of 2008

CROSS REF.: 522.7 Rule - Employee Access to Networked Information Resources Procedures
110 - Philosophy of Education
310 - Instructional Goals
363.2 - Internet Safety and Acceptable Technology Use
512 - Employee Harassment
711.1 Copyright
District Technology Plan
Employee Handbooks

APPROVED: January 16, 2012

REVISED: May 16, 2022

RULE EMPLOYEE ACCESS TO NETWORKED INFORMATION RESOURCES PROCEDURES

All Board-owned technology resources are to be used primarily for business and educational purposes. The Board/District retains the right to access and review all information resources including but not limited to electronic and voice mail, computer files, databases, and any other electronic transmissions contained in or used in conjunction with the Board's/District's computer system/network, telephone system, electronic mail system, and voice mail system. Staff members should have no expectation that any personal information/data maintained, stored or transmitted on or through such systems is confidential or private. Board-owned technology resources may also be referred to as District technology resources and includes all those technology resources purchased by or authorized for acquisition and/or usage by the Board in the District's activities.

Review of such information may be done by the Board/District with or without notice or the staff member's knowledge. The use of passwords does not guarantee confidentiality, and the Board/District retains the right to access information in spite of a password. A staff member's refusal to permit such access may be grounds for discipline up to and including discharge.

District technology resources must be used properly. Review of computer files, electronic mail, and voice mail will only be done in the ordinary course of business and will be motivated by a legitimate business reason. If a staff member's personal information is discovered, the content of such discovery will not be reviewed by the Board/District, except to the extent necessary to determine if the Board's/District's interests have been compromised. Any information discovered will be limited to those who have a specific need to know that information.

District employees will utilize electronic mail (e-mail) on a daily basis at work as a primary tool for communications. The District may rely upon this medium to communicate information, and all employees will be responsible for checking and reading messages daily. E- mail and other telecommunication messages related to school business are considered public records and subject to inspection, copying, and retention in accordance with the public records law, District policies and procedures.

GENERAL NETWORK USE RULES

The network is provided for District employees and students to conduct research, complete assignments and communicate with others. Communications over the network are often public in nature, therefore general rules and standards for professional behavior and communications will apply.

The following behaviors are not permitted on District networks:

1. Revealing proprietary information or sharing confidential information about students or other employees.
2. Accessing, sending, or displaying offensive messages, pictures or pornography.
3. Using obscene language.
4. Sending messages that are offensive, defamatory, discriminatory, or intended to frighten, intimidate, abuse, harass, or attack another person.
5. Engaging in practices that threaten the network, are detrimental to the Pecatonica Area School District, or intentionally waste limited resources (e.g., loading files that may introduce a virus, downloading music or videos that may overload District server space.
6. Electronic transmission of any material which is libelous, scurrilous, or in any way detrimental to the Labor-Management relationship.
7. Violating copyright laws.

8. Using other users' passwords. Passwords used by employees on District computers must be disclosed to the District.
9. Trespassing in other users' folders, documents or files.
10. Using the network for commercial purposes, financial gain or fraud.
11. Violating regulations prescribed by the network provider.
12. Promoting, supporting or celebrating religion or religious institutions

The network administrator will report inappropriate behaviors to the employee's supervisor who will take appropriate disciplinary action. Any other reports of inappropriate behavior, violations or complaints will be routed to the employee's supervisor for appropriate action. Violations may result in a loss of access and/or disciplinary action. When applicable, law enforcement agencies may be involved.

LEGAL REF.: 188.001 Wisconsin Statutes
 943.70
 947.0125
 948.11
 948.12
 Federal Copyright Law
 Children's Internet Protection Act
 Neighborhood Children's Internet Protection Act
 Children's Online Privacy Act
 Technology Education and Copyright Harmonization Act (TEACH)
 Broadband Data Improvement Act of 2008

CROSS REF.: 522.7 - Employee Access to Networked Information Resources Procedures
 110 - Philosophy of Education
 310 - Instructional Goals
 363.2 - Internet Safety and Acceptable Technology Use
 512 - Employee Harassment
 711.1 Copyright
 District Technology Plan
 Employee Handbooks

APPROVED: February 27, 2012

REVISED: May 16, 2022

STAFF PHYSICAL EXAMINATIONS

The Board of Education requires any candidate, as a condition of employment, to submit to a physical examination, including a screening questionnaire for tuberculosis as approved by the Department of Health Services, in order to determine the physical capacity to perform assigned duties. The only portion of physical examination requirement that will be compensated by the Board will be that which is required by State Statutes 118.25 and 121.52(3). Such examinations shall be done in accordance with 118.25 Wis. Stats. The District also reserves the right to require a health examination before an employee returns to work following illness, other leave, or at any time when the need for such examination may be indicated. The Department of Health Services developed the forms required under Wis. Stat. § 118.25. These forms include the Wisconsin Tuberculosis (TB) Risk Assessment Questionnaire Screen (F-02314A) and the Record of School Employee Examination (F-02284).

The guidelines for the testing and reporting of drug use are to be in accord with the Federal regulations related to drug testing for holders of a commercial driver's license.

Physical examination forms shall be maintained in a separate file from other personnel records. These shall be treated as confidential medical records and shall only be available to those individuals specifically authorized by law.

New Employees

All new employees shall have a physical examination upon employment in addition to a screening questionnaire for tuberculosis as approved by the Department of Health Services before reporting for duty except as otherwise provided in state law. Freedom from tuberculosis in a communicable form is a condition of employment. A tuberculosis test or chest Xray is only required if indicated by the screening questionnaire.

Bus drivers shall have a complete physical examination as required by state law. It shall be taken within the three-month period prior to issuance of an original or renewed commercial driver's license. The examination shall be performed by licensed medical practitioners in accordance with legal requirements.

Continuing Employees

All continuing employees shall complete a screening questionnaire for tuberculosis as approved by the Department of Health Services every five years except as otherwise provided by state law or Board policy. A tuberculosis test or chest Xray is only required if indicated by the screening questionnaire.

- Bus drivers shall have a complete physical examination every two years as required by law in addition to a screening questionnaire for tuberculosis as approved by the Department of Health Services at five year intervals.
- All food handlers are required to complete a Food Employee Reporting Agreement annually.

Freedom from tuberculosis in a communicable form is a condition of continued employment. The Board may require additional physical examinations when such examinations are job related and consistent with business necessity.

Exempt Employees

A new or continuing employee may be exempt from the physical examination requirement for religious reasons if an affidavit has been filed with the District claiming such exemption. The District may, however, require a health examination if there is reasonable cause to believe that such an employee is suffering from an illness detrimental to the health of students. No employee shall be discriminated against by reason of his/her filing of an affidavit.

Cost of Examinations

The cost of physical examinations as restricted shall be paid by the District.

Physical Examination Records

Physical examination forms shall be maintained in a separate file from other personnel records. These shall be treated as confidential medical records and shall only be available to those individuals specifically authorized by law.

LEGAL REF.: Section 103.15 Wisconsin Statutes
 118.25
 120.13
 121.52
 146.81-146.83
 343.12(2)
 American with Disabilities Act of 1990
 Health Insurance Portability and Accountability Act (HIPAA)
 2017 Wisconsin Act 107

CROSS REF.: 453.3 Communicable Diseases
 511 Equal Opportunity Employment
 823 Access to Public Records Employee
 Contracts
 Employee Handbook

APPROVED: October 17, 1988

REVISED: January 16, 2012
 September 20, 2021

ALCOHOL AND DRUG TESTING FOR BUS DRIVERS

The Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver must be mentally and physically alert at all times while on duty. In addition, the Board recognizes that a drug-free and alcohol-free school and work environment is vital to workplace and school safety and to the quality of the District's educational services.

Further, the Board concurs with the Federal requirement that all drivers should be free of any influence of alcohol or controlled substance while on duty.

All bus drivers and drivers of District vehicles, employed by the district and/or contracted, will be covered by the Alcohol and Drug Free Workplace Policy.

LEGAL REF.: 49 C.F.R. 382.101
CROSS REF.: 522.1 - Alcohol and Drug Free Workplace
APPROVED: January 16, 2012
REVISED: May 16, 2022

PERSONNEL RECORDS

A personnel file shall be maintained for each employee and shall contain such information as application, credentials, transcripts, references, and other pertinent information concerning the employee. Personnel files shall be maintained in the District office. Separate files shall be maintained for employee medical examination forms. Such files shall be treated as confidential medical records.

Individual personnel records shall be maintained in accordance with state and federal laws and regulations. An employee shall have the right to review the contents of his/her personnel file pursuant to provisions outlined in the current employee handbook, and state law. Other persons shall only access information from an employee's personnel file with the written consent of the employee or as otherwise authorized by state law. Employee health records, including physical examinations, shall be maintained in a file separate from other personnel records and be treated as confidential medical records.

This policy does not prohibit supervisors from maintaining files which contain notes, memos, and information that assist the supervisors in evaluating and supervising employees.

LEGAL REF.: 103.13 Wisconsin Statutes
 120.13(2)(e)
 121.02(1)(a)
 146.81-146.83
 252.15
 Chapter 19, Subchapters II and IV American with Disabilities Act of
 1990
 Health Insurance Portability and Accountability Act (HIPAA)

CROSS REF.: 523.1 - Staff Physical Examinations
 823 - Public Records
 Employee Handbook

APPROVED: January 16, 2012

REVISED: May 16, 2022

PROFESSIONAL NEGOTIATIONS

The parties, Board of Education and Pecatonica Teachers Education Association, agree to enter into collective negotiations in accordance with state law in a good faith effort with respect to base wages. Such negotiations shall begin on or about February 1 and no later than February 25 of each year. Any agreement so negotiated and approved by the Board and the Association shall apply to all professionals, be reduced to writing, and be signed by the Board and Association.

This agreement shall not be modified in whole or in part by the parties except by an instrument in writing duly executed by both parties.

LEGAL REF.: 19.85 Wisconsin Statute
 19.86

CROSS REF.: 185 - Board Committees
 Employee Handbook

APPROVED: January 19, 1987

REVISED: February 27, 2012
 May 16, 2022

UNPAID LEAVES OF ABSENCE

- A. The District Administrator is authorized in emergency situations to grant professional staff members brief leaves of absence without pay for reasons not covered by current employee handbook.
- B. An employee may request an unpaid leave for up to eight days. The District Administrator is authorized to grant such requests in accordance with the following terms and conditions.
 - 1. A leave will be granted only if no similar leave has been granted to the employee during the previous two school years.
 - 2. A maximum of three (3) such leaves may be granted for the entire teaching staff during any school calendar year.
 - 3. Only one teacher may be on unpaid leave at any one time.
 - 4. Requests for leave must be submitted at least three weeks in advance.
 - 5. The employee's work record and pattern of attendance must be satisfactory.
 - 6. A suitable substitute teacher must be available to fill in during the period of the leave.
 - 7. All lesson plans and materials must be prepared prior to the beginning of the leave.

The District Administrator's decision on any request may be appealed to the Board.

APPROVED September 16, 1991

REVISED: April 11, 2005
 February 27, 2012

PROFESSIONAL STAFF RECRUITING/HIRING

The Board shall approve the employment of all professional staff. A recommendation for employment of a professional staff member shall only be made upon submission of evidence that appropriate license, certification or permit is held, or that an application is in process. The Board assigns to the District Administrator responsibility to determine the personnel needs of the District and to locate suitable candidates to recommend to the Board for employment. In carrying out this responsibility the District Administrator shall involve administrators and other staff members as needed. The Board of Education may be asked to participate in the interviewing process.

The Board delegates to the District Administrator the responsibility for the recruitment, selection, and assignment of all professional staff members. Every teacher, supervisor, administrator and other professional staff member shall hold a Department of Public Instruction certificate, license, or permit to teach or perform other professional job functions, before starting duties for such position. Employment shall be conditioned on a criminal background check and physical examination.

Specific staff recruitment and selection guidelines are contained in Rule 533. An appropriate fund shall be included in the budget for recruitment expenses.

The District shall only accept employment applications when a vacancy exists or when the District requests applications for a future position.

LEGAL REF.: 103.15 Wisconsin Statutes
 111.31 – 111.395
 118.19
 118.192
 118.195
 118.20-21
 118.24
 120.12(1)
 121.02(1)(a)
 PI 8.01 Wisconsin Administrative Code
 PI 34 American with Disabilities Act of 1990
 Elementary and Secondary Education Act as amended

CROSS REF.: 221 - Recruitment of the District Administrator
 511 - Equal Opportunity Employment
 523.1 - Staff Physical Examinations
 534 - Substitute Teachers
 533 - Rule - Professional Staff Recruiting/Hiring Procedures

APPROVED: February 27, 2012

REVISED: May 16, 2022

PROFESSIONAL STAFF RECRUITING/HIRING PROCEDURES

1. POSTING VACANCY NOTICES

The notice shall state the essential functions of the position including professional job duties and/or area(s) of teaching, such as grade levels or subject. The notice will ask all applicants to send a letter of application, transcripts, professional credentials, teaching licenses and letters of recommendation. A copy of all notices shall be sent to the Pecatonica Teachers Education Association president. Vacancy notices shall be sent to various placement agencies.

All letters of application, transcripts, professional credentials licenses, and letters of recommendation shall be sent to the District Office.

Unsolicited applications are not accepted.

2. IDENTIFYING THE CANDIDATES

The District Administrator and Building Principals shall screen and select candidates for an interview from the pool of applicants. Only applicants with complete credentials will be considered.

3. INTERVIEWS

All applicants for professional staff positions selected for interview shall be interviewed by a team consisting of the district administrator, building principals, and district staff members. The Board of Education may be asked to participate in the interviewing process. Terms of employment shall be clearly defined and made available to applicants at the time of the interview.

4. SELECTION AND BOARD APPOINTMENT

Selection of candidates for recommendation to the Board shall be on the basis of their satisfaction of all requirements established by law and by the Board.

- a. Licensure
- b. Interview
- c. Credentials
- d. Letters of recommendation
- e. Criminal background check and physical examination

The District Administrator and Building Principals shall recommend a candidate to the Board.

The Board must approve the offering of a contract to a candidate for a professional staff position before the employment contract is valid.

LEGAL REF.: 103.15 Wisconsin Statutes
 111.31-111.395
 118.19
 118.192
 118.195
 118.20-21
 118.24
 120.12(1)
 121.02(1)(a)
 PI 8.01 Wisconsin Administrative Code PI 34
 Americans with Disabilities Act of 1990
 Elementary and Secondary Education Act as amended

CROSS REF.: 511 - Equal Opportunity Employment
 523.1 - Staff Physical Examinations
 532 - Professional Staff Contracts and Compensation Plans
 533 - Professional Staff Recruitment/Hiring
 Employment Handbook

APPROVED: February 27, 2012

REVISED: May 16, 2022

SUBSTITUTE TEACHERS

Substitute teachers shall be provided, if possible, for all teachers who are absent from school.

Substitute teachers shall be paid in accordance with the Board approved substitute pay schedule and shall receive no other compensation or benefits.

All substitute teachers shall have the necessary certification, license, or permit required by state law to serve in the specific substitute assignment.

LEGAL REF.: 111.31-111.395 Wisconsin Statutes
 118.19
 118.195
 118.20
 120.12(1)
 121.02(1)(a)
 PI 34 Wisconsin Administrative Code

CROSS REF.: 511 - Equal Opportunity Employment
 523.1 - Staff Physical Examinations.

APPROVED: January 19, 1987

REVISED: August 26, 1991
 September 16, 1996
 August 11, 1997
 September 13, 1999
 June 16, 2008
 February 27, 2012

PROFESSIONAL STAFF WORK SCHEDULE

All professional staff members are to be in their building according to the school day schedule set by the building principal. Professional staff members shall be actively involved in assigned job duties during the entire school day. Staff members may leave the premises, on occasion, for a short time period when no school assignment requires their presence and when permission is granted by their supervisor.

All professionals shall receive a duty-free lunch period of thirty (30) continuous minutes.

Meetings called by Administration/Staff Meetings:

Teachers are required to attend all mandatory administratively called staff meetings. The administration shall attempt to provide reasonable notice of all such meetings. Teachers who are required to attend administratively called meetings will receive no additional remuneration, above the regularly paid salaries, for attending such meetings.

Other Administratively Called Meetings:

The notification and duration of the above section do not include nor shall they apply to meetings of individual educational plan teams, the preparation of individual education plans, board meetings, department meetings or activities of similar nature, which are normally conducted at other times. Teachers are required to attend such events regardless of the date, time, or duration of said meetings. Teachers who are required to attend other administratively called meetings will receive no additional remuneration, above the regularly paid salaries, for attending such meetings.

CROSS REF.: 322 - School Day
Employee Handbook

APPROVED: February 27, 2012

REVISED: May 16, 2022

STAFF EXIT INTERVIEWS

The Pecatonica Area School District is committed to the employment of the best-qualified candidate for the position. Theoretically, employees leave the employment of a school district for various reasons. The opinions of those employees can be a source of information that can further strengthen the total employment program of the school district. The Board of Education shall allow the District Administrator to contract with a third party vendor to create exit interviews for resigning or retiring staff. The purpose of these interviews will be to gather information that will be of benefit to the district. The format of the exit interview can be either verbal or written.

Whenever possible, the exit interview shall be conducted during the employee’s scheduled work time.

A compilation of anonymous information gathered through the exit survey process will be shared with the Board annually.

CROSS REF.: Policy 533 -Professional Staff Recruitment and Hiring
Employee Handbook

ADOPTED: April 16, 2018

APPROVED: April 16, 2018

September 20, 2021

EVALUATION OF PROFESSIONAL STAFF

The purpose of professional staff evaluations shall be the improvement of instruction and to maintain a highly qualified competent staff. The administration shall develop evaluation procedures which will serve a dual purpose:

1. To provide a means to improve instruction; and
2. To provide an objective measure of teacher effectiveness.

The building principals shall have the primary responsibility of observing and evaluating professional staff performance.

The Board and the professional staff recognize the importance and value of a procedure for evaluating the progress and success of both newly employed and experienced personnel for improving instruction. A probationary professional staff member shall receive a summative evaluation yearly no later than March 15. This process shall include at least two classroom observations. A non-probationary professional staff member shall receive a summative evaluation once every three years. This process shall include at least one classroom observation. Professional staff evaluations shall be based on board-approved written job descriptions, including job-related duties, and observations. The performance of all professional staff shall be evaluated on a regular basis consistent with state law, established procedures and provisions in the employee handbook.

LEGAL REF.: 120.12(2) Wisconsin Statutes
 121.02(1)(q)
 PI 8.01(2)(q) Wisconsin Administrative Code
 PI 34

CROSS REF.: 526 - Personnel Records
 537 Professional Staff Development Opportunities
 538 – Rule Guidelines for Evaluation of Professional Staff
 Employee Handbook
 Professional Staff Job Descriptions

APPROVED: January 19, 1987

REVISED: August 16, 1993
 October 13, 1997
 September 9, 2002
 April 16, 2012

PROFESSIONAL STAFF EVALUATION CRITERIA

The Board of Education is responsible for the employment and discharge of all personnel. To carry out this responsibility, it delegates to the District Administrator the function of establishing and implementing a program of personnel assessment that identifies specific criteria and a systematic procedure to evaluate staff. This procedure shall include an appropriate and approved Educator Effectiveness program for the evaluation of teachers and principals in the District.

It is the purpose of the program of staff assessment to:

- A. strive for the improvement of the total District program;
- B. stress the importance of personal improvement on the part of individual professional staff members so that each student may be provided a quality education;
- C. ensure the continuous improvement of administrative and supervisory services provided by professional staff members;
- D. evaluate the renewal or non-renewal of individual contracts and to assist in staff assignments;

The staff evaluation program shall aim at the early identification of specific areas in which the individual professional staff member needs help so that appropriate assistance may be provided or arranged for. A supervisor offering suggestions for improvement to a professional staff member shall not release that professional staff member from the responsibility to improve. If a professional staff member, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal or non-renewal procedures may be invoked. In such an instance, all relevant evaluation documents may be used in the proceedings.

A professional staff member shall be given a copy of any documents relating to his/her performance that will be placed in the personnel file.

Pursuant to Wisconsin’s Educator Effectiveness law, the Board delegates to the District Administrator the task of selecting and implementing an approved Educator Effectiveness program such that the District is in compliance with State law. Evaluations shall be conducted based on the model in place at the time and consistent with applicable State law, and the District’s guidelines.

The administration is authorized to implement additional evaluation procedures for specific personnel in need of additional or alternative evaluation in addition to the educator effectiveness program. A positive rating from the educator effectiveness model does not necessarily preclude the District from taking adverse employment action towards an employee for other performance or conduct related reasons, or from implementing remedial or performance improvement measures.

LEGAL REF.: 120.12(2) Wisconsin Statutes
121.02(1)(q)
Wisconsin Administrative Code PI 34
PI 8.01(2)(q)

CROSS REF.: 526 - Personnel Records
537 - Professional Staff Development Opportunities
538 – Rule Guidelines for Evaluation of Professional Staff
Employee Handbook
Professional Staff Job Description

APPROVED: April 16, 2012

REVISED: May 16, 2022

SUPPORT STAFF AND COACH RECRUITING & HIRING

The Board shall approve the employment of all support and coaching staff. The Board assigns to the District Administrator responsibility to determine the personnel needs of the District and to locate suitable candidates to recommend to the Board for employment. Support staff and/or coaching positions shall be created by the District Administrator with the approval of the Board. When a support staff or coaching vacancy occurs, building principals and/or the athletic director shall be held responsible for seeking out the best possible applicants for the position. Application timelines shall be identified in the vacancy notice.

Applications shall be screened by the administrative team. Interviews of selected candidates shall be conducted. The building principal and/or athletic director shall select a candidate for the position based on the qualifications of the candidate and the candidate's interview. The principal or athletic director shall forward their recommendation on to the District Administrator for approval. Employment shall be conditioned on a criminal background check and final approval by the Board of Education.

The District shall only accept employment applications when a vacancy exists or when the District requests applications for a future position.

LEGAL REF.: 111.31 - 111.39 Wisconsin Statutes
120.12(1)
American with Disabilities Act of 1990

CROSS REF.: 511 - Equal Opportunity Employment
543 Rule - Support Staff & Head Coach Recruiting/Hiring
Employee Handbook

APPROVED: April 16, 2012,

REVISED: August 17, 2015
September 17, 2018
May 16, 2022

SUPPORT STAFF & COACH RECRUITING/HIRING PROCEDURES

1. POSTING VACANCY NOTICES

The District Administrator shall advertise the support staff head coaching vacancy in the local newspaper, electronically on WECAN (Wisconsin Educator Career Access Network), on the District's Website, as well as post notices of such vacancy within the school buildings for 10 business days. The notice shall state the essential functions of the position, including job duties and qualifications. The notice will ask all applicants to send a letter of application, completed application form, and letters of recommendation, if appropriate, to the building principal and/or athletic director.

Unsolicited applications are not accepted.

2. IDENTIFYING THE CANDIDATES

The Administrative team or designee(s) shall screen and select candidates for an interview from the pool of applicants. Only applicants with complete applications will be considered.

3. INTERVIEWS

All applicants for support staff and head coaching positions selected for interview shall be interviewed by a team of at least three staff members consisting of building principals, district staff members, and/or at least one parent in the case of a head coach vacancy.

Terms of employment shall be clearly defined and made available to applicants at the time of the interview.

4. SELECTION AND BOARD APPOINTMENT

Selection of candidates for recommendation to the Board shall be on the basis of their satisfaction of all requirements established by law and by the Board.

- a. Letter of application
- b. Application
- c. Letters of recommendation as appropriate
- d. Interview
- e. Criminal background check

The District Administrator or designee/s shall recommend a candidate to the Board for final approval.

The Board must approve the offering of a contract to a candidate for a support staff or head coaching position before the employment contract is valid.

LEGAL REF.: 111.31 - 111.39 Wisconsin Statutes
120.12(1)
American with Disabilities Act of 1990

CROSS REF.: 511 - Equal Opportunity Employment
543.0 - Support Staff Recruiting/Hiring
Employee Handbook

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September 17, 2018
May 16, 2022