

**HAMILTON SCHOOL DISTRICT  
Sussex, WI**

**DISCRIMINATION AND HARASSMENT OF EMPLOYEES PROHIBITED**

1. The Hamilton School District offers fair and equal employment opportunities, and prohibits discrimination and harassment based on an employee's or applicant's age, race, color, creed, religion, disability, handicap, marital or parental status, sex, sexual orientation, national origin, ancestry, citizenship, political affiliation, arrest record, conviction record not substantially related to a person's job or activity in the school, pregnancy, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or Wisconsin, or use or nonuse of lawful products off district premises during non-working hours or any other reason prohibited by state or federal law. The Hamilton School District also complies with Section 504 of the Rehabilitation Act, and all other state and federal laws prohibiting discrimination and harassment.
  
2. Discrimination and harassment can arise from a broad range of physical or verbal behavior which can include, but is not limited to, the following:
  - a. Physical or mental abuse;
  - b. Racial, ethnic, or religious insults or slurs;
  - c. Unwelcome sexual advances or touching;
  - d. Sexual comments, jokes, stories, or innuendos;
  - e. Display of sexually explicit or otherwise offensive posters, calendars, or materials;
  - f. Making sexual gestures with hands or body movements;
  - g. Requests for sexual favors used as a condition of employment or affecting any personnel decision such as hiring, promotion, compensation, or termination;
  - h. Referring to employees using condescending or derogatory language or names;
  - i. Intentionally standing close or brushing up against another employee;
  - j. Inappropriately staring at another employee or touching his or her clothing, hair, or body;
  - k. Whistling at another employee, cat calls;
  - l. Asking personal questions about another employee's sexual life; and,
  - m. Repeatedly asking out an employee who has stated that he or she is not interested.
  
3. These activities are offensive and inappropriate in the school environment. This is a serious issue not just for the Hamilton School District, but also for each individual. The district specifically prohibits discriminatory or harassing conduct, condoning such conduct by allowing it to go on, and pre-judging harassment or discrimination complaints. Staff members are required to be familiar with, and comply with, this Policy prohibiting discrimination and harassment. District staff members may be held individually liable for discrimination or harassment or for allowing students to discriminate or harass each other, and may be subject to the penalties imposed upon employers under state or federal law. The district's policies prohibiting discrimination and harassment apply to all students and staff members whether at school, at school-sponsored co-curricular, extra curricular or social functions, or otherwise. In particular, staff members should understand that they are "on duty" whenever they are with students, even if they are not at school or not at a school-sponsored event.

**Hamilton School District  
Discrimination and Harassment of  
Employees Prohibited**

511

4. Any district staff member who engages in harassment or discrimination, or retaliates against another person because of a harassment/discrimination report or participation in an investigation, is subject to immediate discipline, up to and including discharge and referral to law enforcement agencies, if appropriate.
5. If any staff member is aware of a possible violation of this policy, he or she is required to report the incident(s) pursuant to the Employee Discrimination and Harassment Complaint Procedures (511-Rule) as soon as possible. Students, volunteers, and other third parties are strongly encouraged to report such incidents. The District will promptly process discrimination and harassment complaints in accordance with established district procedures.
6. The District will allow complainants the opportunity to resolve discrimination and harassment complaints on an informal basis, if the complainant asks to do so. Upon a complainant's request, the Director of Human Resources and Organizational Development will facilitate a meeting between the complainant and the alleged harasser/discriminator. If the parties resolve the matter, the District will prepare a written statement outlining the complaint and the resolution. If the complainant is not satisfied with the outcome of the meeting, he or she may proceed with submitting a written complaint under the Employee Discrimination and Harassment Complaint Procedures (511-Rule), and the District will formally investigate the complaint.

LEGAL REF.:           Sections     111.321 Wisconsin State Statutes  
  111.322  
  111.325  
  118.13

CROSS REF.:           511-Rule, Employee Discrimination and Harassment Complaint Procedures

APPROVED:            September 17, 1979

REVISED:             August 19, 1991  
                          April 7, 1992  
                          August 21, 1995  
                          January 2, 2001  
                          June 1, 2004  
                          May 19, 2008  
                          October 21, 2013

**HAMILTON SCHOOL DISTRICT  
SUSSEX, WI**

**EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES**

Employees who believe that they have been discriminated against or harassed in violation of Board Policy 511 should file a written complaint in accordance with the complaint procedure set out below. The timelines set out below will be used unless all parties agree to an extension of time.

The district will allow complaints on an informal basis, if the complainant asks to do so. Upon complainant's request, the Director of Human Resources and Organizational Development will facilitate a meeting between the complainant and the alleged harasser/discriminator. If the parties resolve the matter, the district will prepare a written statement outlining the resolution. If the complainant is not satisfied with the outcome of the meeting, the district will formally investigate the complaint. Timelines in the following procedure will be used unless the parties agree to an extension of time.

**Step 1**        The Director of Human Resources and Organizational Development is designated as the complaint officer to receive and investigate complaints of employee discrimination and/or harassment. Any complaint shall be presented in writing to the Director of Human Resources and Organizational Development, Hamilton School District, W220 N6151 Town Line Road, Sussex, WI 53089, phone – 262-246-1973. The complaint should include: (1) the date(s) and specific nature of the discrimination or harassment; (2) the identity or the discriminator(s) or harasser(s); (3) the names of any witnesses to the alleged discrimination or harassment; (4) the name, address and phone number of the complainant. If the complaint involves the Director of Human Resources and Organizational Development, the complaint should be made directly to the District Administrator pursuant to Step 2.

The Director of Human Resources and Organizational Development or his/her designee shall investigate the complaint, notify the person(s) accused of discrimination and/or harassment and permit a response to the allegation. If appropriate, the Director of Human Resources and Organizational Development and/or his/her designee will arrange a meeting to discuss the complaint with all concerned parties within ten (10) working days after receipt of the written complaint. The Director of Human Resources and Organizational Development shall decide the merits of the complaint, determine the action to be taken, if any, and report in writing the findings of the investigation and resolution of the case to the complainant within fifteen (15) working days after receipt of the written complaint.

The report shall include a notice to the complainant of his/her right to appeal the decision to the District Administrator.

Step 2 If the complainant is not satisfied with the answer of the Director of Human Resources and Organizational Development, he/she may submit a written appeal to the District Administrator indicating with particularity the nature of the disagreement with the answer and the reason(s) underlying such disagreement. Such appeal must be filed within ten (10) days after receipt of the Director of Human Resources and Organizational Development decision. If appropriate, the District Administrator may arrange a meeting with the complainant and other affected parties, if requested by the complainant, at a mutually agreeable time to discuss the appeal. The District Administrator shall give a written answer to the complainant's appeal within ten (10) working days. The answer shall include a notice of to the complainant of his/her right to appeal the decision to the Board of Education.

Step 3 If the complainant is not satisfied with the answer of the District Administrator, he/she may file a complaint with the Board of Education within ten (10) working days after receipt of the Step 3 decision. The Board shall, within twenty (20) working days, conduct a hearing at which the complainant shall be given the opportunity to present the complaint. The Board shall give a written decision to the complainant within ten (10) working days following completion of the hearing. A copy of the written decision shall be mailed or delivered to the complainant and the District Administrator.

#### Maintenance of Complaint Records

The maintenance of complaint records is recommended for the purpose of documenting compliance. Records should be kept for each complaint filed, and, at a minimum, should include:

1. The name and address of the complainant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action requested by the complainant.
4. The name and address of the respondents.
5. The levels of processing followed, and the resolution, date and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A determination of the facts, statement of the final resolution, and the nature and date(s) of any corrective or remedial action taken.

**Hamilton School  
Employee Harassment Complaint Procedures**

511-Rule

Nothing in this procedure shall preclude an employee from pursuing a harassment complaint as provided through the avenues afforded by state or federal laws, e.g. appeals to Wisconsin Equal Rights Division of the Department of Workforce Development, Equal Employment Opportunities Commission or the U.S. Office for Civil Rights, region and/or courts having proper jurisdiction.

LEGAL REF.: Sections 111.31 et seq. Wisconsin Statutes  
118.20  
Title VII of the Civil Rights Act of 1964, as amended  
Title IX of the Education Amendments of 1972

CROSS REF.: 511, Equal Opportunity Employment  
512, Employee Harassment  
Employee Agreements

APPROVED: January 20, 1992

REVISED: October 20, 1997  
June 21, 2004  
July 17, 2004  
May 19, 2008  
October 21, 2013

HAMILTON SCHOOL DISTRICT  
SUSSEX, WI

**STAFF COMPLAINTS AND GRIEVANCES**

Employees shall have their complaints heard and addressed in an expeditious manner. Proper administrative channels, as set forth in administrative regulations, will be followed in a concentrated effort to resolve complaints.

The Board of Education will have the final authority on complaints that cannot be resolved through administrative channels.

CROSS REF.: 527-Rule, Professional Staff Complaint Procedures  
Employee Agreements

APPROVED: July 16, 1979

REVISED: September 5, 1989  
August 19, 1991

REVIEWED: June 30, 2004

HAMILTON SCHOOL DISTRICT  
SUSSEX, WI

PROFESSIONAL STAFF COMPLAINT PROCEDURES

The Board of Education recognizes the rights of individuals or groups to have their complaints heard and addressed in an expeditious manner. Because complaints are best resolved by those most directly involved, the following procedures are to be used:

A. Complaints Made by Employees Against Other Employees

1. Complaints emanating from specific schools shall be referred to the building principal. Complaints involving other school personnel shall be referred to the employee's immediate supervisor, if known, or to the District Administrator, who will then direct the complaints to the employee's immediate supervisor.

If complainants refuse to make direct contact with principals or supervisors, the District Administrator shall be the contact person.

2. Employees who are the object of complaints shall be made aware of any such complaints by his/her supervisor and be given an opportunity to respond and participate in the resolution of the problem.

In the case of members of the ULE collective bargaining unit, any master agreement requirements relating to complaints made against ULE members will also be observed.

3. Complaints which are unresolved at the initial level shall be put into writing by the complainant and within five working days forwarded to the Assistant Superintendent of Educational Services/Human Resources. The supervisor shall submit a written record of the efforts made to resolve the complaint and submit it to the Assistant Superintendent of Educational Services/Human Resources upon request.
4. The Assistant Superintendent of Educational Services/Human Resources or designee shall have 10 working days to respond to the complaint. If the complaint is not resolved at the Assistant Superintendent of Educational Services level, it shall be referred to the District Administrator within 10 working days.

**Hamilton School District  
Professional Staff Complaint Procedures**

527-Rule

5. The District Administrator or designee shall have 10 working days to respond to the complaint. If the complaint is not resolved at the District Administrator level, it shall be referred to the Board within 10 working days.

The written report to the Board shall include, but not be limited to the following:

- a. The name of the employee(s) involved.
  - b. A brief but specific summary of the facts surrounding the issue to inform the Board and the employee(s) of its precise nature and to allow the employee(s) to prepare a response.
  - c. A true copy of the signed original statement of complaint.
  - d. A summary of the action taken by the District Administrator that includes specific reasons why the complaint could not be resolved at his/her level.
6. After reviewing the written record, the Board, at its discretion, may schedule a private conference to resolve the complaint within a time frame deemed reasonable by the Board, but not to exceed 60 calendar days. The Board may also decide that the complaint does not warrant its formal review. In such case, the Board will respond in writing to the complaint.

This step shall end the review process unless the person making the complaint initiates a legal proceeding.

All parties involved may attend any scheduled conference for the purpose of clarifying information, presenting additional facts or answering the Board's questions.

7. Complaints involving the District Administrator shall be referred to the Board President, who shall inform the District Administrator of the nature of the complaint. The District Administrator shall be given an opportunity to respond and participate in the resolution of the complaint.

Procedural Rules:

The following rules will be observed at all times in the application of the preceding procedure:



**Hamilton School District  
Professional Staff Complaint Procedures**

527-Rule

- a. Individual Board members will not investigate complaints, with the exception that the Board President shall review complaints made against the District Administrator.

All members of the Board must retain their ability to serve as a member of an objective and unbiased panel to review the actions and decisions of the administration.

- b. This complaint procedure may not be used to address issues which fall within the existing grievance procedures contained in collective bargaining agreements.
- c. All complaints involving school personnel shall be heard in closed session as per state statute.

**B. Other Complaints**

The same procedure will be used to review other complaints from employees with the following exceptions:

1. State laws relating to closed sessions of the Board may not apply.
2. Complaints relating to educational materials and library books shall be addressed as per established Board policy and procedures.
3. Complaints relating to discrimination shall be addressed as per established procedures.

CROSS REF.: 511-Rule, Discrimination Complaint Procedures  
871, Public Complaints About Educational Materials  
872, Public Complaints About School Personnel  
ULE Agreement

APPROVED: August 21, 1989

REVISED: August 19, 1991  
June 30, 2004