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512 Rule

EMPLOYEE HARASSMENT COMPLAINT PROCEDURE ADMINISTRATIVE RULE

The Evansville Community School District Board of Education designates the District Administrator or their designee as the Complaint Officer. The District Administrator or designee is responsible for coordinating federal regulation, state law, and District policy concerning employee harassment, other than sexual harassment under Title IX. Complaints of employee harassment, other than sexual harassment under Title IX, will be addressed pursuant to this Policy.

The Title IX Coordinator is responsible for coordinating the District's compliance and implementation of Title IX. Complaints of sexual harassment under Title IX will be addressed in Policy 511.12.

Complaint Process

Any employee or other person acting in the District's behalf who believes they have been the victim of harassment by a student, District employee or any third person, or who has witnessed such harassment, shall report the alleged conduct immediately to the District Administrator. If the subject of the complaint is the District Administrator, the report should be made to the Board President. The District encourages the reporting party to use the report form available from the principal of each building or available from the District Administrator. The use of the formal reporting form, however, is not mandatory. The District shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the District's legal obligations, and the necessity to investigate allegations of harassment and take disciplinary actions when the conduct has occurred.

The following steps shall be taken in the course of handling a complaint of employee harassment subject to this Policy:

Step 1: Any complaint shall be presented in writing or orally to the District Administrator (or Board President if the subject of the complaint is the District Administrator). If the complaint is submitted in writing, it should include the specific nature of the harassment and corresponding dates, and also include the name, address and the phone number of the complainant. The Employee Harassment Report Form (512 Form) may be used for this purpose.

If the complaint is submitted orally, the District Administrator shall take down the facts as presented and confirm the facts with the Complainant. The refusal of the Complainant to provide a written complaint shall not prevent the District Administrator from investigating the Complaint.

Step 2: The District Administrator/Board President shall:

- a. Notify the person who has been accused of harassment.
- b. Thoroughly investigate, including interviewing witnesses identified by the Complainant or the person accused. On a case by case basis the District Administrator may ask for Board authorization to hire an outside investigator.
- c. Permit the individual accused of harassment to submit a response to the allegations.
- d. If all parties agree, the District Administrator/Board President may arrange a meeting to discuss the complaint with all concerned parties within ten (10) school calendar working days after receipt of the written complaint. This timeline may be extended by the District Administrator/Board President as necessary.
- e. Take all steps necessary to ensure that any alleged harassment does not continue or occur in the future.

The results of the investigation of each complaint processed in accordance with this Policy shall be reported in writing to all the parties involved. (If the District Administrator is the subject of the complaint, the Board President, or outside counsel as reasonably assigned by the Board President to address these issues, shall report the results of the investigation directly to the Board for review and action.) Upon receipt of the report, the District Administrator/Board shall take such action as appropriate within fifteen (15) working days, based upon the results of the investigation. This timeline may be extended by the District Administrator/Board as necessary. All parties involved shall be notified in writing of any action taken as a result of the complaint. Any decision by the Board or outside counsel concerning the District Administrator is final.

Step 3: If the complainant is not satisfied with the action taken by the District Administrator, the party may file a written request to meet with the Board. The request must be received by the District Office within ten (10) working days after receipt of the Step 2 decision. The Board may meet with the Complainant at its discretion.

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Wisconsin Equal Rights Division initiating civil action or seeking redress under applicable state and/or federal law.

Any District action taken pursuant to this Board policy and these procedures shall be consistent with the requirements of any applicable collective bargaining agreements, Wisconsin statutes, provisions of the U.S. Constitution, District policies, and the Employee Handbook. The District shall take such disciplinary action as deemed necessary and appropriate, including warning, suspension, demotion or termination to end the employee harassment and/or prevent its reoccurrence.

This policy expressly prohibits retaliation of any kind against any employee reporting a complaint or assisting in the investigation of a complaint. Any employee engaging in such retaliation will be subject to discipline, up to and including termination.

Legal Ref.: Sections 111.31 Wisconsin Statutes (Declaration of Policy)

111.32(13) (Definitions)
111.321 (Prohibited Bases of Discrimination)
111.322 (Discriminatory Actions Prohibited)
111.36 (Sex, Sexual Orientation: Exceptions and Special Cases)
118.20 (Teacher Discrimination Prohibited)
120.13(1) (School Board Powers)
947.0125 (Unlawful Use of Computerized Communication Systems)
947.013 (Harassment)
Title VII of the Civil Rights Act of 1964
Regulations Implementing Title VII of the Civil Rights Act (29 C.F.R.-Part 1604.11)
Regulations Implementing Title IX of the Education Amendments of 1972 (34 C.F.R.-Part 106.51)

Local Ref.:

Policy #511.12 – Title IX Prohibition of Sexual Harassment Against Employees
Policy #512 – Employee Harassment
Policy #512/513 Form – Employee Harassment/Bullying Report Form