

SCHOOL DISTRICT OF BAYFIELD

2023-2024 EMPLOYEE HANDBOOK



"BEST SMALL SCHOOL DISTRICT IN WISCONSIN"

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INTRODUCTORY MATTERS

THE ROLE OF MANAGEMENT

Policy 0122 - Board Powers

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

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.

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 or en route on school buses.

Policy 1100 - District Organization

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

The 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 wisest use of District resources, and serve the educational goals of the Board.

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

The District Administrator shall be the chief executive officer of the School 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. In each case, the Board will approve the broad purpose and function of the position in harmony with State law and regulations.

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

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

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

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

General Guidelines:

The role of management includes, but is not limited to, the right to:

- A. Manage and direct the employees;
- B. Hire, promote, schedule, transfer and assign employees;
- C. Lay off and recall employees;
- D. Discharge employees or take disciplinary action;

- E. Schedule overtime as required;
- F. Develop job descriptions;
- G. Assign work duties;
- H. Introduce new or improved methods or facilities or change existing methods or facilities;
- I. Contract out for goods and services;
- J. Discontinue certain operations; and
- K. Direct all operations of the School District of Bayfield.

OVERVIEW OF HANDBOOK

This Handbook has been prepared to provide general information and to assist you in finding answers to common questions. The Handbook cannot anticipate and answer *all* of the questions that may arise in the course of employment at the School District of Bayfield. It is expected that you will turn to your supervisor and other administrative personnel, as necessary and appropriate, in order to find answers to employment questions that are not addressed, or not fully addressed in the Handbook. To acquaint staff with the new NEOLA policies, relevant links have been inserted throughout this document.

The provisions set forth in this Handbook supersede all prior personnel policies and procedures, whether written or established by past practice. Because this Employee Handbook is based on the School District of Bayfield Board of Education policies and procedures, federal and state mandated policies and procedures, and present employee fringe benefit programs which are all subject to change, this manual is also subject to change. The School District of Bayfield Board of Education reserves the right to revise, add, subtract, correct, delete or update any part or all of the materials in this Handbook. Any changes made in this Handbook will be brought to the attention of all employees by: employee meetings, e-mail, or corrections in the Employee Handbook itself.

Pursuant to Wis. Stat. § 118.21, the School Board shall contract in writing with teachers. Please note that nothing contained in this Handbook is to be construed by any employee as establishing, or modifying the specific terms of such a teacher contract. Furthermore, nothing herein shall be construed as a guarantee of continued employment nor as a guarantee of any benefits or conditions of employment.

NONDISCRIMINATION AND EQUAL OPPORTUNITY EMPLOYMENT

Policy 3122 – Non-Discrimination 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").

Shellie Swanson
MS/HS Principal
715-779-3201 ext. 506
300 N. Fourth St.
Bayfield, WI 54814
sswanson@bayfield.k12.wi.us

Mike Peterson
4K-5 Principal
715-779-3201 ext. 317
300 N. Fourth St.
Bayfield, WI 54814
mikepeterson@bayfield.k12.wi.us

The names, titles, and contact information of these individuals will be published annually on the School District's website and in the staff handbooks.

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. .

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 District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. 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

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.

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.

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 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.

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.

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.*

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.

The district may use video surveillance/electronic monitoring systems in our schools, which may include either video or audio footage, or both.

Policy 7440.01 - Video Surveillance and Electronic Monitoring

The Board of Education authorizes the use of video surveillance and electronic monitoring equipment at various school sites throughout the District and on school buses. Wherever the terms video surveillance or electronic monitoring are used, such reference includes both video and audio surveillance as possible technologies employed.

The District Administrator is responsible for determining where to install and operate fixed-location video surveillance/electronic monitoring equipment in the District. The determination of where and when to use video surveillance/electronic monitoring equipment will be made in a nondiscriminatory manner. Video surveillance/electronic monitoring equipment may be placed in common areas in school buildings (e.g. school hallways, entryways, the front office where students, employees, and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries), the school parking lots and other outside areas, and in school buses. Except in extraordinary circumstances and with the written authorization of the District Administrator, video surveillance/electronic monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g. restrooms, locker rooms, changing areas, private offices (unless there is express consent given by the office occupant), or conference/meeting rooms), or in individual classrooms during instructional times.

Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action.

Legible and visible signs shall be placed at the main entrance to buildings and in the areas where video surveillance/electronic monitoring equipment is in use to notify people that their actions/behavior are subjected to being monitored/recorded, which may include video footage, audio recording, or both. Additionally, the District Administrator is directed to annually notify parents and students via school newsletters and the Student Handbook, and staff via the Staff Handbook, of the use of video surveillance/electronic monitoring systems in their schools, which may include either video or audio footage, or both. In cases approved by the District Administrator, camera surveillance may be used for investigatory purposes without staff, student, or public notice if the usage is calculated to further investigation into misconduct believed to have occurred or believed to be ongoing.

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the School District's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring equipment may be used as evidence in any disciplinary proceedings, administrative proceeding, or criminal proceeding, subject to Board policy and regulations. Further, such recordings may become a part of a student's education record or staff member's personnel file.

The Board will not use video surveillance/electronic monitoring equipment to obtain information for the purpose of routine staff appraisal/evaluation or monitoring.

Additionally, prerecorded lessons or observations of online or virtual learning sessions may be included as part of an

employee's evaluation.

Further, if an employee is assigned to work remotely (i.e., telework), the administration is authorized to conduct observations that consist of the supervisor reviewing video-recordings of the employee working and/or watching the employee perform his/her job responsibilities through means of a live-stream that includes both video and audio.

Additionally, nothing herein shall prevent the administration from using information gathered through electronic means (i.e., viewing a video-recording or live-stream of an employee working) for employment purposes, including but not limited to completing components of an evaluation.

Recordings of students will be treated as confidential. Consequently, because the Board is bound by Wisconsin Pupil Records Statute and the Family Educational Rights and Privacy Act (FERPA), copies of video recordings containing personal identifiable information about students shall not be released except to school officials with legitimate educational interests. Parents or guardians of minor students, and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e. the privacy rights of any other students whose images appear on the recording). Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e. the privacy rights of any students whose images appear on the recordings). Otherwise, such confidential recordings shall only be released through subpoena or court order.

The Board shall maintain video surveillance/electronic monitoring recordings for a limited period. Any request to view a recording under this policy must be made within seven (7) days of the event/incident in order to assure its availability. Inquiries after that time period may be available depending on current retention capabilities. Unless a recording is separated and maintained for some reason by the District, any recording may be stored no longer than thirty (30) days. If, however, action is taken by the Board/administration, as a result of a formal complaint or incident, recordings shall be kept for a minimum of one (1) year from the date of the action taken. Recordings may also be kept beyond the normal retention period if they are going to be utilized for training purposes.

This policy does not address or cover instances where school officials record a specific event (e.g. a play, music performance, athletic contest, graduation, or Board meeting), or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional, and/or research purposes is permitted and is not addressed by this policy.

The District Administrator is directed to develop administrative guidelines to address the use of video surveillance/electronic monitoring equipment in school buildings, school buses and on property owned and/or operated by the Board.

Video surveillance is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of this policy.

Annually, the District Administrator shall conduct a review to verify that this policy and its implementing guidelines are being adhered to, and report to the Board on the use of video surveillance/electronic monitoring equipment in the District.

TIME AT WORK & COMPENSATION

HOURS OF WORK / WORK SCHEDULES / CALENDARS

POLICY: To provide employees with regular work hours and work schedules while ensuring staffing coverage necessary for effective operations.

Teachers

Full-time: The normal work week for salaried, full-time employees shall be Monday through Friday, eight (8) hours per day except for the day before a holiday on which the teachers may leave after the students are dismissed. Employees' work schedule is 7:45 a.m. to 3:45 p.m. Employees will receive at least a twenty-four advance notice of any required staff meetings, except for emergency meetings. All full-time salaried employees shall have a duty free, 30 minute paid designated lunch period.

Part-time: The normal work week for any part-time employee shall be designated by the School District of Bayfield.

Prep Time: Time shall be allotted during the teacher day for class, or lesson preparation. The District has the right to determine the allocation and assignment of preparation time within the regular teacher day.

Calendars: The Board establishes the school year calendar, with collaboration from its teaching staff.

Support Staff

Full-time: Each full-time employee will receive and be paid for a thirty (30) minute lunch break for each work day. Lunch breaks will be scheduled by the supervisor. An employee cannot take lunch at the beginning or end of their shift.

Each employee shall have one fifteen (15) minute paid break for each four hours of scheduled work time or major fraction thereof (3 or more hours). The scheduled time of the fifteen (15) minute break shall be determined by the supervisor and cannot be at the very beginning or end of their shift.

The first day, or their equivalent, that the school is closed due to inclement weather shall not result in the loss of wages of any support staff employee. Second day will be a loss of one day wages for any support staff.

Secretaries, custodians and food service employees who work on an inclement weather day when all other bargaining unit members are not required to be at work shall earn an equivalent number of hours to be made available as personal leave to be used prior to June 30th of the current school year. The scheduling of the personal leave earned under this provision shall be by mutual consent of the employee and the employee's immediate supervisor.

Part-time: The normal work week for any part-time employee shall be designated by the School District of Bayfield.

Non-Exempt Employees

Full-time: The normal workweek for Non-Exempt full-time employees shall be 40 hours per week.

Part-time: The normal workweek for any part-time employee shall be designated by the District.

Work Outside of Scheduled Hours: Non-Exempt employees may not work outside of their scheduled hours without the express approval of their supervisor. This includes starting work early,

working over the lunch period, and working from home.

PAYROLL & DEDUCTIONS FROM PAYROLL

POLICY: Standardization of payroll and payroll procedures in accordance with applicable State and Federal guidelines.

[Policy 6700 - Fair Labor Standard Act](#)

See policy language on page 80

Data Changes: Please notify Human Resources and the Finance Office if any changes occur in your name, home address, telephone number(s), marital status, name or number of dependents, number of tax exemptions, insurance classification, beneficiary changes, or individuals to be contacted in case of emergency. This information is necessary as it may affect your compensation, dependents' eligibility for medical insurance, and other important matters.

Deductions: It is the Employer's policy to comply with applicable wage and hour laws and regulations. If you have any questions or concerns about your salaried status or you believe that any deduction has been made from your pay that is inconsistent with your salaried status, you should immediately raise the matter with the District Administrator or Finance Manager who can assist you in understanding the information that is required in order to investigate the matter.

The Employer is committed to investigating and resolving all complaints as promptly, but also as accurately as possible. Consistent with the U.S. Department of Labor's policy, any complaint will be resolved within a reasonable time given all the facts and circumstances. If an investigation reveals that you were subjected to an improper deduction from pay, you will be reimbursed and the Employer will take whatever action it deems necessary to ensure compliance with the salary basis test in the future.

Pay Schedules: All staff shall be paid in accordance with the appropriate salary schedule and/or wage grid as established by the Board. Extra-curricular salary shall be paid in accordance with the extra-curricular salary schedule, as established by the Board.

Pay Periods:

1. All staff will receive their regular paychecks every other Friday through direct deposit. Payroll will be paid in accordance with the payroll schedule published yearly.
2. School year employees can elect to be paid every other Friday on a ten (10) month basis or on a twelve (12) month basis. This request will be in writing before the start of the school year per 409A regulations of the IRS code.

Physical Examination:

[Policy 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.

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.

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.

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

The Board may require the candidate based on a contingent job offer, to submit to a test for controlled substances the results of which must indicate there is no evidence of unlawful drug use. Such examinations shall be done in accordance with the District Administrator's guidelines.

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.

Bus Drivers:

For employees who are required to hold a Commercial Driver's License, it will be the employee's responsibility to maintain the required licensure.

TOTAL BASE WAGES & OTHER FORMS OF COMPENSATION

POLICY: To review and provide total base wages in accordance with State law which authorizes collective bargaining for total base wages *only*; to allow for consideration of other forms of compensation outside of collective bargaining.

Procedure: The District is prohibited from engaging in collective bargaining with its employees on any form of compensation except for total base wages. Premium pay, merit pay, automatic pay progressions and any other form of supplemental compensation may be considered, but not bargained, by the employer. Wage rates for new hires are established by the Board.

Teachers (See Appendix A)
Support Staff (See Appendix C)

**Non-Affiliated (See Appendix D)
Extra-curricular Salaries (See Appendix E)**

OVERTIME

Policy 6700 - Fair Labor Standards Act

It is the Board of Education's policy to comply with the provisions of State and Federal Law and their respective implementing regulations, relating to minimum wages and overtime. To that end, the Board shall pay at least the minimum wage to all employees. Further, the Board recognizes the safe and efficient operation of the District may occasionally require covered, non-exempt employees to work more than forty (40) hours during a given work week. Such employees shall be paid overtime compensation.

Work week is defined as a fixed and regularly recurring period of 168 hours (i.e., seven (7) consecutive twenty-four (24) hour period).

Covered, non-exempt employees who work (i.e., perform work on behalf of or for the benefit of the Board) more than forty (40) hours in a given work week will receive overtime compensation at the rate of one and one-half (1 1/2) times the employee's regular hourly rate of pay for all hours worked in excess of forty (40) in the work week. Payment will be in the form of wages or, if the employee and the District Administrator or Board agree in the form of compensatory time off in the amount of one and one-half (1 1/2) times the number of overtime hours worked.

The District Administrator or his/her designee shall determine the necessity and availability of overtime work.

Non-exempt employees who perform compensable work that they are not authorized to perform, will be compensated for any actual work-time, but will be subject to disciplinary action.

Exempt employees are individuals who are exempt from the State and Federal overtime provisions. Generally, individuals employed in a bona fide executive, administrative, administrative academic, or professional capacity, and certain computer employees are considered exempt. To qualify for the exemption, employees generally must meet certain tests regarding their job duties and be paid on salary basis. The salary requirement does not apply to teachers. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. Additionally, the predetermined amount cannot be reduced because of variation in the quality or quantity of the employee's work. Subject to certain exceptions, an exempt employee must receive the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked.

TIME AWAY FROM WORK

EMPLOYEE RESPONSIBILITIES

All absences, including floating holidays must be entered into Frontline by an employee at least twenty-four (24) hours prior to the absence, except for PTO time due to illness. Pre-planned absences must be entered as soon as possible before the absence, in order to give supervisors ample time to find position coverage. The use of vacation days and/or personal days are prohibited for the first two, and the last two weeks of school. Special circumstances may be discussed and approved by your direct supervisor.

Incremental Use: All leave may be used in increments of no less than one-fourth of an hour, round up or down to the nearest 15 minutes. The District may designate a payroll deduction if Frontline entry is not completed in a timely fashion.

HOLIDAYS

POLICY: To identify employee holidays for eligible employees and to establish a consistent procedure for scheduling and payment.

Support Staff

Support Staff working full year

New Year's Day
Good Friday
Memorial Day
Juneteenth
Fourth of July
Labor Day
Indigenous Peoples' Day
Thanksgiving Day
Day following Thanksgiving Day
Christmas Eve Day
Christmas Day
New Year's Eve Day

Support Staff working 178-205 days (school term employees)

New Year's Day
Memorial Day
Labor Day
Indigenous Peoples' Day
Thanksgiving Day
Christmas Day

Non-Affiliated

Non-Affiliated Staff working full year

New Year's Day

President's Day
Good Friday
Memorial Day
Juneteenth
Fourth of July
Labor Day
Indigenous Peoples' Day
Thanksgiving Day
Day following Thanksgiving Day
Christmas Eve Day
Christmas Day
New Year's Eve Day

Observance: When a holiday falls on a Saturday or Sunday, the holiday will be rescheduled on the Friday immediately preceding, the Monday immediately succeeding, or as determined by the employer.

Eligibility: All full-time employees and part-time employees are eligible to receive compensation for holidays; temporary or limited-term employees are not eligible. In order to receive holiday pay, employees must work the day before and the day after each holiday with the exception of normal days off or excused absences. No employee shall be compensated more than once for each holiday.

Holiday Pay Rate: Holiday pay rate shall be computed at the employee's regularly classified rate at the regularly scheduled number of hours.

VACATIONS

POLICY: To provide eligible employees with paid vacation time while meeting the operational needs of the District.

District employees may carry over unused vacation time. Employees are eligible to exchange for pay up to ten (10) days annually at the employee's hourly rate of pay. The use of vacation days are prohibited for the first two, and the last three weeks of school. Special circumstances may be discussed and approved by your direct supervisor and the district administrator. Vacation balance changes will take place on July 1st of each year.

Support Staff

Eligibility: All year-round full-time support staff employees and part-time support staff employees working 30 hours or more per week are eligible to receive paid vacation as follows: Support Staff working a full year (prorated based on FTE).

YEARS OF SERVICE	HOURS OF VACATION
0-5	80
6 - 10	120
11-15	160
16 +	200

Support Staff working less than a full year will be prorated based on FTE.

Non-Affiliated

Staff working a full year.

YEARS OF SERVICE	HOURS OF VACATION
0 - 5	120
6 - 10	160
11 - 15	200
16 +	240

Staff working less than a full year will be prorated based on FTE.

Approval: Scheduling and use of vacation time requires the prior approval of the employee’s supervisor or at the discretion of the supervisor. All staff will be required to provide a 48 hour notice, or by noon on Friday for the following Monday, to schedule vacation time.

COMP TIME

Purpose

It is the policy of the School District of Bayfield to permit hourly employees and department heads who work more hours than regularly scheduled to receive compensatory time off on a pro-rata basis. Employees have the option to be paid for the additional hours worked or claim it as compensatory time within the guidelines of this policy. Below is a table to help staff determine what is eligible for compensatory time.

Reason for Leave	Yes	No
Travel due to professional development so an employee can return to work the following day.	X	
After hours community meetings	X	
After hours or weekend work due to handling a Covid-19 exposure*	X	
After-hours school-related meeting	X	
Sporting events		X
After hours school events that are not part of your normal job duties	X	
School Board Meeting (for those that attending is part of your normal work duties)		X

This is not an exhaustive list. Please work with your direct supervisor and human resources if you have other examples. *The School District of Bayfield reserves the right to alter being able to use hours for Covid-19 as the pandemic changes.

Granting Compensatory Time Off

Compensatory time off is granted to hourly employees and exempt department heads who are required to work in excess of 40 hours per week for special projects or during weekends or any normally scheduled time off. Compensatory time will be granted at one and one-half hours for each overtime hour worked, instead of cash overtime pay for hourly non-exempt employees. Compensatory time will be granted at an hour-for-hour basis for exempt staff. There is no legal requirement or obligation of the School District of Bayfield to grant compensatory time off to hourly employees and exempt department heads.

Procedures

The department manager who signs the timesheet is authorized to grant compensatory time off to hourly employees and department heads only. The supervisor's approval of the employee's timesheet will constitute the granting of the employee's compensatory time. All employees should record the appropriate time worked and time taken on the timesheet, write comp time on the sheet, obtain their supervisor's approval and submit it to the Finance Office. Once compensatory time is approved by the Finance Office, it will be available in the time off system. The employee is responsible to request this time off type when requesting their days off.

Using Compensatory Time Off

An employee who has accrued compensatory time and requests use of the time must be permitted to use the time off within a "reasonable period" after making the request. All staff will be required to provide a 48-hour notice, or by noon on Friday for the following Monday, to schedule compensatory time off. The staff's supervisor may deny the request if the use of compensatory time will "unduly

disrupt” the department’s operations. Supervisors can require an employee to take compensatory time off to manage the accrual limitation.

All compensatory time earned by eligible employees must be taken by the end of the fiscal year it was earned in. Any unused time will be paid to the employee at their rate of salary for exempt employees and time and a half for hourly employees. Compensatory time accrued is subject to an accrual limitation of 40 hours. Employees cannot accrue compensatory hours in excess of 40 in a two-month period. You must use your compensatory time by August 31st of the following school year.

VOLUNTARY SICK LEAVE FUND

1. If an employee exhausts his/her PTO leave accumulation the employee may notify the Human Resources of their request along with an explanation for the use of the voluntary sick leave fund. For purposes of this agreement, an employee may request the use of the sick leave fund for the following reasons:
 - The birth of a child
 - To care for the employee’s spouse, child, or parent who has a qualifying serious health condition
 - For the employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job

2. Serious Health Condition - "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
 - any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
 - a period of incapacity requiring absence of more than three calendar days from work that also involves continuing treatment by (or under the supervision of) a health care provider; or
 - any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
 - any period of incapacity due to pregnancy, or for prenatal care; or
 - any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
 - a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or
 - any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).
 - Quarantine or isolation due to Covid-19

3. The employee shall notify Human Resources, through a written request, listing the employee's need of coverage and the projected number of days needed.
4. Employees may voluntarily contribute a maximum of 16 hours (2 days) per request, provided the donating employee has at least 240 hours (30 days) PTO leave days remaining.
5. The employee in need of coverage will be provided with PTO leave days by a random drawing from the PTO days donated. Donating employees will lose 8 hours (1 day) PTO leave day per drawing until all donating employees have lost 8 hours (1 day). Donated PTO days do not rollover to the next school year.
6. Donating employees will remain anonymous to the receiving employee.
7. In the event the District has reason to believe that an employee is abusing the Voluntary Sick Leave Fund, the Board reserves the right to immediately cease utilization of the Voluntary Sick Leave Fund for that individual and to implement appropriate discipline.

LEAVES - PAID TIME OFF (PTO)

POLICY: To provide employees with paid time off to conduct personal business, address their own personal health care needs or the health care needs of an immediate family member.

Payout: Unused PTO is forfeited upon termination of employment except when an employee retires. See *Benefits-Retirement* section for details.

PTO Leave: Full-time 10-month employees shall accrue 96 hours (12 days) of PTO per year and full-time 12-month employees shall accrue 120 hours (15 days) of PTO per year, at the beginning of the contract year. Employees may roll over up to 960 hours (120 days), at the end of the contract year. Any hours over 960 will be paid out at a rate of \$18.75 per hour (\$150 per 8-hour day) at the end of the contract year.

PTO days will not be deducted or paid when an employee is receiving long term disability insurance benefits and/or when receiving worker's compensation benefits. Part-time employees shall accrue PTO on a prorated basis.

1. PTO may not be used on a scheduled in-service day, prior to a holiday, or immediately following a holiday unless approved by your immediate supervisor and the district administrator
2. PTO cannot be used for reasons associated with another job outside the District.

Notification: A request for PTO must be submitted to the appropriate person as soon as reasonably practicable, but preferably no later than 6:00 a.m. the day of your absence. Absences after 6:00 a.m. the day of your absence need to be communicated directly to your supervisor. A request for pre-arranged PTO must be approved and entered into Frontline twenty-four hours prior, to ensure

coverage is found for your absence, excluding Saturdays and Sundays.

The use of PTO is prohibited for the first two, and the last three weeks of school. Special circumstances may be discussed and approved by your direct supervisor and the district administrator.

LEAVES - FAMILY, MEDICAL & MILITARY

Family & Medical Leave of Absence (FMLA)

Introduction

In accordance with Federal and State law, the Board of Education will provide family and medical leave to administrative staff. The Board's Family and Medical Leave Act policy is intended to conform to and comply with, but not exceed, the requirements of the Federal Family and Medical Leave Act of 1993 ("FMLA") and the Wisconsin Family and Medical Leave Act ("WFMLA"). To the extent that this policy is ambiguous or conflicts with the FMLA or the WFMLA, the FMLA and the WFMLA will govern.

Family and medical leave taken under this policy may be covered by Federal law, State law, or both. When leave taken by a staff member under this policy is governed by both Federal and State law, the more generous provision will control in the event of a conflict. However, when leaves are governed by State or Federal law, but not both, the applicable law will control under this policy. In this regard, staff members should note that certain leaves may be covered by both State and Federal law for only a portion of the leave. To the extent permitted by law, leave under the FMLA, leave under the WFMLA and leave granted under the Board's other policies will run concurrently (at the same time).

Eligibility Requirements

*To be eligible for leave under the FMLA, a staff member must have been employed by the Board for at least twelve (12) months in the past seven (7) years **and** must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. All full-time instructional staff members are deemed to meet the 1,250 hour requirement.*

To be eligible for leave under the WFMLA, a staff member must have been employed for more than fifty-two (52) consecutive weeks and have worked or been paid for at least 1,000 hours in the preceding fifty-two (52) weeks. The kind and amount of leave available to the staff member under this policy, as well as the staff member's rights during leave, depend upon whether the staff member satisfies the above requirements.

Qualifying Reasons for Leave

The Board provides family and medical leave for eligible staff members under the following circumstances:

- A. *for the birth of the eligible staff member's child and to care for a newborn child*
- B. *for placement with the eligible staff member of a child for adoption or foster care*
- C. *to care for an eligible staff member's spouse, child or parent with a "serious health condition"*

*The term "child" generally includes a legal ward or a biological, adopted foster or stepchild. For leaves governed exclusively by the FMLA, the term also includes a son or daughter for whom the staff member has assumed the day-to-day obligations of a parent. A child must be **either** under eighteen (18) years of age or unable to care for himself/herself due to a physical or mental disability or, for leave under State law only, unable to care for himself/herself due to a serious health condition.*

"Parent" includes a staff member's spouse's legal guardian only if the staff member is requesting leave under the WFMLA.

"Spouse" includes a qualified domestic partner for leaves governed by the WFMLA. Domestic partnerships must be registered with the county of residence and proof of such registration may be requested prior to approval of leave. Unregistered domestic partners must demonstrate that they are 1) both over age eighteen (18); 2) not in a domestic partnership or marriage with another individual; 3) they share a common residence; 4) they are not related in any way that would prohibit marriage under Wisconsin law; 5) they consider each other to be immediate family members and agree to be responsible for the other's living expense.

- D. *because of a serious health condition that makes the eligible staff member unable to perform the essential functions of his/her position*
- E. *because of a qualifying exigency resulting from active military service by the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves*

Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

- F. *to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, in the line of duty which renders the service member medically unfit to perform the member's office, grade, rank, or rating*

Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of fifty percent (50%) or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers. Leave is available for up to twenty-six (26) weeks in a twelve (12) month period. This type of leave is available for serious injury or illness which results in:

1. *inpatient medical treatment, recuperation or therapy;*
2. *outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or*
3. *assignment to the temporary disability retired list.*

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for his/her own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

The 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, s/he is entitled to a total of twelve (12) work weeks of leave in a fiscal year running from July 1st to the following June 30th

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.

*Under the WFMLA, if the staff member satisfies the eligibility requirements set forth above, s/he is entitled to ten (10) work weeks of leave **in a calendar year** as follows:*

- A. *a total of six (6) weeks of leave for the birth of his/her natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;*
- B. *a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and*
- C. *a total of two (2) weeks of leave due to the staff member's serious health condition.*

Board policy calls for concurrent Federal/State leave coverage whenever a staff member is eligible for leave under both the FMLA and WFMLA to the extent available under the law. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Definitions of Serious Health Conditions

In conjunction with the certification provided by a healthcare provider, the Board reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling a staff member to family or medical leave under State or Federal law.

In general, a "serious health condition" under this policy means an illness, injury, impairment, or physical or mental condition that involves one (1) of the following:

A. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital or other care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

B. Absence Plus Treatment

A period of incapacity of more than three (3) consecutive calendar days* (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

*Under the WFMLA, leave may also be available for a "serious health condition" of less than three (3) consecutive days in duration.

C. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

D. Chronic Conditions Requiring Treatment

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

E. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. You or your family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider (e.g., Alzheimer's disease, a severe stroke, or the terminal stages of a disease). The continued existence of such a chronic condition is subject to certification no more than once every six (6) months.

F. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, including: cancer (chemotherapy, radiation, etc.); severe arthritis (physical therapy); or kidney disease (dialysis).

Required Staff Member Notice

The staff member must provide the 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 your own serious health condition or that of a family member). When requesting

partial or intermittent leave in connection with childbirth or adoption, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

Staff members must provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. Notice that was not provided timely without reasonable explanation may result in the denial of the leave request.

The staff member must provide a written request for leave, the reasons for the requested leave, and the anticipated beginning date and duration of the leave by submitting a FMLA leave request form to the District Administrator (forms available from the U.S. Department of Labor).

When planning medical treatment, the staff member should consult with his/her supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations, subject to the approval of the staff member's healthcare provider. The staff member is ordinarily expected to consult with his/her supervisor in order to work out a treatment schedule which best suits his/her needs, as well as the District's.

If a staff member must take more leave than originally anticipated, s/he must notify the 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 his/her own serious health condition or the serious health condition of his/her spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

The staff member must provide the fully completed certification to the 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 his/her rights and responsibilities under this policy.

The District Administrator will give the staff member the notice on each occasion that s/he notifies his/her supervisor of the need for leave that may be FMLA-qualifying, including, but not limited to, when the staff member requests another type of leave for an FMLA-qualifying reason. In the case of intermittent or reduced schedule leave, only one (1) notice will be provided

unless the circumstances regarding the leave have changed.

Absent extenuating circumstances, the 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 him/her 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 his/her supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. Medically necessary means there must be a medical need for the leave and the leave can be best accommodated through an intermittent or reduced leave schedule, as certified by the healthcare provider in the Certification.

When leave is governed only by the FMLA, the District Administrator may offer a staff member a temporary transfer to another position for which s/he is qualified with equivalent pay and benefits that better accommodates the intermittent or reduced schedule leave when the need for leave is foreseeable based on planned medical treatment or the staff member takes such leave for the birth of a child or for placement of a child for adoption or foster care. The staff member may reject this offer in which case there will be no adverse effect on the leave or entitlement to return to the same or similar position following leave. Any time spent by the staff member in an alternative position will not count against the employee's FMLA leave entitlement.

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

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the 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 must use the following leaves provided by the Board, if available:

- A. vacation or personal leave, if available, for any family or medical leave;
- B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and
- C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

A staff member may not substitute paid leave for unpaid FMLA leave taken under this policy in any situation where the Board would not normally provide such paid leave.

For leaves governed by the WFMLA, a staff member may substitute paid or unpaid leave, which s/he have earned and accrued, for leave taken under this policy, if available. The Board reserves the right to deny substitution as permitted by law.

Any paid leave substituted for unpaid FMLA leave or WFMLA leave will decrease, in whole or in part, the staff member's FMLA and/or WFMLA leave entitlement.

Continuation of Benefits

A staff member will remain eligible for group health insurance benefits under the Board's group health plan during leave taken under this policy under the same conditions as coverage would have been provided if the staff member had been actively employed during the entire leave. However, the staff member has the option of choosing not to retain such coverage during family or medical leave.

During leave taken under this policy, the Board will continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law. The staff member will be responsible for paying his/her portion of health insurance premiums regardless of whether his/her family and medical leave is paid or unpaid. It is the staff member's responsibility to make arrangements with the 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 s/he held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if s/he had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, s/he is not entitled to be reinstated.

A staff member who exceeds his/her FMLA/WFMLA leave, but remains off work under a non-FMLA/WFMLA leave policy, is not entitled to reinstatement to the same or a similar position under the FMLA/WFMLA; however, the staff member may be eligible to be reinstated under the non-FMLA/WFMLA leave policy.

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

Fitness For Duty Certification

If leave is due to the staff member's serious health condition, s/he must present certification to return to work to his/her supervisor upon returning to work. The staff member's Principal attending physician must complete the certification. The certification must indicate that the staff member has been released to return to work. It must also specify any physical or other limitation on the staff member's ability to perform regular or other duties and the duration of the limitations. No certification will be required when the staff member returns from intermittent leave, except as otherwise permitted or required by the Americans With Disabilities Act of 1990.

The certification will be limited to the particular health condition that caused the staff member's need for leave, except as otherwise permitted by the Americans With Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job related and consistent with business necessity.

Reinstatement may be delayed until the staff member submits the certification. Under such circumstances, if the staff member does not promptly provide a certification or qualify for another leave of absence, s/he may be disciplined, up to and including termination.

With the staff member's permission, the Board's healthcare provider may contact the staff member's healthcare provider to clarify and authenticate the certification, but no additional information may be requested or required, and the staff member's return to work may not be delayed while the contact is being made. No second or third fitness for duty certification may be required.

Confidentiality

All medical information relating to leave, whether written or verbal, shall be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical certifications and return-to-work statements must be maintained in confidential, secure files separate from personnel files.

No Discrimination

Leave under this policy will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions or under attendance policies.

Miscellaneous

The District Administrator may designate another administrator to perform his/her duties under this policy.

A staff member who fraudulently obtains leave under this policy is not protected by this policy's job restoration or maintenance of health benefits provisions.

The 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.

[Policy 1630.01 - Family & Medical Leave of Absence \(FMLA\) - Administration](#)

[Policy 3430.01 - Family & Medical Leave of Absence \(FMLA\) - Teachers](#)

[Policy 4430.01 - Family & Medical Leave of Absence \(FMLA\) - Support Staff](#)

LEAVES - PARENTAL

The District will provide up to 12 weeks of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted child. This policy will run concurrently with the Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, and adoptions occurring on or after July 1, 2022. This policy will be reviewed on June 30, 2024 for possible continuation.

Eligibility

Eligible employees must be full, or part-time, regular employees (temporary employees and interns are not eligible for this benefit).

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Be a committed partner of a person who has given birth to a child.
- Have adopted a child (the child must be age 17 or younger or incapable of self-care because of mental or physical disability). The adoption of a new spouse's child is excluded from this policy.

Amount, Time Frame and Duration of Paid Parental Leave

- Eligible employees will receive a maximum of 12 weeks of paid parental leave per birth or adoption of a child/children. The fact that a multiple birth or adoption occurs (e.g., the birth of twins or adoption of siblings) does not increase the 12-week total amount of paid parental leave granted for that event.
- During the paid parental leave, employees will be compensated at 100 percent of the employee's regular pay.
- Upon termination of the individual's employment at the district, employee will not be paid for any unused paid parental leave for which he or she was eligible.
- Leave must be used within 12 months from the date of birth or adoption or in the event of a medical emergency. In the event of medical necessity, leave can be used prior to birth.

Coordination with Other Policies

- After the paid parental leave is exhausted, the balance of FMLA leave (if applicable) will be compensated through employees' accrued PTO and vacation time. Upon exhaustion of accrued PTO and vacation time, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- The district will maintain all benefits for employees during the paid parental leave period just as if they were taking any other district paid leave such as paid vacation leave or paid PTO leave.
- An employee who takes paid parental leave that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee were on FMLA-qualifying leave.

Requests for Paid Parental Leave

- The employee will provide the employee's supervisor and the human resource department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary HR forms and provide all documentation as required by the HR department to substantiate the request.

LEAVES - BEREAVEMENT

In the event of a death of a member of the immediate family, the employee will be entitled to a leave allowance of up to 40 hours (5 days) at the discretion of the employee. Immediate family means mother, father, sister, brother, daughter, son, foster child, stepchild, wife, domestic partner, or husband. A leave allowance up to 24 hours (3 days) at the discretion of the employee will be granted for the death of a father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparents or grandchildren of the employee, spouse or domestic partner. A leave allowance of 8 hours (1 day) at the discretion of the employer will be granted per school year for an aunt, uncle, or cousin. Part-time employees shall receive prorated leave. In cases of special circumstances, the District Administrator may grant additional leave for bereavement or may grant leave for the death of others not described in the above.

LEAVES - JURY DUTY

POLICY: Employees who receive a summons to serve on jury duty will be granted jury duty leave.

General Guidelines: Employees must give reasonable advance notice of their intended absence for jury duty. Enter your time off request into Frontline only after attendance is confirmed with the County Court System. If an employee is dismissed from jury duty on any given day at least two (2) hours prior to the end of his/her regularly scheduled working hours, he/she shall report to work for the balance of the working day. Employees will be compensated for their regular wages for each day of jury duty served, if scheduled to work, with the **payments for performing jury duty signed over to the District Finance office, minus mileage.**

LEAVES - EMERGENCY CONDITIONS

POLICY: To promptly notify employees of any emergency conditions that may require the closing of a work site, the reassignment of staff to alternative work sites or other emergency measures.

Inclement Weather:

Teachers and School Year Employees

The first inclement weather day of the year shall not be made up and staff will not be docked for such a day. In the event of a second inclement weather day occurring prior to a scheduled make-up day, the day may be made up by both staff and students on the scheduled make-up day. In the event there are no make-up days scheduled after a second inclement weather day, the day may be made up by staff only. In the event a make-up day is planned without students and you were in attendance at a conference during an inclement weather day, you may be exempt. Please see your supervisor. Other inclement weather days will be made up at the District's discretion. In the event that the District decides to make up any inclement weather days, they shall be made up at the end of the calendar year or as determined by the District. Employees who have pre-arranged PTO days scheduled off, will qualify for a reimbursement of time off when school is canceled for inclement weather. When a food service employee reports to work on such days, they will receive their hourly salary for time worked.

Twelve-month Employees

Twelve-month employees shall report for or remain at work on inclement weather days. Should such an employee believe it unsafe to travel to work or remain at work, the employee must contact their supervisor and so state. Employees who work on an inclement weather day will receive a floating holiday.

Other Emergency Conditions: In conjunction with local health and/or public safety authorities, the School District of Bayfield may decide to close a work site or take other emergency measures in order to safeguard the health and welfare of employees and the public and/or because a situation exists affecting the ability of employees to perform their job. Examples of emergency conditions

might include power outages, a natural disaster, or a quarantine imposed by health officials. Under such circumstances, the District may authorize paid leave status for employees.

Emergency Leave: To be eligible for emergency leave, the employee must have exhausted all of his/her accrued leave first. Up to 24 hours (3 days) of paid emergency leave will be granted for full-time employees per year. Emergency leave may only be used for situations which require the employee's immediate attention and which cannot be addressed outside of the regular school day. Requests for the use of emergency leave shall be in writing and shall be subject to the approval of the District Administrator. In the District's sole discretion, emergency leave may be extended beyond 24 hours (3 days).

Leave Without Pay: Unpaid Leave: The District may approve unpaid leave requests. Requests must be authorized no less than five (5) days prior to the absence. Employees must have exhausted all accrued personal leave before unpaid leave will be considered. While on such leave, the employee shall not receive or accrue any fringe benefits. The employee shall, however, be permitted to remain in the District's group health insurance plan, at his/her own expense, for the time required by state and federal law. Employees will be responsible for all fringe benefit costs while on unpaid leave after the second day and all other unpaid leaves for the remainder of the school year.

Unrequested Leaves of Absence/Fitness for Duty:

[Policy 3161 – 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 professional staff members unable to perform their duties.

The Board authorizes the District Administrator to place a professional staff member on unrequested leave of absence for physical or mental inability to perform assigned duties in conformance with the law.

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

The professional staff member 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 to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 3122.02, the District Administrator 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 professional staff member is found to be unable to perform assigned duties, the professional staff member shall be placed on 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 a professional staff member refuse to submit to the examination requested by the District Administrator such refusal shall subject the professional staff member to disciplinary action.

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 3430.01 as provided by law.

LEAVES – PROFESSIONAL LEAVE

POLICY: To ensure employees have a passion for being lifelong learners. Professional Development occurs daily through all interactions. Courses and workshops ensure that educators and staff remain effective in their subject knowledge.

Teachers and school year employees:

Your supervisor must approve all professional development requests before you enter your leave into Frontline. Employees must submit a Professional Development/Conference Request Form to their immediate supervisor. Please present all costs, including substitute costs, required on the Professional Development Form. Once your supervisor has notified you in writing, you will enter the leave request into Frontline for final approval. Your leave request in Frontline must include the workshop title in addition to what funding will be paying for the leave (per your supervisor). If your supervisor mandates you to attend professional development during non-contracted days (i.e. July or August), teachers will be compensated at their professional salary rate per hour or hourly rate for support staff.

INSURANCE & RETIREMENT BENEFITS

BENEFITS - GROUP HEALTH PLANS & COBRA

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

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan

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 Finance Officer 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.*

Policy 4419.03 - 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 following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. 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 event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

Coverage: *Levels of benefits provided and employee participation is determined by the School District of Bayfield and applicable state and federal regulations.*

Health and Dental Insurance: *The District will provide health insurance to those employees who qualify for coverage. Staff working full-time (.75 FTE or above) are required to pay 12.6% of total monthly health insurance premiums. Part-time employees (.74 FTE or below) are required to pay 12.6%*

of the total monthly insurance premium plus the prorated portion of the remaining premium based on FTE.

Pay in Lieu of Health Insurance: The District will pay you 40% of a family policy per year if you can provide proof that you have other health insurance coverage and do not enroll in the group health insurance, prorated based on your FTE. This payment is made bi-weekly with your payroll. This is limited to one time per policy.

The District will provide dental insurance to those employees who qualify for coverage. Staff working full-time (.75 FTE or above) will be provided coverage with no employee contributions. Part-time employees (.74 FTE or below) will be required to pay a percentage of the monthly dental insurance premium matching their FTE.

Insurance Continuation: As per current "COBRA" regulations.

For additional details regarding coverage and premium contributions, contact the District Administrator or Finance Manager.

BENEFITS - OTHER BENEFITS

POLICY: To provide, or make available, additional benefits.

Physical Examinations: Upon initial employment, employees must present evidence of a physical examination within the past 90 days. The District will be responsible for paying for any required physical exam.

Attendance Incentive: In order to encourage staff attendance, all staff will receive the equivalent of a full day substitute rate at the end of each month when they don't miss a full day of work for that month utilizing PTO leave, unpaid leave and emergency leave. The stipend will be added to the first payroll of the following month. If staff utilizes multiple leave types for any given day to reach their full hours they will not be eligible for the stipend.

Long Term Disability: The School District will pay full premium on Long Term Disability for staff with an employment status of .75 FTE and above. An employee who becomes eligible for long-term disability benefits will continue to receive the District paid portion of their health insurance for nine (9) months. The district will continue its health insurance premium contributions, on behalf of the employee, at the same rate as for active employees, for the first nine (9) months while on disability. Thereafter, the employee's right to remain in the District's group health insurance plan, at his/her own expense, shall be pursuant to state and federal law. If eligible, staff must apply for long term disability through the district benefits coordinator.

Term Life Insurance: Employees may participate in term life insurance through the District life insurance company. Deductions for employees' shares are to be made each month according to the current formula.

Section 125 Plan: The District will provide a Section 125 Plan. The vendor shall be selected by the District. Subject to state and federal regulations, the Plan shall provide for pre-tax (state and federal

withholding and FICA) deductions. There is a “roll over” provision for up to \$500 as allowed by state and federal regulation. Returning to health insurance coverage (for those working sufficient hours to qualify for the group plan) can occur at any time permitted by the insurance carrier.

BENEFITS - RETIREMENT

POLICY: To provide retirement contributions to eligible employees in accordance with State law.

Employee Contribution – Wisconsin Retirement System. Once eligible for coverage under WRS, coverage is mandatory and an employee may not “opt out” of WRS. Employers and employees are required to pay a percentage of each payment of earnings equal to “one-half of the total actuarially required contribution rate.” Employee contributions are pre-tax.

Additional Retirement Benefits - All Full Time Employees (See Appendix B)

TECHNOLOGY & COMMUNICATIONS

ELECTRONIC MEDIA & SOCIAL MEDIA POLICY

Policy 7530.01 - Board Owned Personal Communication Devices

The Board will provide personal communication devices (“PCDs” as defined in Bylaw 0100) to employees who by the nature of their job have a routine and continuing business need for the use of such devices for official Board business. PCDs are provided as tools to conduct Board business and to enhance business efficiencies. Board-owned cell phones are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct Board business (i.e., because some cellular telephone services plans are billed on a time-used basis, Board-owned cell phones should not be used if a less costly alternative method of communication is safe, convenient and readily available).

The District Administrator shall designate those staff members who will be issued a Board-owned cell phone and provided with a cellular telephone and/or wireless Internet/data service plan.

The District Administrator or his/her designee is responsible for verifying:

- A. the need for each Board-owned cell phone and related service plan is clearly justified for Board business purposes;*
- B. alternative solutions for work production and communication are considered;*
- C. employees provided with cellular and/or wireless Internet/data service plans are notified of the purpose and limitations of usage;*
- D. cellular telephone and wireless Internet/data service plan invoices outlining the details of usage are received and reviewed for conformance with this policy;*
- E. employees reimburse the Board for non-business use; and*
- F. a Board-owned cell phone is returned and the corresponding cellular telephone and/or wireless Internet/data service plan is terminated when it is no longer justified by business requirements, the employee leaves the Board's*

employment, and/or when the employee has demonstrated a disregard for the limitation of this policy.

In deciding which staff members should receive a Board-owned cell phone, the District Administrator will consider whether their jobs:

- A. require them to spend a considerable amount of time outside of their assigned office or work area during regular work hours and have regular access to telephone and/or Internet/data connections while outside their office or assigned work area;
- B. require them to be accessible outside of scheduled or regular work hours or to be contacted and respond in the event of an emergency; or
- C. consistently require timely and business critical two (2) way communication for which there is no reasonable alternative technology;
- D. safety requirements indicate having a cell phone is an integral part of meeting the requirements of the employee's job description;
- E. require them to be contacted on a regular basis outside regular work hours; or
- F. require them to be on-call 24/7.

Cellular and wireless Internet/data service plans are expected to be set at the minimum level that fulfills the business need for the position in question. The service plan that is selected for an employee should be the one that provides a combination of services including number of minutes, coverage, and local call zone most nearly matching the employee's recurring business needs as well as whether or not the service plan includes text messaging, instant message and/or e-mail capability, and ability to access the Internet. If the service plan is based on minutes used for calls made or includes a charge regarding e-mail or instant messages, the smallest plan available to accommodate the particular business need shall be utilized.

The Board shall approve the District Administrator's recommendation regarding the type and level of cellular telephone and wireless Internet/data service appropriate for each staff member listed above. In all cases, the District Administrator shall take the steps necessary to secure the most economical and responsible service available.

Thereafter, an annual review of the service plans available shall be made to determine if the District's plans are the most economical and responsible available. Additionally, at least once annually, the District Administrator shall review the employee's actual usage (i.e., type and level of service) with the employee and, if warranted, authorize the acquisition of a different cell phone and/or selection of a different service plan that more nearly matches the employee's recurring business needs. Any such change in provider and/or necessary adjustments to individual staff member's device and/or service plan shall be presented to the Board for consideration and approval.

Possessing a Board-owned cell phone and/or other PCD is a privilege and all employees are expected to use them appropriately and responsibly. Employees are responsible for managing the cost effectiveness of their cell phone and/or PCD use by utilizing assigned landline and/or designated computers as available and appropriate.

In order to continue to be eligible to receive a Board-owned cell phone, staff members are required to answer all calls on his/her Board-owned cell phone and promptly respond to any messages.

Safe and Appropriate Use of Board-Owned PCDs, Including Cell Phones

Employee safety is a priority of the Board, and responsible use of Board-owned PCDs, including cell phones, requires safe use. See Policy 7530.02 - Staff Use of Personal Communication Devices.

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information; Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their Board-owned PCDs. See Policy 7530.02 - Staff Use of Personal Communication Devices.

When the Board intends to dispose of, or otherwise stop using, a Board-owned PCD on which an employee has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the District's IT department/staff shall verify such records are properly transferred to an alternative storage device, before disposing of, or otherwise ceasing to use, the

PCD. The IT department/staff is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the Board-owned PCD. The IT department/staff is responsible for maintaining documentation concerning the actions it takes to comply with this requirement.

Employee's Responsibilities

Employees are responsible for the safekeeping, care and custody of the Board-owned PCDs assigned to them. Further, employees are responsible for the cost of misuse, intentional damage or reckless loss of the Board-owned PCDs provided to them.

Reasonable precautions should be taken to prevent theft, loss or damage to, or misuse or unauthorized use/access to, Board-owned PCDs. Upon resignation or termination of employment, or at any time upon request, an employee may be asked to produce the Board-owned PCD issued to him/her for return or inspection. Employees unable to present the device in good working condition within the time period requested (e.g., twenty-four (24) hours) might be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

PCDs may not be transferred to any other employee without prior notification and approval of the District Administrator. Employees provided with a PCD understand that the PCD is owned by the Board. Any alteration or switching of PCDs must be approved in advance by the District Administrator.

The Board reserves the right to audit all Board-owned cell phones, which will include, but not be limited to, a review of the detailed monthly statement upon submission after the requisite review by the employee. The detailed monthly service statements for all Board-owned cell phones, as well as invoices and payment documents related to these accounts, are public records and, as such, may be subject to disclosure and review.

Use of Board-owned Cell Phones for Personal Calls

The Board recognizes that in rare circumstances it may be necessary for an employee to use a Board-owned cell phone for personal business. The Board generally prohibits such conduct as emphasized by this policy, but realizes there may be limited situations when such use is justified. Employees are advised not to take advantage of this provision and that repeated use of a Board-owned cell phone for personal business will result in disciplinary action.

If unforeseen circumstances develop where employees must use their Board-issued cell phone for personal reasons (e.g., to let family know that the employee will be home late, etc.) it is up to the District Administrator or his/her designee to determine whether the employee should reimburse the Board.

Potential Disciplinary Action/Cancellation of Board-Owned PCD

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of the Board-owned PCD in any manner contrary to local, State or Federal laws will constitute misuse, and will result in the Board canceling the employee's privilege to use the PCD and requiring the employee to immediately return the device.

Policy 7530.02 - Staff Use of Personal Communication Devices

Use of personal communication devices ("PCDs") has become pervasive in the workplace. For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g. Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), telephone paging devices (e.g., beepers or pagers), and/or other web-enabled devices of any type. Whether the PCD is Board-owned and assigned to a specific employee, or personally-owned by the employee (regardless of whether the Board pays the employee an allowance for his/her use of the device, the Board reimburses the employee on a per use basis for their business-related use of his/her PCD, or the employee receives no remuneration for his/her use of a personally-owned PCD), the employee is responsible for using the device in a safe and appropriate manner.

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones

Employees whose job responsibilities include regular or occasional driving and who use a PCD for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message or e-mail, or browsing the Internet using a PCD while driving is strictly prohibited. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options (e.g., headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving).

In situations where job responsibilities include regular driving and accepting of business calls, the employee should consider the use of hands-free equipment to facilitate the provisions of this policy.

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their PCDs.

Cellular and wireless communications, including calls, text messages, instant messages, and e-mails sent from PCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, cellular/wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records if the content of the message concerns District business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 – Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with District requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

At the conclusion of an individual's employment (whether through resignation, nonrenewal, or termination), the employee is responsible for informing the District Administrator or his/her designee of all public records, student records and ESI subject to a Litigation Hold that is maintained on the employee's Board-owned PCD. The District's IT department/staff will then transfer the records/ESI to an alternative storage device.

If the employee also utilized a personally-owned PCD for work-related communications, and the device contains public records, students records and/or ESI subject to a Litigation Hold, the employee must transfer the records/ESI to the District's custody (e.g., server, alternative storage device) prior to the conclusion of his/her employment. The District's IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the District's custody, the employee is required to delete the records/ESI from his/her personally-owned PCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the District's custody and deleted from his/her personally-owned PCD before the Board will issue any final compensation that is owed to the employee.

If a PCD is lost, stolen, hacked or otherwise subjected to unauthorized access, the employee must immediately notify the District Administrator so a determination can be made as to whether any public records, students records and/or ESI subject to a Litigation Hold has been compromised and/or lost. The District Administrator shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was encrypted.

The Board prohibits employees from maintaining the following types of records and/or information on their PCDs:

- A. social security numbers*
- B. driver's license numbers*
- C. credit and debit card information*
- D. financial account numbers*
- E. student personally identifiable information*
- F. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)*
- G. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)*

If an employee maintains records and/or information on a PCD that is confidential, privileged or otherwise protected by State

and/or Federal law, the employee is required to encrypt the records and/or information.

It is suggested that employees lock and password protect their PCDs when not in use.

Employees are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the District Administrator or as necessary to fulfill their job responsibilities, employees are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

The use of PCDs that contain built-in cameras (i.e., devices that take still or motion pictures, whether in a digital or other format) is prohibited in locker rooms, shower facilities, rest/bathrooms and/or swimming pool.

Personal Use of PCDs While at Work

During work hours personal communications made or received, regardless of whether on a PCD or a regular telephone or network computer, can interfere with employee productivity and distract others. Employees are expected to use discretion in using PCDs while at work for personal business. Employees are asked to limit personal communications to breaks and lunch periods, and to inform friends and family members of the Board's policy in this regard.

Potential Disciplinary Action

Violation of this policy may result in disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws may also result in disciplinary action up to and including termination.

Policy 7540 – Technology

The Board of Education is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of District operations.

Students' use of District technology resources (see definition in Bylaw 0100) is a privilege not a right. Students and their parents must sign and submit a Student Technology Acceptable Use and Safety form annually. (See also, Policy 7540.03)

The District Administrator and the Technology Governance Committee shall develop and implement a written District Technology Procedure (DTP). One of the primary purposes of the DTP is to evaluate new and emerging technologies and how they will play a role in student achievement and success and/or efficient and effective District operations. The Board will financially support, as the budget permits, the DTP, including recommendations to provide new and developing technology for students and staff.

The District Administrator shall create a Technology Governance Committee (see AG 7540B) to oversee and guide the development of the DTP. The District Administrator shall appoint individuals to the Technology Governance Committee that include representatives of all educational, administrative, and business/operational areas in the District.

The DTP shall set forth procedures for the proper acquisition of technology. The DTP shall also provide guidance to staff and students concerning making safe, appropriate and ethical use of District technology resources, as well as inform both staff and students about disciplinary actions that will be taken if Board technology and/or networks are abused in any way or used in an illegal or unethical manner. (See Policy 7540.03 and AG 7540.03 - Student Technology Acceptable Use and Safety, and Policy 7540.04 and AG 7540.04 - Staff Technology Acceptable Use and Safety)

The District Administrator, in conjunction with the Technology Governance Committee, shall review the DTP and report any changes, amendments, or revisions to the Board annually.

This policy, along with the Student and Staff Technology Acceptable Use and Safety policies, and the Student Code of Conduct, further govern students' and staff members' use of their personal communication devices (see Policy 5136 and Policy 7530.02). Users have no right or expectation of privacy when using District technology resources (including, but not limited to, privacy in the content of their personal files, e-mails and records of their online activity when using the District's computer network and/or Internet connection).

Further, safeguards shall be established so that the Board's investment in both hardware and software achieves the benefits of

technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media to interact with others online; interacting with other individuals in chat rooms or on blogs; and, recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they experience cyberbullying.

For purposes of this policy, social media is defined as Internet-based applications that facilitate communication (e.g., interactive/two-way conversation/dialogue) and networking between individuals or groups. Social media is “essentially a category of online media where people are talking, participating, sharing, networking, and bookmarking online. Most social media services encourage discussion, feedback, voting, comments, and sharing of information from all interested parties.” [Quote from Ron Jones of Search Engine Watch] Social media provides a way for people to stay “connected or linked to other sites, resources, and people.” Examples include Facebook, Twitter, Instagram, webmail, text messaging, chat, blogs, and instant messaging (IM). Social media does not include sending or receiving e-mail through the use of District-issued e-mail accounts.

Staff may use social media for business-related purposes. Authorized staff may use District technology resources to access and use social media to increase awareness of District programs and activities, as well as to promote achievements of staff and students, provided the District Administrator approves, in advance, such access and use. Use of social media for business-related purposes is subject to Wisconsin's public records laws and staff members are responsible for archiving their social media and complying with the District's record retention schedule. See Policy 8310 – Public Records and AG 8310A – Public Records.

Instructional staff and their students may use District technology resources to access and use social media for educational purposes, provided the principal approves, in advance, such access and use.

Students must comply with Policy 7540.03 and Policy 5136 when using District technology resources to access and/or use social media. Similarly, staff must comply with Policy 7540.04 and Policy 7530.02 when using District technology resources to access and/or use social media.

Policy 7540.04 - Staff Technology Acceptable Use and Safety

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. 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 of Education provides Technology and Information Resources (as defined by Bylaw 0100) to support the educational and professional needs of its staff and students. The Board provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The District's computer network and Internet system do 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 regulates the use of District Technology and Information Resources by principles consistent with applicable local, State, and Federal laws, and the District's educational mission. This policy and its related administrative guidelines and any applicable employment contracts govern the staffs' use of the District's computers, laptops, tablets, personal communication devices (as defined by Policy 7540.02).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its Technology Resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using District Technology and Information Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the District's computer network and/or Internet connection).

Staff members are expected to utilize District technology and information resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources to enrich educational activities. The instructional use of the Internet and online educational services will be guided by Board's Policy 2521 - Selection of Instructional Materials and Equipment.

The Internet is a global information and communication network that provides a valuable education and information resources to our students. The Internet connects computers and users in the District with computers and users worldwide. Through the Internet, students and staff can access relevant information that will enhance their learning and the education

process. Further, District technology and resources provide students and staff with the opportunity to communicate with other people from throughout the world. Access to such a vast quantity of information and resources brings with it, however, certain unique challenges.

First, Board may not be able to technologically limit access to services through its technology resources to only those that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures, that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or District Administrator, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using the District's technology resources if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

The District Administrator or IT Systems Administrator may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The District Administrator or IT Systems Administrator may disable the technology protection measure to enable access for bona fide research or other lawful purposes for staff or students aged seventeen (17) or older.

Staff members will participate in professional development programs in accordance with the provisions of this policy. Training shall include:

- A. the safety and security of students while using e-mail, chat rooms, social networking sites and other forms of direct electronic communications;*
- B. the inherent danger of students disclosing personally identifiable information online;*
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by students or staff online; and*
- D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors.*

Furthermore staff members shall provide instruction for their students regarding the appropriate technology use and online safety and security as specified above, and staff members will monitor students' online activities while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The disclosure of personally identifiable information about students online is prohibited.

Building Principals are responsible for providing training so that Education Technology users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the District technology resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media, including chat rooms and cyberbullying awareness and response. All users of District technology resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Staff will be assigned a school email address that they are required to utilize for all school-related electronic communications, including those to students, parents, and other staff members.

Staff members are responsible for good behavior when using District technology and information resources - i.e., behavior

comparable to that expected when they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. The Board does not approve any use of the technology and information resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Staff members may only use District technology resources to access or use social media if it is done for educational or business-related purposes.

General school rules for behavior and communication apply.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District technology and information resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the District Administrator and Building Principals as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of District technology and information resources.

Social Media Use

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment Rights, those rights do not include permission to post inflammatory comments that could compromise the District's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parental consent. See Policy 8330. Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality laws or privacy laws related to the disclosure of confidential employee information may be disciplined.

Staff members retain rights of communication for collective bargaining purposes and union organizational activities.

Policy 7540.06 – District-Issued Email Account

Staff

The Board of Education is committed to the effective use of electronic mail ("e-mail") by all District staff and Board members in the conduct of their official duties. This policy, as well as any guidelines developed pursuant to it are intended to establish a framework for the proper use of e-mail for conducting official business and communicating with colleagues, students, parents, and community members.

When available, the District's e-mail system must be used by employees for any official District e-mail communications. Personal e-mail accounts on providers other than the District's e-mail system may be blocked at any time if concerns for network security, SPAM, or virus protection arise. District staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the District's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

District staff may join list serves or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the District, The Technology Director is authorized to block e-mail from list serves or e-mail services if the e-mails received by the staff member(s) become excessive.

Public Records

The District complies with all Federal and State laws pertaining to electronic mail. Accordingly, e-mails written by or sent to District staff and Board members may be public records, or education records if their content includes personally identifiable information about a student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. E-mails that are student records must be maintained pursuant to Policy 8330 – Student Records. Finally, e-mails may constitute electronically stored information ("ESI") that may be subject to a litigation hold pursuant to Policy 8315 – Information Management.

State and Federal law exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the emails are released pursuant to a public records request, the request of a parent or eligible student to review education records or a duly served discovery request.

E-mails written by or sent to District staff and Board members by means of their private e-mail account may be public records if the content of the e-mails concerns District business, or education records if their content includes personally identifiable information about a student. Consequently, staff shall comply with a District request to produce copies of e-mail in their possession that are either public records or education records, or that constitute ESI that is subject to a litigation hold, even if such records reside on a computer owned by an individual staff member, or are accessed through an e-mail account not controlled by the District.

Retention

Pursuant to State and Federal law, e-mails that are public records or education records, and e-mails that are subject to a litigation hold shall be retained.

Unauthorized E-mail

The Board does not authorize the use of its technology resources, including its computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Policy 7540.04, staff and Board members using the District's e-mail system shall acknowledge their review of, and intent to comply with, the District's policy on acceptable use and safety.

Furthermore, staff and Board members using the District's e-mail system shall satisfactorily complete training, pursuant to Policy 7540.04, regarding the proper use and retention of e-mail.

Policy 7542 - On-Site Access to District Technology Resources from Personally-Owned Personal Communication Devices

For purposes of this policy, "personal communication device" means as defined in Bylaw 0100 - Definitions. Board members, employees, students, as well as contractors, vendors, and agents of the District may use their PCD to wirelessly access the District's technology resources (guest or business networks, servers, printers, etc.) while they are on-site at any District facility. Access to the business network shall require authentication.

The IT Systems Administrator is authorized to develop the necessary standards for connecting PCDs to the District's technology resources. The standards shall be available upon request.

The standards shall be designed and enforced to minimize the Board's exposure to damages, including, but not limited to, the loss of sensitive District data, illegal access to confidential data, damage to the District's intellectual property, damage to the District's public image, and damage to the District's critical internal systems, from unauthorized use.

The use of PCDs must be consistent with the established standards for appropriate use as defined in Policy 7540.03 – Student Technology Acceptable Use and Safety, and Policy 7540.04 – Staff Technology Acceptable Use and Safety.

Any user who violates the established standards and/or the Board's Acceptable Use policy, or who accesses the District's technology resources server and network without authorization may be prospectively denied access to the District's technology resources. If the violation is committed by a contractor, vendor or agent of the District, the contract may be subject to cancellation. Further disciplinary action may be taken if the violation is committed by a student or employee.

The owner of a PCD bears all responsibility and assumes all risk of theft, loss, or damage to, or misuse or unauthorized use of the device while it is on Board property. This provision applies to everyone, regardless of their affiliation or connection to the District.

Policy 7544 - Use of Social Media

Technology is a powerful tool to enhance education, communication, and learning.

The Board authorizes the use of social media to promote community involvement and facilitate effective communication with students, parents/guardians, staff, and the general public. Social media is defined in Bylaw 0100.

The District Administrator is charged with designating the District-approved social media platforms/sites, which shall be listed on the District's website.

In designating District-approved social media platforms/sites, the District Administrator shall specify which platforms/sites are appropriate for use at the District-level, the building or department level, for extra-curricular activities, and at the individual level by employees for professional purposes consistent with the Board's authorization for the official use of social media by individual buildings, departments, activities, or staff members.

It is critical that students be taught how to use social media platforms safely and responsibly. Social media (as defined in Bylaw 0100) are a powerful and pervasive technology that affords students and employees the opportunity to communicate for school and work purposes, and to collaborate in the delivery of a comprehensive education. Federal law mandates that the District provide for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. See Board Policy 7540.03 – Student Technology Acceptable Use and Safety.

The District recognizes that employees may use social media for personal, as well as professional reasons. The District neither encourages nor discourages employees' use of social media for personal purposes. The District regulates employees' use of social media for purposes related to their District assignment to the same extent as it regulates any other form of employee communication in that regard.

Each District-approved social media account/site must contain a statement that specifies its purpose(s) and limits those who access the social media account/site to use of the account/site only for that/those purpose(s), and in accordance with any specified procedures, and applicable terms of service. Users are personally responsible for the content of their posts.

The District Administrator shall maintain the District's social media presence with respect to general announcements, notices, or other such communications that are disseminated to the public at large or specific audiences within the community. To the extent individual staff members wish to post information or announcements to a District social media platform, the staff member may request that the District Administrator approve and post such information. (This provision does not apply to social media communications that are related to instructional and school-sponsored activities.)

Social Media for Instructional and School-Sponsored Activities

Staff may use social media platforms/sites for communications about classroom instruction or school-sponsored activities, as well as to support classroom instruction. When a staff member uses a District-approved social media platform/site for an educational purpose, it will be considered an educational activity and will not be considered a limited public forum. Students' use of District-approved social media platforms/sites must be consistent with the Student Code of Conduct, Policy 5500 – School-Sponsored Student Publications and Productions, Policy 7540.03/AG 7540.03 – Student Technology Acceptable Use and Safety, the instructor's directions/procedures, and the platform/site's applicable terms of service. Students are prohibited from posting or releasing personally identifiable information about students, employees, and volunteers through District-approved social media without appropriate consent.

Staff members must provide parents of students involved in a school-sponsored activity the ability to opt-out of having their child use social media platforms/sites for communication purposes associated with that activity, and arrange for an alternative method of communicating with the participating student concerning the school-sponsored activity.

Expected Standards of Conduct on District-Approved Social Media

Employees who access District-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner. Students, parents, and members of the general public who access District-approved social media platforms are similarly expected to conduct themselves in a respectful, courteous, and civil manner.

District-approved social media sites shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with District operations; or interferes with the rights of others. The District may exercise editorial control over the style and content of student speech on District-approved social media if reasonably related to legitimate pedagogical concerns. Staff or students who post prohibited content shall be subject to appropriate disciplinary action.

The District is committed to protecting the privacy rights of students, parents/guardians, staff, volunteers, Board members, and other individuals on District-approved social media sites. District employees are prohibited from posting or releasing confidential information about students, employees, volunteers, or District operations through social media, without appropriate consent (i.e., express written consent from the parent of a student, the affected employee or volunteer, or the District Administrator concerning District operations).

Retention of Public/Student Records

District communications that occur through the use of District-approved social media platforms/sites – including staff members' use of social media with school-sponsored activities, and comments, replies, and messages received from the general public – may constitute public records or student records, and all such communications will be maintained (i.e., electronically archived) in accordance with the Board's adopted record retention schedule and all applicable State statutes. (See AG 8310A –Public Records)

If a staff member uses District-approved social media platforms/sites in the classroom for educational purposes (i.e., classroom instruction), the staff member must consult with the Principal concerning whether such use may result in the creation of public and/or education records that must be maintained (i.e., electronically archived) for a specific period of time.

Employees' Use of District Technology Resources to Access Social Media for Personal Use

Employees are permitted to use District technology resources (as defined in Bylaw 0100) to access social media for personal use during breaks, mealtimes, and before and after scheduled work hours.

They are reminded that the District may monitor their use of District technology resources.

Employees' Use of Personal Communication Devices at Work to Access Social Media for Personal Use

Employees are permitted to use personal communication devices to access social media for personal use during breaks and mealtimes.

Employees are prohibited from posting or engaging in communication that violates State or Federal law, Board policies, or administrative guidelines. If an employee/volunteer's communication interferes with his/her ability to effectively perform his/her job, or violates State or Federal law, Board policies, or administrative guidelines, the District may impose disciplinary action and/or refer the matter to appropriate law enforcement authorities.

This policy and its corresponding administrative guideline will be reviewed and updated as necessary.

POLITICAL ACTIVITIES

Definition of “Employer Resources”: Employees may not use employer resources for political activities. Employer resources include office supplies, electronic equipment including e-mail, facsimile and photocopying machines, bulletin boards and other public spaces. (Use of bulletin boards requires authorization of the District Administrator and is off-limits to public use.)

Definition of “Political” Activities: Political activities include partisan and nonpartisan elections and referendums. Any political activity must be conducted independent of your role as an employee. The following guidelines are not exhaustive, but are intended to help in differentiating between those activities that may be viewed as harmful to workplace functioning and those activities that generally fall outside the “political” activities subject to employer restrictions and intervention. Employees are expected to avoid the following political activities:

- Using working hours or employer resources to solicit money or signatures or to make political contributions;
- Using non-work hours to solicit contributions, signatures or services from other employees who are on work time;
- Posting political materials in areas open to the public (generally, individual work stations that are not available to the public are exempted from this restriction);

- Using the employer’s mailing address as the return address for political solicitations;
- Providing employer mailing lists to any individual or organization for political solicitations if this information is not generally available to the public. (Note: the use and distribution of employer mailing lists to outside parties always requires prior authorization including an assessment of whether fees should be charged to cover production costs);
- Providing a forum for an individual candidate to promote his or her campaign without giving an equal opportunity to other candidates, for the same office, to participate in the forum;
- Political advocacy in the form of clothing items, armbands and buttons that cause a disruption in operations and/or violate the rights of others including the right to be free from discrimination, harassment and intimidation in the workplace.

These guidelines are not intended to discourage discussion of controversial issues in the classroom, where such discussions are consistent with District curriculum guidelines and teaching methods.

This policy is not intended to limit the off-duty activities of employees where District buildings and property are made available to community groups for meetings and gatherings.

Nothing in this policy limits the rights of the District to sponsor non-partisan political forums or forums in support of District initiatives, such as building referendums. Nothing in this policy places restrictions on the District’s freedom to invite speakers with political associations to forums that are not open to the general public.

Policy 9700 - Relations with Non-school Affiliated Groups

OUTSIDE ACTIVITIES OF STAFF – PROFESSIONAL STAFF

Policy 3230 - 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 employees, officers, and agents is essential to the Board’s commitment to earn and keep the public’s confidence in the School District.

For these reasons, the Board of Education adopts the following guidelines designed to avoid the occurrence or appearance of any conflicts of interest. These guidelines apply to all District 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 professional employees, officers, and agents. Professional employees are expected to perform their duties in an ethical manner and free from an actual conflict of interest or from a situation that creates 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 professional 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 his/her duties and responsibilities in the school system. Specifically, professional 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. *Professional employees, officers, and agents shall not engage in business, private practice of their profession, the rendering of services, 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 professional staff member’s regular duties.*

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 his/her access to School District records*
4. *the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals*
5. *the requirement of employees, students or clients to purchase any private goods or services provided by an employee, officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations*

C. *Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the School District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the District Administrator **before** entering into any private relationship.*

D. *Professional employees, officers, and agents shall not make use of materials, equipment, or facilities of the School District for their own personal financial gain or business interest. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.*

E. *Professional 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.*

Professional employees, officers, and agents may not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

F. *Professional 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.

G. *Professional employees, officers, and agents found to be in violation of this conflict of interest policy will be subject to the following disciplinary actions: up to and including dismissal.*

No professional staff employee may accept or engage in any employment, consulting, advising, or other professional activity with any organization other than the District, whether the employee will receive compensation for such outside activity or not, without first providing notice to the District Administrator.

In the event that, within the course of administering a Federally funded grant program or service to the District, any professional employee that 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 employee must immediately notify either the Federal agency administering the grant in a manner consistent with that particular agencies 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 employee to otherwise use his/her public

position to obtain a financial gain or anything of substantial value for himself/herself or his/her immediate family, as defined in 19.42(7), Wis. Stats

Policy 3231 – Outside Activities of Professional Staff

The Board expects professional staff members to avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten a staff member's effectiveness within the School District, the District Administrator shall evaluate the impact of such interest, activity, or association upon the professional staff member's responsibilities. Staff members are expected to notify the District Administrator of their involvement in any outside organization, association, or the like if the staff member identifies him or herself as a staff member of the District as part of his/her involvement, or if the staff member will receive compensation for any outside activities (refer also to Policy 3230 - Conflict of Interest).

- A. *Staff members should not give work time to an outside interest, activity, or association without a valid reason to be excused from assigned duties.*
- B. *Staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.*
- C. *Staff members shall not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.*
- D. *Staff members shall not campaign on school property during duty hours on behalf of any political issue or candidate for local, State, or National office.*
- E. *Staff members should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.*
- F. *Staff members should refrain from expressions that would disrupt harmony among their co-workers or interfere with the maintenance of discipline by school officials.*
- G. *Staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day.*

Research and Publishing

- A. *Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.*
- B. *Materials which might be considered for publication and/or production, which identify the District in any manner, shall be cleared with the District Administrator prior to publication and/or production.*
- C. *Publications and productions shall be subject to the following copyright provisions:*
 - 1. *Rights to copyrights or patents of books, materials, devices, etc. developed by professional staff members on their own time will be relinquished by the Board upon request of the staff member provided that:*
 - a. *the books, materials, devices, etc. were prepared without the use of District data, facilities, and/or equipment;*
 - b. *the District is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;*
 - c. *the staff member does not become involved in any way in the selling of the product to the District. The final decision regarding whether materials were produced independently of any work assignment, and/or without using school equipment, facilities, data, or equipment rests with the District Administrator who shall submit such decisions to the Board.*

Professional staff members who desire to publish or produce materials on their own time should make such action known to the District Administrator prior to the time such work is started in order that proper procedures can be established to assure that District interests and the interests of the staff member are protected.

2. *All books, materials, devices, or products which result from the paid work time and/or prescribed duties of professional staff members shall remain the property of the District. The District shall retain all rights and privileges pertaining to the ownership thereof.*

In the event that any of these products have commercial possibilities, the District Administrator is authorized to secure copyrights, patents, etc. which will ensure the ownership of the product by the District.

The District Administrator is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the products.

OUTSIDE ACTIVITIES OF STAFF – SUPPORT STAFF

Policy 4230 - 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 District's employees, officers, and agents is essential to the Board's commitment to earn and keep public confidence in the School District.

For these reasons, the Board of Education adopts the following guidelines designed to avoid the occurrence or appearance of any conflicts of interest. These guidelines apply to all District 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 support employees, officers, and agents. Support 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 support 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 his/her duties and responsibilities in the school system. Specifically, support 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. *Support employees, officers, and agents shall not engage in business, private practice of their profession, the rendering of services, 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*
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 his/her access to School District records*
4. *the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals*
5. *the requirement of employees, students or clients to purchase any private goods or services provided by an employee, officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations*

- C. *Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the School District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the District Administrator **before** entering into any private relationship.*
- D. *Support employees shall not make use of materials, equipment, or facilities of the School District for their own personal financial gain or business interest. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.*
- E. *Support 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.*

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Support employees, officers, and agents may not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

- F. *Support 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.

- G. *Support employees, officers, and agents found to be in violation of this conflict of interest policy will be subject to the following disciplinary actions: up to and including dismissal.*

No support staff employee may accept or engage in any employment, consulting, advising, or other professional activity with any organization other than the District, whether the employee will receive compensation for such outside activity or not, without first providing notice to the District Administrator.

In the event that, within the course of administering a Federally funded grant program or service to the District, any employee that 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 employee must immediately notify either the Federal agency administering the grant in a manner consistent with that particular agencies 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 employee to otherwise use his/her public position to obtain a financial gain or anything of substantial value for himself/herself or his/her immediate family, as defined in 19.42(7), Wis. Stats.

Policy 4231 – Outside Activities of Support Staff

The Board expects support staff members to avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten an employee's effectiveness within the School District, the District Administrator shall evaluate the impact of such interest, activity, or association upon the support staff member's responsibilities. Staff members are expected to notify the District Administrator of their involvement in any outside organization, association, or the like if the staff member identifies himself/herself as a staff member of the District as part of his/her involvement, or if the staff member will receive compensation for any outside activities (refer also to Policy 4230 - Conflict of Interest).

- A. *Staff member should not give work time to an outside interest, activity, or association without a valid reason to be excused from assigned duties.*
- B. *Staff member shall not use school property or school time to solicit or accept customers for private enterprises*

without written administrative permission.

- C. *Staff member shall not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information which the staff member has obtained or may obtain by reason of his/her position or authority.*
- D. *Staff member shall not campaign on school property on behalf of any political issue or candidate for local, State, or National office.*
- E. *Staff member should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.*
- F. *Staff member should refrain from expressions that would disrupt harmony among their co-workers or interfere with the maintenance of discipline by school officials.*

SOLICITATION (Non-Political)

POLICY: In order to help maintain a work environment that protects employees from undue interference while performing their jobs, employees may not orally solicit or distribute written materials for any organization, fund, activity or cause to other employees in work areas while either employee is on working time.

[Policy 9700 - Relations with Non-School Affiliated Groups](#)

Employees On-duty: Employees may solicit other employees or distribute written materials before or after the normal workday, during normal break or lunch times or any other time when they are not working. These solicitations and literature distribution efforts are not permitted in working areas.

Employees Off-duty: Off-duty employees may not solicit or distribute literature on District premises at any time.

Non-employees: May not solicit or distribute written materials on behalf of any organization, fund, activity or cause. Solicitations for charitable organizations are exempt as long as the organization is sponsored by an employee and prior permission has been secured from management. The same restrictions regarding working time and working areas apply to non-employees.

WORKPLACE POLICIES

JOB VACANCIES & POSTING

POLICY: To provide notification of job openings and opportunity for employees to apply for open positions.

Procedure: When the Employer determines that a vacancy or new position shall be filled, the Employer shall typically notify each employee no less than two weeks before the position is filled through the District's e-mail. The notice shall include the date the position is to be filled, title of position, requirements, and rate of pay and benefits. The Employer retains the right to determine whether and when to recruit outside applicants.

Interview: In most cases, all employees who meet the minimum qualifications for the position and apply for the position will be given the opportunity to interview for the opening. All employees who interview for a position will be notified of the selection outcome.

Vacancies: Vacancies shall be filled with Board approval on the basis of experience, competency, qualifications of the applicant, and other relevant factors.

Policy 3120 – Employment of Professional Staff

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly-qualified and competent personnel.

All employees other than the District Administrator or Support Staff Members (Policy 0100 – Definitions) are considered Professional Employees.

The Board shall approve the employment, and also, fix the compensation, and establish the term of employment for each professional staff member employed by this District. This shall include a description of the work schedule, hours of work per week, a determination of whether the employee is exempt or non-exempt for purposes of overtime eligibility (See Policy 6700 - Fair Labor Standards Act). For non-exempt employees, there shall be a clear statement in the job description and employee handbook which states the following: "No non-exempt employee may perform work for the District outside of his/her regular schedule without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment," and for overtime-eligible employees, there shall be a clear statement in the job description and employee handbook which states the following: "No overtime-eligible employee may perform overtime work for the District without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment."

Such approval shall be given only to those candidates for employment chosen by the Board from a group selected by the District Administrator.

Any professional staff member's intentional misstatement of fact material to his/her qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

The employment of professional staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program., except as prohibited by law, including the employment of full-time teachers and certain administrative employees on a substitute basis, pending Board approval. Employment shall be recommended to the Board at the next regular meeting.

No candidate for employment to the professional staff shall receive recommendation for such employment without having provided visual evidence of proper certification or that application for such certification is in process.

For those staff members who will be instructing children in reading and/or language arts pre-school and/or grades kindergarten through sixth grade, their certificate must verify successful completion of instruction that includes the teaching of phonics.

There must also be verification that a satisfactory background check has been conducted by the Department of Public Instruction or appropriate State agency.

Any person who signs a contract to teach in the District must, within ten (10) days after signing the contract, file in the office of the District Administrator a statement showing the date of expiration and the grade and character of the certificate or license held, or evidence of a timely filed extension of such certification with the Department of Public Instruction. Only teachers that hold the appropriate license, permit, or accepted application for extension of certificate for the subject matter and grade level taught shall be considered qualified.

The District Administrator shall prepare procedures for the recruitment and selection of all professional staff which includes reporting newly hired employees to the Wisconsin Department of Workforce Development.

DISTRICT SUPPORTED ALTERNATIVE LICENSING PROGRAMS

As part of the Board's efforts to provide the highest quality education for all students in all subject areas, the Board authorizes the District Administrator, where appropriate, to support teacher licensure opportunities.

EXPERIENCED-BASED LICENSURE FOR TECHNICAL AND VOCATIONAL EDUCATION

"Technical education" means technology education and any technology-related occupation.

"Vocational education" means agriculture, child services, clothing services, food services, housing and equipment services, family and consumer education, family and consumer services, home economic-related occupations, healthcare-related occupations, trade specialist, business education, business and office, and marketing education.

The District Administrator may support the application for an experience-based license for a teacher to teach in a technical and/or vocational education field, provided that the individual can be credited with at least 100 points using the following system:

- A. The following points for experience in a technical field (must comprise at least twenty-five (25) of the required 100 points):
 - 1. For a bachelor's degree in any science, technology, engineering, or mathematics field and any teaching license or permit, or in a field related to the vocational subject, 100 points.
 - 2. For a bachelor's degree in any science, technology, engineering, or mathematics field, or in a field related to the vocational subject seventy-five (75) points.
 - 3. For a bachelor's degree in a field other than those described in numbers 1. and 2., above, sixty-five (65) points.
 - 4. For industry or vocational certification, ninety (90) points.
 - 5. For industry experience in a trade or technical field or vocation, five (5) points per forty (40) hours worked up to a maximum of ninety (90) points.
 - 6. For an internship in a trade or technical field or in the vocation, twenty-five (25) points.
 - 7. For being mentored in a trade or technical skill or in the vocation by a colleague or a Wisconsin Technology Education Association or a recognized vocational association approved mentor, twenty-five (25) points.
 - 8. For an apprenticeship in a trade or technical field or in the vocation, five (5) points per forty (40) hours worked up to a maximum of ninety (90) points.

- B. The following points for pedagogical experience (must be at least twenty-five (25) out of the 100 required points):
 - 1. For a bachelor's degree in technical or technology education, 100 points.
 - 2. For a bachelor's degree in a field other than any science, technology, engineering, mathematics, or technical or technology education field, or in a subject related to the vocation and any teaching license or permit, seventy-five (75) points.
 - 3. For credit earned at an accredited institution of higher education or technical college, three (3) points per credit up to a maximum of seventy-five (75) points for technical or technology education courses and science, technology, engineering, or mathematics courses or any field related to the vocation and three (3) points per credit up to a maximum of seventy-five (75) points for education and pedagogical courses.
 - 4. For completing at least 100 hours of training in pedagogy, five (5) points per fifty (50) hours up to a maximum of seventy-five (75) points.

Individuals who have sufficient points may be employed by the District under an experience-based license provided that the District Administrator implements a professional development curriculum for the teacher to follow during the three (3) year

period of the initial license. The District Administrator shall monitor the teacher's progress in fulfilling the curriculum.

PROFESSIONAL TEACHING PERMIT

The District Administrator may support the teaching license application of an individual to teach a course in engineering, mathematics, science, computer science, art, music, or world languages that do not yet hold a professional teacher license provided that the following criteria are met:

- A. The District is experiencing a shortage in the availability of teachers with professional teaching certification in the subject area and is unable to fill a position with an acceptable licensed teacher.
- B. The individual holds at least a bachelor's degree in engineering, mathematics, science, computer science, art, music, or world languages.
- C. The individual possesses at least five (5) years of verifiable industry experience in the same field as the bachelor's degree.
- D. The individual has completed at least 100 hours of pedagogical training in an alternative teacher licensing program approved by DPI.
- E. The District Administrator shall implement a plan to provide supervision of the teacher by a teacher that holds regular professional teaching licensure during the two (2) year period of the permit.
- F. The hiring of the teacher under this alternative licensure program will not displace a regularly licensed teacher in the District.

Policy 3120.01 - Job Descriptions

The Board of Education recognizes that it is essential for District and employee accountability that each staff member 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 staff positions. Job descriptions of licensed personnel, and any revisions thereof, shall be approved by the Board and maintained in the district office.

As long as the provisions of the job descriptions 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.

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 a statement that reserves 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(s) 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.

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 hold the positions for which the essential functions are described in 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.

Policy 4120 – Employment of Support Staff

The Board recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with

qualified and competent support staff.

All employees other than the District Administrator or Professional Staff Members (Policy 0100 – Definitions) are considered Classified or Support Employees.

The Board shall approve the employment, fix the compensation, and establish the term of employment for each support staff member employed by this District.

This shall include a description of the work schedule, hours of work per week, a determination of whether the employee is exempt or non-exempt for purposes of overtime eligibility (See Policy 6700 - Fair Labor Standards Act). For non-exempt employees, there shall be a clear statement in the job description and employee handbook which states the following: "No non-exempt employee may perform work for the District outside of his/her regular schedule without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment," and for overtime-eligible employees, there shall be a clear statement in the job description and employee handbook which states the following: "No overtime-eligible employee may perform overtime work for the District without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment."

Such approval shall be given only to those candidates for employment chosen by the Board from a group selected by the District Administrator.

Any support staff member's intentional misstatement of fact material to his/her qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

The employment of support staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in District operations. Employment shall be recommended to the Board at the next regular meeting.

No candidate for employment as a support staff member shall receive recommendation for such employment without having proffered visual evidence of proper certification, when appropriate, or that application for such certification is in process. There must also be verification that a satisfactory background check has been conducted in compliance with District procedures.

The District Administrator shall prepare procedures for the recruitment and selection of all support staff which include reporting newly hired employees to the Wisconsin Department of Workforce Development.

REQUIREMENTS FOR TITLE I PARAPROFESSIONALS

All paraprofessionals hired for a Title I supported program must have a secondary school diploma or its recognized equivalent and one of the following:

- A. Completed two (2) years study at an institution of higher education; or
- B. Obtained at least an associates degree; or
- C. Met a rigorous standard of quality and demonstrate through formal State or local academic assessment:
 1. knowledge of and the ability to assist in instructing, reading, writing and mathematics; or
 2. knowledge of and the ability to assist in instructing, reading readiness, writing readiness and mathematics readiness, as appropriate.

Existing paraprofessionals – All current paraprofessionals working for a Title I supported program must:

- A. Have a secondary school diploma or its recognized equivalent;
- B. Meet the requirements for newly hired paraprofessionals as described above.

Exceptions – These requirements do not apply to a paraprofessional:

- A. Who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or
- B. Whose duties consist solely of conducting parental involvement activities.

Paraprofessional duties – Paraprofessionals working for a Title I supported program may be assigned to:

- A. provide one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;*
- B. assist with classroom management, such as organizing instructional and other materials;*
- C. provide assistance in a computer laboratory;*
- D. provide support in a library or media center;*
- E. conduct parental involvement activities;*
- F. act as a translator;*
- G. provide instructional services to students, if working under the direct supervision of a teacher;*
- H. perform limited duties beyond classroom instruction or that do not benefit program participants, so long as those duties are also assigned to non-Title I paraprofessionals. Title I paraprofessionals may not be assigned to more of these duties, proportional to their total work time, than the amount assigned to similar non-Title I paraprofessionals in the same school.*

Policy 4120.01 - 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 support 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 support staff positions.

As long as the provisions of the job descriptions 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.

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 a statement that reserves 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(s) 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.

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 hold the positions for which the essential functions are described in 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.

JOB TRANSFERS & PROMOTIONS

Policy 3130 – Assignment and Transfer - Teachers

The Board of Education believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the District.

The District Administrator shall be responsible for the proper assignment and transfer of all professional staff members and shall attempt to effect the optimum assignment of the professional staff in conformance with any applicable contractual or legal requirements and certification requirements. S/He shall establish an audit procedure to ensure that each instructional staff member's teaching certificate is currently in compliance with appropriate State certification criteria and has not been nullified.

Policy 4130 – Assignment and Transfer - Support Staff

The Board believes that the careful placement of support staff within the District is vital to the utilization of qualified and competent support staff for the successful functioning of the District.

Responsibility for the assignment and transfer of support staff members shall be vested in the District Administrator subject to and consistent with any applicable terms of the Employee Handbook.

DISCIPLINE

POLICY: **Disciplinary action against employees may be taken for violations of standards of conduct, violations of policies and procedures, or for unsatisfactory work performance. Disciplinary action will typically be taken after an investigation and after giving the employee an opportunity to respond to any and all allegations.**

Level of Discipline: The level of discipline imposed will take into consideration the seriousness of the infraction as well as the employee's performance record. When appropriate, discipline should be corrective in nature. At the employer's sole discretion, various types of employee discipline or corrective action may be imposed which include, but are not limited to, the following: verbal warning, written warning, suspension or termination. Employee discipline, for purposes of access to the grievance procedure, is defined to include only disciplinary suspensions and disciplinary demotions. None of these disciplinary measures are required to be used before termination from employment occurs nor are the listed disciplinary actions required to be used in any specific order. The Employer may repeat disciplinary action.

Employees are expected to work in a competent and conscientious manner which reflects favorably upon the employee and the School District of Bayfield. The following is a list of examples of behavior which would normally justify disciplinary action.

- Fraud in securing employment
- Incompetency
- Inefficiency
- Unauthorized absences
- Repeated absence or tardiness or improper use of leave
- Neglect of duty
- Insubordination or willful misconduct
- Dishonesty including failure to provide accurate and complete information when

- requested by an authorized person
- Assuming duties while under the influence of controlled substances or intoxicants; or possession of use of intoxicants or controlled substances during working hours
- Conviction of a felony or misdemeanor, the circumstances of which are substantially related to the duties performed
- Negligence or willful damage to property
- Discourteous treatment of the public or fellow employees
- Failure to obtain and maintain a current license or certification as required by law or employer
- Failure to maintain effective working relationships with other employees or the public
- Sexual or other unlawful harassment, discrimination or retaliation
- Workplace violence including using threatening or abusive language toward others
- Unlawful possession of weapons
- Failure to comply with health and safety rules and regulations
- Unauthorized entry or use of facilities and property
- Violation of any lawful order, directive, policy, or work rule

The offenses listed above are not intended to be all-inclusive, and discipline or termination may occur for any other reason depending upon the seriousness of the offense, the particular facts and circumstances surrounding the incident(s), and the employee's record of prior disciplinary actions.

Documentation: All discipline shall be documented with a copy provided to the employee and a copy placed in the employee's personnel file.

GRIEVANCE PROCEDURE

Policy 7430 – Safety Standards

The Board of Education believes that the employees and students of this District, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the Board will provide reasonable and adequate protection to the lives, safety, and health of its employees, students, and visitors.

The District Administrator shall be responsible for the maintenance of standards in the facilities to prevent accidents and to minimize their consequences. S/He shall designate an employee who shall conduct periodic audits of health and safety conditions within the facilities of the District in accordance with the Federal OSHA standards adopted by the State, and take appropriate action on any violations thereof and report such actions to the District Administrator.

The District Administrator shall ascertain that the employees and students of this District are aware of their rights to an environment free of recognized hazards, that they are properly trained in safety methods, that protective devices and equipment are available to meet safety standards, and that proper rules and records are maintained to meet the requirements of the law.

In the event an inspection is made by a representative of the State, the District Administrator shall report the results thereof to the Board at the meeting following the receipt of the State report.

Policy 3340 - Grievance Procedure - Teachers

It is the policy of the District to treat all employees equitably and fairly in matters affecting their employment. Each employee of the District shall be provided an opportunity to understand and resolve certain matters affecting employment that the employee believes to be unjust. This section shall apply to all regular full-time, part-time, limited, temporary, and seasonal employees.

This procedure is available in the case of any employee's disagreement with discipline or termination of employment, as well as any matter relating to workplace safety.

A grievance shall mean a dispute concerning an employee's discipline or termination of employment, or a dispute concerning workplace conditions that affect workplace safety. Only one subject matter shall be covered in any one grievance. A written

grievance shall contain:

- A. *the name and position of the grievant;*
- B. *a clear and concise statement of the grievant, including the category of the grievance (i.e., employee termination, discipline, or workplace safety);*
- C. *the issue involved;*
- D. *the relief sought;*
- E. *the date the incident or violation took place;*
- F. *the specific section of the Policy Manual alleged to have been violated;*
- G. *the signature of the grievant and the date.*

All employee grievances must be filed by the aggrieved employee(s). The grievance must be filed within five (5) working days after the employee knew or should have known of the cause of such grievance. The following procedures shall be followed:

A. Principal/Supervisor:

If an employee believes the employee have a matter subject to the grievance procedure they shall present the grievance to their immediate supervisor. If applicable, the employee shall perform the assigned task and grieve later. The Principal/Supervisor shall, within five (5) business days, inform the employee in writing of their decision.

B. District Administrator:

In the event the Principal's/Supervisor's decision does not resolve the problem, the employee may, within five (5) working days of the date the Principal's/Supervisor's written decision is issued, present their grievance in writing to the District Administrator. This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) working days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) working days. This step does not apply to any grievance related to action by the Board that directly affects the grievant.

C. Hearing Before an Impartial Hearing Officer:

In the event the matter is not resolved to the employee's satisfaction by the District Administrator, the employee may, within five (5) working days of the date of the written decision of the District Administrator, request in writing that the matter be referred for a hearing before an impartial hearing officer. The Board shall appoint a hearing officer for the purpose of conducting the hearing. If the District Administrator denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determines that the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board may appoint a hearing officer or panel of potential hearing officers from which to select an officer for this purpose either on an ad hoc basis or by resolution adopted for a school year and delegate to the District Administrator the responsibility to arrange for such hearing with one of the selected officers. When the grievant is the District Administrator, the Board President shall be responsible for selection of the hearing officer and arranging a hearing. Each grievance shall be heard by a single hearing officer and such hearings shall be private. The employee and the District may present witnesses, and each side may select one individual to attend the hearing as a representative.

Any employee representative selected shall be at no expense to the District.

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the Principal/Supervisor in the initial grievance. Any fees or costs charged by the impartial hearing officer shall be paid by the District.

D. Board:

In the event that either party is dissatisfied with the hearing officer's decision, that party may within ten (10) working days, present the grievance in writing to the Board, who shall consider the matter within thirty (30) working days after its receipt, unless postponed by mutual agreement. The Board shall review the decision of the impartial hearing officer and may either issue a decision or determine that additional evidence or testimony is necessary and provide for a hearing for that purpose. The Board's decision shall be by majority vote of a quorum present, which shall be final.

This procedure constitutes the exclusive process for the redress of employee grievances for the subject matter referred to herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by the administration which has final authority, subject to any applicable Board policy or directive, to resolve the matter.

Time limits contained in this grievance procedure outlined above may be extended by mutual consent of the parties. If any applicable time limit for advancing the grievance to the next step in the process is not met, the grievance shall be deemed resolved. Each employee shall be afforded any opportunity to be represented at each step of the grievance procedure by a representative of the employee's choice and at no expense to the District.

For purposes of this grievance procedure, the following definitions shall apply:

- A. "Workplace safety" means those conditions related to physical health and safety of employees enforceable under Federal or State law or District rule related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risks.*
- B. "Termination" does not include voluntary resignation or retirement, or the nonrenewal of an employment contract pursuant to 118.22 and 118.24 Wis. Stats., nor does it include position elimination due to a reduction in force under Policy 3131 - Reduction in Staff.*
- C. Employee discipline refers to unpaid suspensions, written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file. Nonrenewal of a contract under 118.22 or 118.24, Wis. Stats. shall be considered disciplinary if for misconduct or performance.*

Policy 4340 – Grievance Procedure - Support Staff

It is the policy of the District to treat all employees equitably and fairly in matters affecting their employment. Each employee of the District shall be provided an opportunity to understand and resolve certain matters affecting employment that the employee believes to be unjust. This section shall apply to all regular full-time, part-time, limited, temporary, and seasonal employees.

This procedure is available in the case of any employee's disagreement with discipline or termination of employment, as well as any matter relating to workplace safety.

A grievance shall mean a dispute concerning an employee's discipline or termination of employment, or a dispute concerning workplace conditions that affect workplace safety. Only one subject matter shall be covered in any one grievance. A written grievance shall contain:

- A. the name and position of the grievant;*
- B. a clear and concise statement of the grievant, including the category of the grievance (i.e., employee termination, discipline, or workplace safety);*
- C. the issue involved;*
- D. the relief sought;*
- E. the date the incident or violation took place;*
- F. the specific section of the Policy Manual alleged to have been violated;*
- G. the signature of the grievant and the date.*

All employee grievances must be filed by the aggrieved employee(s). The grievance must be filed within five (5) working days after the employee knew or should have known of the cause of such grievance. The following procedures shall be followed:

A. Principal/Supervisor:

If an employee believes the employee have a matter subject to the grievance procedure they shall present the grievance to their immediate supervisor. If applicable, the employee shall perform the assigned task and grieve later. The Principal/Supervisor shall, within five (5) business days, inform the employee in writing of their decision.

B. District Administrator:

In the event the Principal's/Supervisor's decision does not resolve the problem, the employee may, within five (5) working days of the date the Principal's/Supervisor's written decisions is issued, present their grievance in writing to the District Administrator. This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) working days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) working days. This step does not apply to any grievance related to action by the Board that directly affects the grievant.

C. Hearing Before an Impartial Hearing Officer:

In the event the matter is not resolved to the employee's satisfaction by the District Administrator, the employee may, within five (5) working days of the date of the written decision of the District Administrator, request in writing that the matter be referred for a hearing before an impartial hearing officer. The Board shall appoint a hearing officer for the purpose of conducting the hearing. If the District Administrator denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determines that the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board may appoint a hearing officer or panel of potential hearing officers from which to select an officer for this purpose either on an ad hoc basis or by resolution adopted for a school year and delegate to the District Administrator the responsibility to arrange for such hearing with one of the selected officers. When the grievant is the District Administrator, the () Board President () Board's legal counsel [END OF OPTIONS] shall be responsible for selection of the hearing officer and arranging a hearing. Each grievance shall be heard by a single hearing officer and such hearings shall be private. The employee and the District may present witnesses, and each side may select one individual to attend the hearing as a representative.

Any employee representative selected shall be at no expense to the District.

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the Principal/Supervisor in the initial grievance. Any fees or costs charged by the impartial hearing officer shall be paid by the District.

D. Board:

In the event that either party is dissatisfied with the hearing officer's decision, that party may within ten (10) working days, present the grievance in writing to the Board, who shall consider the matter within thirty (30) working days after its receipt, unless postponed by mutual agreement. The Board shall review the decision of the impartial hearing officer and may either issue a decision or determine that additional evidence or testimony is necessary and provide for a hearing for that purpose. The Board's decision shall be by majority vote of a quorum present, which shall be final.

This procedure constitutes the exclusive process for the redress of employee grievances for the subject matter referred to herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by the administration which has final authority, subject to any applicable Board policy or directive, to resolve the matter.

Time limits contained in this grievance procedure outlined above may be extended by mutual consent of the parties. If any applicable time limit for advancing the grievance to the next step in the process is not met, the grievance shall be deemed resolved. Each employee shall be afforded any opportunity to be represented at each step of the grievance procedure by a

representative of the employee's choice and at no expense to the District.

For purposes of this grievance procedure, the following definitions shall apply:

- A. *"Workplace safety" means those conditions related to physical health and safety of employees enforceable under Federal or State law or District rule related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risks.*
- B. *"Termination" does not include voluntary resignation or retirement, or the nonrenewal of an employment contract pursuant to 118.22 and 118.24 Wis. Stats., nor does it include position elimination due to a reduction in force under Policy 3131 - Reduction in Staff.*
- C. *"Employee discipline" refers to unpaid suspensions, written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file. Nonrenewal of a contract under Wis. Stats. 118.22 or 118.24 shall be considered disciplinary if for misconduct or performance reasons.*

II. Definitions

A. Definition of "Employee":

1. For purposes of discipline and termination under this grievance procedure, an employee shall be defined to include regular full-time, part-time, and limited term employees. All other individuals employed by the District, such as casual employees, temporary employees, and short-term substitutes as well as independent contractors, are specifically excluded from the definition of employee and, therefore, this grievance procedure is not available to them.
2. For purposes of workplace safety under this grievance procedure, an employee shall be defined to include regular full-time, part-time, limited term, casual, and temporary employees. All other individuals employed by the District are specifically excluded from the definition of employee and, therefore, this grievance procedure is not available to them.

B. Definition of "Discipline": For purposes of this procedure, "discipline" means an employment action that results in a disciplinary suspension or disciplinary demotion. "Discipline" for purposes of access to this grievance procedure does not include any written or verbal notices, warnings, reprimands, or reminders; verbal disciplines will be documented, but are not subject to the grievance procedure. The purpose of written and verbal notices, warnings, reprimands, or reminders is to alert the employee that failure to correct the behavior may result in disciplinary suspension, without pay, disciplinary termination, or disciplinary demotion.

C. Definition of "Termination": For purposes of this procedure, "termination" means a separation from employment by the employer for disciplinary or quality of performance reasons. "Termination" does not include layoff, reduction in workday, nonrenewal, furlough, reduction in workforce, job transfer or reassignment, or the end or completion of temporary employment, which are not subject to the grievance procedure.

D. Definition of "Workplace Safety": For purposes of this procedure, "workplace safety" includes any conditions of employment related to the physical health and safety of employees, including the safety of the physical work environment, the safe operation of workplace equipment and tools, provision of personal protective equipment, and accident risks. "Workplace Safety" does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, assignments and work schedules.

Policy 7430 – Safety Standards

See policy language on page 59

Policy 3340 – Grievance Procedure - Teachers

See policy language on page 59

Policy 4340 - Grievance Procedure - Support Staff

See policy language on page 61

Policy 3112 – Board-Staff Communications - Teachers

The Board has a legitimate interest in maintaining order and facilitating the efficient resolution of concerns by directing that employee communications to the Board move initially through the chain of command to the District Administrator. Employees are expected to follow the established chain of communication as described in this policy. Failure to do so may result in employee discipline.

A. Staff Communications to the Board

All communications from staff members related to the performance of their job duties or responsibilities to the Board or its committees shall be submitted through the District Administrator. This procedure is not intended to deny any staff member the right to raise matters of concern regarding the District operations to the Board through established procedures when no resolution is reached by the administration.

B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will be communicated through the District Administrator, who shall also keep staff members fully informed of the Board's problems, concerns, and actions. Board member communications with staff shall also be consistent with the expectations in Board Bylaw 0144.5 - Board Member Behavior and Code of Conduct.

C. Social Interaction

Both staff and Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action, discussions between staff and Board members related to the performance of job duties or responsibilities may be inappropriate violations of the chain of command.

Policy 4112 – Board-Staff Communications - Support Staff

The Board has a legitimate interest in maintaining order and facilitating the efficient resolution of concerns by directing that employee communications to the Board move initially through the chain of command to the District Administrator. Employees are expected to follow the established chain of communication as described in this policy. Failure to do so may result in employee discipline.

The basic lines of communication in the chain of command are shown in Policy.

A. Staff Communications to the Board

All communications from staff members related to the performance of their job duties or responsibilities to the Board or its committees shall be submitted through the District Administrator. This procedure is not intended to deny any staff member the right to raise matters of concern regarding the District operations to the Board through established procedures when no resolution is reached by the administration.

B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will be communicated through the District Administrator, who shall also keep staff members fully informed of the Board's problems, concerns, and actions. Board member communications with staff shall also be consistent with the expectations in Board Bylaw 0144.5 - Board Member Behavior and Code of Conduct.

C. Social Interaction

Both staff and Board members share a keen interest in the schools and in education generally, and it is to be expected

that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action, discussions between staff and Board members related to the performance of job duties or responsibilities may be inappropriate violations of the chain of command.

Policy 3362 – 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.

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 – 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 - 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.*

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.

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):

Shellie Swanson
MS/HS Principal
715-779-3201 ext. 506
300 N. Fourth St.
Bayfield, WI 54814
sswanson@bayfield.k12.wi.us

Mike Peterson
4K-5 Principal
715-779-3201 ext. 317
300 N. Fourth St.
Bayfield, WI 54814
mikepeterson@bayfield.k12.wi.us

The names, titles, and contact information of these individuals will be published annually on the School District's website and in the parent and staff handbooks.

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 the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. 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

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.

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 of 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.

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 in consultation with the District Administrator or Board President, if the matter involves the District Administrator 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 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 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.

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.

LAYOFF & RECALL

Policy 3140 – Termination, Non Renewal, and Resignation

A critical function of the Board is maintaining personnel necessary to carry out the District's educational program and mission. In the course of carrying out this function, the Board will at times find it necessary to end an employment relationship with a member of the professional staff. This policy governs the process of nonrenewal and termination of employees, as well as the conditions under which a resignation may be accepted.

Full-Time Teachers

All full-time teachers are required to be under contract with the District. A full-time teacher's employment contract is automatically void and employment ended if the teacher does not have an appropriate teaching license issued by the DPI. Otherwise, a full-time teacher's employment shall be subject to non-renewal, termination, or resignation as follows:

A. Non-Renewal

In the event that the District Administrator intends to recommend the non-renewal of a full-time teacher's contract, all applicable statutory non-renewal procedures and timelines will apply, including both preliminary and final notice of nonrenewal. No teacher may be non-renewed solely on the basis of the results of mandatory student examinations. The District Administrator shall be responsible for notifying the affected teacher of his/her rights relative to the non-renewal process.

Teacher and administrator contracts may be terminated or non-renewed upon a majority vote of the full

membership of the Board of Education.

B. Termination

A full-time teacher's contract may be terminated only by a majority vote of the full membership of the Board. The District Administrator shall, if deemed appropriate, recommend a teacher's termination to the Board. The District Administrator is responsible for providing the teacher with appropriate notice regarding the hearing and for taking the necessary steps to present any such recommendation to the Board.

The District Administrator may engage in negotiations with the teacher for purposes of resignation short of a hearing, subject to final Board approval.

C. Resignation

A full-time teacher may resign from his/her position only upon approval of a majority of the full membership of the Board. The District Administrator may negotiate terms of resignation with such a teacher as appropriate and present those terms to the Board in an appropriately noticed, regular or special Board meeting, as necessary. A resignation is only in effect once approved by the Board. A resignation, once accepted by the Board, may not be rescinded without approval by the Board.

Part-Time Teachers

Teachers employed less than full-time, but not including substitute teachers whose employment is covered by Policy 3120.04, and whose employment contract does not specify procedures for termination of contract, may be terminated either by the District for appropriate reasons or through resignation () to the District Administrator () by a majority vote of a quorum of the Board members present at a properly noticed meeting. A resignation, once accepted, may not be rescinded by the teacher.

A part-time teacher whose contract does not specify otherwise is not entitled to notice of intent to renew or of intent not to renew his/her contract for a subsequent school year.

The terms of the part-time teacher contract shall apply when the contract provides for procedures different than those noted in this policy.

Administrators

The Board employs administrative employees under a variety of employment arrangements. Generally, those arrangements include those administrators who, by law, are required to have an employment contract and are provided statutory rights with respect to those contracts; those that are not required to have contracts by law, but are nonetheless employed pursuant to a written contract approved by the Board; and those who perform administrative functions, but who do not have a contract which specifies the terms of employment as they relate to termination, resignation, and nonrenewal of the employment arrangement.

A. Statutory Administrators

The Board shall employ by contract the following persons: the District Administrator, business manager, school principals, and assistants to such persons, as well as the following persons employed solely to perform administrative functions: personnel administrators and supervisors, curriculum administrators, and assistants to such administrative personnel.

Such administrators may only be terminated, either due to appropriate circumstances justifying termination of employment or by tendered resignation, by a majority of the full membership of the Board.

Such administrators are entitled to contract renewal or notice of intent not to renew the administrator's contract pursuant to applicable statutory procedures, and any additional procedures incorporated into the said contract.

The District Administrator shall be responsible for assuring compliance with the procedures necessary for Board action to terminate or to non-renew an administrator's contract. In the case of the District Administrator's contract, the Board President () with the assistance of Board legal counsel [END OF OPTION], shall be responsible for assuring procedural compliance with termination or non-renewal processes.

A resignation, once accepted by the Board, may not be rescinded except by approval of the majority of the full membership of the Board.

B. Administrators with Contracts including Provisions Governing Termination

The Board may employ administrators who are not statutorily entitled to an employment contract or to statutory termination and non-renewal procedures, but who nonetheless are issued employment contracts with provisions governing this process applicable to the manner in which the employment relationship is concluded, either by

resignation, termination, or non-renewal. In such cases, the District Administrator shall be responsible for assuring adherence to applicable contractual procedures.

C. Administrative Personnel with no Contractual or Statutory Coverage

Employees performing administrative functions, but who are not covered by applicable statutory termination or non-renewal procedures, and who have not been issued an employment contract with provisions governing the termination or non-renewal process, are not entitled to notice of intent to renew or not to renew an employment agreement. In such a case, an employment agreement shall expire and the employee shall have no expectation of continued employment beyond the term of the agreement.

Such an administrative employee's employment may be terminated by the District Administrator.

Such an administrative employee's resignation may be accepted by the District Administrator.

A resignation, once accepted, may not be rescinded without agreement.

PERFORMANCE REVIEWS

[Policy 3220 - Staff Evaluation and Educator Effectiveness](#)

[Policy 4220 - Evaluation of Support Staff](#)

The Board of Education recognizes the importance of implementing a program of support staff member evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the Board's evaluation plan for support staff are:

- A. to improve and reinforce the skills, attitudes, and abilities which enable a support staff member to be effective in achieving assigned job goals;
- B. to identify and remediate weaknesses which prevent a support staff member from achieving the goals of assigned duties.

PERSONNEL RECORDS

[Policy 8320 - Personnel Records](#)

Maintaining accurate personnel records is critical to effective human resource management and to the Board satisfying its legal obligations. In addition, such records frequently contain confidential information that must be managed appropriately. Accordingly, the Board has developed the following policy relating to personnel records.

District Records Custodian (DRC) Responsibilities

The DRC will maintain a personnel file, a payroll file, an I-9 file, and a medical file for each employee. The files will be maintained in separate, secure locations. Supervisors and other administrators should forward all personnel records, I-9 records, payroll records, and medical records to the DRC to ensure that they are properly filed and maintained. Supervisors and other administrators should not maintain files containing an employee's personnel records, payroll records, I-9 records, or medical records. The DRC will also ensure that the following personnel records, if applicable, are maintained in separate, secure files:

- A. criminal conviction history requests and reports;
- B. employee assistance program records;
- C. employee relations complaints including, for example, discrimination complaints;
- D. investigative and deliberative records relating to employee relations matters;

E. *privileged and confidential communications including, but not limited to, attorney-client communications.*

Any individual who reviews personnel records will sign and date a log, which shall be kept in a secure location.

Content of Personnel Record Files

The content of the files maintained by the District shall be determined by the DRC consistent with the requirements of State and Federal law and sound principles of human resource management.

Third-Party Access to Personnel Records – Confidentiality

It is the Board's policy to respect individual privacy and to maintain in confidence all information and records pertaining to employees to the extent practicable in keeping with the Board's interest. Information in an employee's personnel file, medical file, payroll file, I-9 file, and all other employment-related files will not be disclosed to any third party without an employee's written consent, except to meet the legitimate business needs of the Board or as required by law (e.g. subpoena or public record request). Further, neither the Board nor any individual employed by the Board shall access an employee's personnel records except for legitimate business purposes.

Address Confidentiality Program

Employees who are verified participants in the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice shall be permitted to use their substitute assigned address for all District purposes. The Board shall only list the address designated by the Wisconsin Department of Justice to serve as the employee's address in any personnel records, personnel files, or staff directories. Further, the Board shall use the employee's substitute assigned address for any and all communications and correspondence between the Board and the employee. The employee's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose. The intentional disclosure of an employee's actual/confidential residential address is prohibited.

Access to Personnel Documents, Employee and Designated Representative

A. Covered Documents

Upon the written request of an employee or former employee (the "employee"), the District shall permit the employee to inspect any personnel documents which are used or which have been used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records. Provided, however, that the employee has no right to inspect the following:

- 1. records relating to the investigation of possible criminal offenses committed by that employee;*
- 2. letter of reference for that employee;*
- 3. any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test document;*
- 4. materials used by the District for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions, and job assignments or other comments or ratings used for the District's planning purposes;*
- 5. information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy;*
- 6. records relevant to any other pending claim between the District and the employee which may be discovered in a judicial proceeding;*
- 7. medical records that the District believes would have a detrimental effect on the employee.*

In this instance, the District may release the medical records to the employee's physician or through a physician designated by the employee, in which case the physician may release the medical records to the employee or to the employee's immediate family.

B. Request and Review Procedure

The District shall grant at least two (2) requests by an employee in a calendar year, to inspect the employee's records as provided in this policy and consistent with State law.

The District shall provide the employee with the opportunity to inspect the employee's records within seven (7) working days after the employee makes the request for inspection. The inspection shall take place at a location

reasonably near the employee's place of employment and during normal working hours. If the inspection during normal working hours would require an employee to take time off from work, the District may provide some other reasonable time for the inspection. In any case, the District may allow the inspection to take place at a time other than working hours or at a place other than where the records are maintained if that time or place would be more convenient for the employee. The records will be reviewed in the presence of the DRC or a designee.

The employee shall not make any alterations or additions to the record nor remove any material from the record. A copy of the employee's request to review personnel records shall be filed in the employee's personnel file.

C. Designated Representative

An employee may designate a representative to inspect the employee's personnel records. The designation shall be in writing. The District shall allow such a designated representative to inspect that employee's personnel records in the same manner as the employee is permitted to inspect them under this guideline.

D. Copy Charges

The District will not charge employees who wish to copy or receive a copy of records.

Personnel Record Correction

If an employee disagrees with any information contained in the personnel records, a removal or correction of that information may be mutually agreed upon by the District and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position. The District shall attach the employee's statement to the disputed portion of the personnel record. The employee's statement shall be included whenever that disputed portion of the personnel record is released to a third party as long as the disputed record is a part of the file.

Policy 8320.01 - Unauthorized Acquisition of Staff Personal Information

The District Records Custodian (DRC) will maintain a personnel file, a payroll file, an I-9 file, and a medical file for each employee. The files will be maintained in both electronic and paper format.

If the DRC becomes aware of the unauthorized acquisition of "Personal Information" the DRC shall make reasonable efforts to notify each affected staff member that their personal information has been accessed. "Personal Information" includes the individual's social security number, driver's license number, State identification number, the number of financial accounts or access codes, the individual's deoxyribonucleic acid profile, or the individual's unique biometric data including fingerprint, voice print, retina or iris image, or any other unique physical representation.

No such notification is required if either a) the acquisition of data does not create a material risk of identity theft or fraud to the individual; or b) the personal information was acquired in good faith by a District employee or agent, and was used only for lawful purposes.

The notice shall be issued within a reasonable time, not to exceed forty-five (45) days after the District learns of the acquisition of the personal information. The notice shall indicate that the District knows of the unauthorized acquisition of personal information pertaining to the staff member. The notice shall be by mail or by a method the District has previously employed to communicate with the staff member.

Required Notice for Unauthorized Acquisition of Information

If, as the result of a single incident, the District is required to notify 1,000 or more individuals, the DRC shall without unreasonable delay notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the timing, distribution, and content of the notices sent to the staff members.

Upon written request from a staff member who has received a notice, the District shall identify the personal information that was acquired.

A law enforcement agency may, in order to protect an investigation or homeland security, ask the District not to provide a notice for any period of time and the District's notification process shall begin at the end of that time period.

CREDENTIAL VERIFICATION

For positions that require a degree, certification, or license, The School District of Bayfield will verify these credentials prior to the start of employment. Confirmation of the required credential(s) is

required as a condition of employment. It is the responsibility of the employee to maintain the credential as current, including completing any necessary continuing education requirements and paying any applicable fees. Failure to do so may result in an unpaid leave of absence until the credential is renewed or in termination of employment.

VISITATION DAYS

Each teacher may be allowed visitation whereby the teacher may observe other teachers of the same field and obtain new teaching ideas. The Board encourages visitation to other districts and programs.

SEPARATION FROM EMPLOYMENT

A stipend of \$1,000.00 will be paid to all staff who submit their letter of retirement prior to October 15 of the current school year.

A stipend of \$500.00 will be paid to all staff who submit their letter of retirement prior to December 15 of the current school year.

Liquidated Damages: The District encourages teachers to notify the District as soon as possible regarding contract release. A teacher who breaches his/her contract shall be required to pay liquidated damages as follows:

- From the time they sign next year's contract until June 30th no liquidated damages shall be forfeited;
- After July 1st, and through July 31st - \$800.00;
- August 1st or later, but before the teacher's first day to report for the contract year - \$1,200.00
- After school year begins \$2,000.00

No teacher shall be released to sign a contract with another school district until the liquidated damages have been paid. The Board may deduct such damages from any paychecks still due and payable to the teacher and/or may waive such payments at its sole discretion.

Any release granted by the Board shall be effective on the 30th calendar day following receipt by the Board of the written request for release. The Board has sole discretion to waive part or all liquidated damages. Any teacher that leaves the district prior to the end of the school year shall have their time-off prorated.

[Policy 3140 – Termination, Non-Renewal and Resignation](#)

See policy language on page 81

FAIR LABOR STANDARDS ACT

[Policy 6700 - Fair Labor Standards Act](#)

It is the Board of Education's policy to comply with the provisions of State and Federal Law and their respective implementing regulations, relating to minimum wages and overtime. To that end, the Board shall pay at least the minimum wage to all

employees. Further, the Board recognizes the safe and efficient operation of the District may occasionally require covered, non-exempt employees to work more than forty (40) hours during a given work week. Such employees shall be paid overtime compensation.

Work week is defined as a fixed and regularly recurring period of 168 hours (i.e., seven (7) consecutive twenty-four (24) hour period).

Covered, non-exempt employees who work (i.e., perform work on behalf of or for the benefit of the Board) more than forty (40) hours in a given work week will receive overtime compensation at the rate of one and one-half (1 1/2) times the employee's regular hourly rate of pay for all hours worked in excess of forty (40) in the work week. Payment will be in the form of wages or, if the employee and the District Administrator or Board agree in the form of compensatory time off in the amount of one and one-half (1 1/2) times the number of overtime hours worked.

The District Administrator or his/her designee shall determine the necessity and availability of overtime work.

Non-exempt employees who perform compensable work that they are not authorized to perform, will be compensated for any actual work-time, but will be subject to disciplinary action.

Exempt employees are individuals who are exempt from the State and Federal overtime provisions. Generally, individuals employed in a bona fide executive, administrative, administrative academic, or professional capacity, and certain computer employees are considered exempt. To qualify for the exemption, employees generally must meet certain tests regarding their job duties and be paid on salary basis. The salary requirement does not apply to teachers. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. Additionally, the predetermined amount cannot be reduced because of variation in the quality or quantity of the employee's work. Subject to certain exceptions, an exempt employee must receive the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked.

The Board reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:

- A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability
- B. the employee is absent from work for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness
- C. to offset amounts employees receive as jury or witness fees, or for military pay
- D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions
- E. for penalties imposed in good faith for infractions of safety rules of major significance

The Board shall also not be required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

The Board recognizes that with limited legally permissible exceptions, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to the Business Manager, or his/her immediate supervisor.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made, and the Board will make a good faith commitment to avoid any recurrence of the error.

The District Administrator shall distribute this policy [to all employees upon initial hire and on an annual basis].

WORKPLACE ENVIRONMENT

WORKPLACE PROTECTIONS

WORKPLACE SAFETY

DISCRIMINATION, HARASSMENT & RETALIATION-FREE WORK PLACE

Policy 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.

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 – 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 - 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.*

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.

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):

Shellie Swanson
MS/HS Principal
715-779-3201 ext. 506
300 N. Fourth St.
Bayfield, WI 54814
sswanson@bayfield.k12.wi.us

Mike Peterson
4K-5 Principal
715-779-3201 ext. 317
300 N. Fourth St.
Bayfield, WI 54814
mikepeterson@bayfield.k12.wi.us

The names, titles, and contact information of these individuals will be published annually on the School District's website and in the parent and staff handbooks.

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 the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. 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

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.

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 of 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.

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 in consultation with the District Administrator or Board President, if the matter involves the District Administrator 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 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 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.*

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.

Policy 3362.01 - Threatening Behavior Toward Staff Members - Professional Staff

The Board believes that a staff member should be able to work in an environment free of threatening speech or actions. Threatening behavior consisting of any words or deeds that intimidate, or are intended to intimidate, a staff member or are reasonably likely to cause concern for his/her physical and/or psychological well-being is strictly forbidden. Such actions by any student, parent, visitor, staff member, Board member, contractor, or agent of the Board is prohibited, and the Board authorizes appropriate corrective and remedial action including disciplinary action where appropriate.

The District Administrator may administer guidelines to implement procedures for complaints and for investigation, as well as resolution of complaints.

Policy 4362.01 - Threatening Behavior Toward Staff Members - Support Staff

The Board believes that a staff member should be able to work in an environment free of threatening speech or actions. Threatening behavior consisting of any words or deeds that intimidate, or are intended to intimidate, a staff member or are reasonably likely to cause concern for his/her physical and/or psychological well-being is strictly forbidden. Such actions by any student, parent, visitor, staff member, Board member, contractor, or agent of the Board is prohibited, and the Board

authorizes appropriate corrective and remedial action including disciplinary action where appropriate, referral to law enforcement, or pursuit of other remedies, including injunctive relief if appropriate. This policy should be read consistent with and in conjunction with school safety and the mandatory reporting of threats of violence in Policy 8462.01 - Threats of Violence.

The District Administrator may administer guidelines to implement procedures for complaints and for investigation, as well as resolution of complaints.

DRUG –FREE WORKPLACE

Policy 3122.01 – Drug-free Workplace

The Board 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 a drug-free workplace.

Prohibited Acts

The Board prohibits any member of the District's staff from any of the following at any time while on or in District property or while performing duties at a District-related activity or event:

- A. manufacturing, possessing, using, distributing, dispensing, or being under the influence of any controlled substance or alcohol;
- B. using, distributing, or possessing drug paraphernalia; or
- C. unlawfully possessing, using, distributing, dispensing, or abusing a prescribed or over-the-counter medication.

Permitted Acts

Staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member according to Wisconsin and Federal law, and take the prescription in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Staff members who use or possess over-the-counter medications and take them in accordance with the recommended dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed and/or over-the-counter medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed and/or over-the-counter 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 only in private, out of the view of students.

Each staff handbook will include a summary of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff; furthermore, staff members shall be informed that compliance with this requirement is mandatory. Use of marijuana and/or products containing tetrahydrocannabinols (THC), other than products expressly excluded from the definition of a schedule drug (hemp-derived CBD oil, etc.), is still prohibited under Wisconsin law and Board policy. Use of such products even in states which have passed state laws permitting usage is still unlawful under Federal law and Wisconsin law and is not an exception to the drug-free workplace policy.

Reasonable Suspicion Testing

Staff members shall be required to undergo alcohol and/or drug testing at any time the District has reasonable suspicion to believe that the staff member may have violated this policy.

Disciplinary Action

Any staff member who violates this policy shall be subject to disciplinary action, up to and including termination from District employment in accordance with the Employee Handbook and District policies. In addition to disciplinary action, the District may, at its discretion, refer the staff member to drug and alcohol counseling or to employee assistance or rehabilitation programs and/or may refer the matter to law enforcement.

The District Administrator shall establish whatever programs and procedures are necessary to meet the Federal certification requirements under the Drug-Free Workplace Act of 1988 and shall provide these to staff. Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 3161 - Unrequested Leaves of Absence/Fitness for Duty.

Off Work Conduct

Disciplinary action may result from conduct related to drug and alcohol usage even on the staff member's personal time if the circumstances create a connection to or nexus with the staff member's role with the District. Disciplinary action may result if a staff member's conduct involves the depiction of the staff member engaging in use of alcohol or drugs on social media or other outlets in a fashion that tends to provoke public scrutiny, damage the staff member's credibility, depict inappropriate involvement of minors, or in some fashion diminish the staff member's ability to safely and effectively perform his/her duties. If the District administration becomes aware of such circumstances, it will investigate the matter even though the events occurred on one's personal time and not on District property or at a District event.

Use of Resources for Treatment

The District makes available resources to assist staff members in overcoming substance abuse. However, the decision to seek diagnosis and accept treatment for substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

APPENDIX A

Teacher Alternate Compensation Table

Teachers play a critical role in providing all Bayfield students with the best possible educational experiences. The School District of Bayfield is committed to recruiting and retaining skilled and dedicated teachers with a focus on student success. The Bayfield School Board has adopted an alternate compensation table for teachers to support recruiting and retention efforts. This table, with its combination of base wage and supplemental pay, provides teachers with the ability to have a sense of future wage possibilities while also providing a competitive teacher wage for this region. The table is based on years of service/initial level placement as well as professional /educational accomplishments and Department of Public Instruction (DPI) licensure held. The table makes use of the three year cycle for teacher evaluations based on the District-adopted Educator Effectiveness Model.

A teacher's base wage is either Level A of the Initial Rate or, for those positions which require a master's degree, Level A of the Master Rate. Base wage is negotiated annually between the School Board and the Bayfield Education Association (BEA). Base wage increases may range from a minimum of 0% to a maximum of the current Consumer Price Index (CPI) published annually for contracts beginning on July 1st of each year.

Placement and movement on the pay scale is supplemental pay. Wage increases beyond the maximum CPI base wage increase, as ratified by the School Board, are supplemental. The District's ability to provide a supplemental wage increase is reviewed annually and approved by the School Board. The District's ability to pay a supplemental wage increase is based on the District's overall financial condition each year and may change year-to-year.

In the event that the District's overall financial condition does not allow for a supplemental wage increase in a given year, any wage increase will be based solely on the School Board-ratified base wage increase.

Column Descriptions:

- a. The Provisional column is designated for teachers with a DPI Provisional educator license.
- b. The Lifetime column is designed for teachers with a DPI Lifetime educator license.
- c. The Master column is designated for those teachers with a DPI Master license, having earned National Board Certification or having earned a Masters/Educational Specialist/Doctoral Degree.

Movement of Levels:

- a. Movement of levels is based on the three year teacher evaluation cycle.
- b. Teachers will move to the next level on the table annually by successfully meeting their Student Learning Outcome during year one and two of their evaluation cycle.
- c. Teachers will move to the next level on the table at the end of their summative evaluation year by meeting their Student Learning Outcome and receive a rating of Effective or Distinguished on their Educator Effectiveness Summative Evaluation.
- d. Teachers under an uncompleted plan of improvement when a school year ends will be held at their current level and will have the opportunity to move up a level at the end of the following school year based on successful completion of their plan of improvement.

- e. Teachers not meeting the requirement for level movement will be held at their current level and will have the opportunity to move up a level at the end of the following year.
- f. Teachers who do not renew National Board Certification will move from the Master column to a cell with a corresponding salary amount in the Lifetime column. Their wage will be capped at a level no higher than the highest cell of the Lifetime column.
- g . Teachers anticipating moving to the Masters column by earning a graduate degree, DPI Master license or National Board Certification are required to notify the District Administrator and Finance Manager no less than six months prior to graduation/completion. The District reserves the right to limit the number of teachers moving from the Professional to Masters Column after July 1st of the current fiscal year. Teachers denied movement from Professional to Masters Columns after July 1st of the current fiscal year would move to the Master Column at the start of the following fiscal year. Teachers will move to masters only at the start of the school year or at the semester time. Please provide an official transcript to the district office as confirmation of degree.

Teacher Salary Schedule 2023-2024

Step	Provisional	Lifetime	Master
1	\$41,656	\$49,102	\$54,015
2	\$42,073	\$49,593	\$54,556
3	\$42,493	\$50,089	\$55,101
4	\$43,768	\$51,592	\$56,754
5	\$44,205	\$52,108	\$57,322
6	\$44,648	\$52,628	\$57,895
7	\$45,987	\$54,207	\$59,632
8	\$46,447	\$54,750	\$60,229
9	\$46,911	\$55,297	\$60,831
10	\$48,318	\$56,956	\$62,656
11	\$48,802	\$57,526	\$63,283
12	\$49,290	\$58,102	\$63,916
13		\$59,845	\$65,833
14		\$60,444	\$66,492
15		\$61,048	\$67,157
16		\$62,878	\$69,171
17		\$63,507	\$69,863
18		\$64,142	\$70,561
19		\$66,067	\$72,678
20		\$66,728	\$73,405
21		\$67,395	\$74,139
22		\$69,417	\$76,364
23		\$70,110	\$77,127
24		\$70,811	\$77,899
25		\$72,935	\$80,236
26		\$73,665	\$81,039
27		\$74,402	\$81,849

1. The Board will negotiate an annual increase in base wages pursuant to law.
2. Salary for new employees will be determined by the District Administrator based on experience, qualifications, operational needs and in reference to base salary schedules.
3. Extra-Curricular assignments will be reimbursed at the rates shown in Appendix E.
4. Mileage reimbursement: Staff will receive reimbursement for mileage when required to use a personal vehicle in the performance of District related duties. The rate will be that allowed by the IRS.
5. Teachers will be paid, with prior approval, at their hourly salary rate for services performed outside of the eight-hour (8) contract day.
6. Teachers will also be compensated at their hourly rate for any substitute work they perform during the regular school day at the request of the immediate supervisor.

APPENDIX B

EMPLOYEE RETIREMENT

The Board of Education shall offer a retirement option to employees who elect to retire and who are or will be at least age 55 in the school year of retirement. For eligible employees the District will contribute \$400 per month for sixty (60) months toward an HRA-VEBA (Health Reimbursement Arrangement) (Voluntary Employee Benefit Association) on behalf of the retired employee. The contributions will be submitted directly to the applicable HRA-VEBA and will be available to the employee for qualifying post-retirement medical expense reimbursements. In addition, employees eligible for early retirement who elect to remain on the District's insurance following retirement will be allowed to do so for up to five (5) years, with the retired employee responsible for 100% of any applicable premiums during this five (5) year period.

Employees will receive an additional stipend at a rate equal to current substitute teacher pay per day of unused PTO leave. This stipend will be paid into the same HRA account as the \$400 monthly health insurance contribution. In order to be eligible for the early retirement plan, the employee must provide the Board a written notice of retirement on or before March 31st of the school year prior to the school year in which the retirement commences.

To be eligible to receive these benefits, the employee must be fulltime and have been an employee of the School District of Bayfield for at least ten years.

APPENDIX C

Support Staff Salary Schedule 2023-2024

Step	Entry Level	Skilled	Licensed
1	\$19.41	\$23.73	\$24.16
2	\$19.61	\$23.97	\$24.40
3	\$19.80	\$24.21	\$24.65
4	\$20.00	\$24.45	\$24.90
5	\$20.20	\$24.69	\$25.14
6	\$20.40	\$24.94	\$25.39
7	\$20.61	\$25.19	\$25.65
8	\$20.81	\$25.44	\$25.90
9	\$21.02	\$25.69	\$26.16
10	\$21.23	\$25.95	\$26.42
11	\$21.45	\$26.21	\$26.69
12	\$21.66	\$26.47	\$26.95
13	\$21.88	\$26.74	\$27.22
14	\$22.10	\$27.01	\$27.50
15	\$22.32	\$27.28	\$27.77
16	\$22.54	\$27.55	\$28.05
17	\$22.77	\$27.82	\$28.33
18	\$22.99	\$28.10	\$28.61
19	\$23.22	\$28.38	\$28.90
20	\$23.45	\$28.67	\$29.19
21	\$23.69	\$28.95	\$29.48
22	\$23.93	\$29.24	\$29.77
23	\$24.17	\$29.54	\$30.07
24	\$24.41	\$29.83	\$30.37

Aides shall be reimbursed for license renewal once every five years.

Support Staff Lane Designations		
Entry Level - No license or certificate required	Skilled - Specific skill set pertinent	Licensed - Position will require licensure

APPENDIX D

NON-AFFILIATED SALARY AND OTHER COMPENSATION

Salary for directors, assistants, and non-affiliated positions will be determined by the School Board.

APPENDIX E

EXTRA CURRICULAR/ACTIVITY SCHEDULE

Changes will be made once negotiations have concluded

<u>CATEGORY A</u>	<u>1-4 YEARS</u>	<u>5-9 YEARS</u>	<u>10+ YEARS</u>
Basketball (Boys), Head H.S.	\$4,344	\$4,825	\$5,363
Basketball (Girls), Head H.S.			
Coordinator, 4K			
Coordinator, CPI			
Wrestling, Head H.S.			

<u>CATEGORY B</u>	<u>1-4 YEARS</u>	<u>5-9 YEARS</u>	<u>10+ YEARS</u>
Baseball, Head H.S.	\$3,054	\$3,392	\$3,768
Basketball (Boys), Assistant H.S.			
Basketball (Boys), Head M.S.			
Basketball (Girls), Assistant H.S.			
Basketball (Girls), Head M.S.			
Cheerleading			
Cross Country, Head H.S.			
Football, Assistant H.S.			
Soccer (Boys), Head H.S.			
Soccer (Girls), Head H.S.			
Softball, Head H.S.			
Track, Head M.S./H.S.			
Volleyball (Girls), Head H.S.			
Wrestling, Assistant H.S.			

<u>CATEGORY C</u>	<u>1-4 YEARS</u>	<u>5-9 YEARS</u>	<u>10+ YEARS</u>
Advisor, HS Student Council	\$2,426	\$2,694	\$2,994
Coach, PBIS			
Coach, RTI			
Forensics			

<u>CATEGORY D</u>	<u>1-4 YEARS</u>	<u>5-9 YEARS</u>	<u>10+ YEARS</u>
Advisors, Classes 8-12	\$1,652	\$1,834	\$2, 004
Baseball (Boys), Assistant H.S.			
Baseball (Boys), M.S.			
Basketball (Boys), Assistant M.S.			
Basketball (Girls), Assistant M.S.			
Cross County, Assistant M.S./H.S.			
Soccer (Girls), Assistant H.S.			
Soccer (Boys), Assistant H.S.			
Softball (Girls), Assistant			
Softball (Girls), M.S.			

Track, Assistant M.S./H.S.
 Volleyball, Assistant H.S.
 Volleyball, M.S.
 Wrestling, Head M.S.

<u>CATEGORY E</u>	<u>1-10-YEARS</u>
Advisor, May Term Week	\$1,201
Advisor, National History Day	
Baseball (Boys), Assistant M.S.	
Basketball (Boys), Elementary	
Basketball (Girls), Elementary	
Club, Adventure	
Club, Art	
Club, Chess	
Club, DND	
Club, French/Spanish	
Club, Gay Straight Alliance	
Club, Science	
Club, Technology	
Math Team	
Mentor	
National Honor Society	
Quiz Bowl A	
Quiz Bowl B	
Science Fest Coordinator	
Softball (Girls), Assistant M.S.	
Student Council, M.S.	
Volleyball, Assistant M.S.	
Wrestling, Assistant M.S.	
Wrestling, Elementary	

<u>CATEGORY F (Misc.)</u>	
Athletic Director	Employee's hourly rate
Color Guard	
Music (Instrumental)	
Music (Vocal)	
Summer School Director	
Athletic Event Worker	\$25.00/Hour

Mileage reimbursement: Coaches living outside of the district will receive reimbursement for mileage traveling to scheduled games and practices. The rate will be that allowed by the IRS. If the coach is a regular school employee, mileage reimbursement will only be for non contract days.

*The District reserves the right to cancel a sport if there are under five participants attending up to 21 days of practice. The athletic director is required to submit sign-in sheets with student signatures to the district administrator to verify attendance.

ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK

I, (Type/Print name) _____, acknowledge receipt of this Employee Handbook, which was approved on July 17, 2023. Employees must sign and return the Employee Handbook Acknowledgement of Receipt and return to the district office no later than Friday, September 8, 2023.

I understand that the Employee Handbook is a means to acquaint me with the School District of Bayfield and its operations, and provide guidance with regard to its policies.

I understand that by accepting employment with the District, I am not being asked or required to provide anything in return beyond my services. I further understand that the Employee Handbook does not constitute a contract of employment, express or implied, between the District and myself and that no oral statements by supervisors or management can alter this disclaimer or create a contract. Only the Board has the authority to create an employment contract, and such contract must be in writing and signed by authorized personnel to be valid.

I further understand that my employment with the District is "at-will," not for any definite period of time, and may be terminated by myself or the District at any time and for any reason not prohibited by law.

I also understand that if I have an individual employment contract with the District, as required and pursuant to §118.21 (1), this Employee Handbook does not constitute a separate contract of employment, express or implied, between the District and myself. In the event that any Employee Handbook provision conflicts with any applicable employment contract provision, the employment contract shall control.

I understand that the District reserves the right to modify, amend, or delete any provisions of the Employee Handbook at any time. I will receive notification of any such modifications, amendments, or deletions.

I understand that this Employee Handbook supersedes all previous manuals, handbooks, and personnel policies that I have received or have been advised of by the District. I also understand that any subsequent revisions to the provisions of this Handbook after I commence my employment will supersede those contained herein.

Signature

Date