

**School District of River Falls  
Ad-Hoc Policy Committee**

May 4, 2026 - 6:00 PM

District Office

852 E Division Street

River Falls, Wisconsin 54022

Personnel Committee members: Stacy Johnson Myers (Chair), Lindsey Curtis, & Alison Page

A quorum of the School Board may be present for information-gathering purposes only.

Agendas can be viewed at <https://www.rfsd.k12.wi.us/district/school-board.cfm> or at  
<https://meetings.boardbook.org/Public/Organization/1447>

**1. CALL TO ORDER - 6:00 PM**

**2. MANNER OF PUBLIC NOTIFICATION OF MEETING**

**3. HEARING OF VISITORS OR DELEGATIONS**

**4. CONSENT AGENDA - NEOLA POLICY UPDATES: INITIAL READINGS**

**3**

**Description:** The Policy Committee is conducting the initial readings of the following NEOLA policies as part of the review process. Approval by the Policy Committee will advance these policies to the full School Board for the first reading.

**Policies Recommended for Initial Approval:**

- Policy 6110 - Grant Funds
- Policy 6111 - Internal Controls
- Policy 6112 - Cash Management of Grants
- Policy 6114 - Cost Principles - Spending Federal Funds
- Policy 6116 - Time and Effort Reporting
- Policy 6144 - Investment Income
- Policy 6150 - Tuition Income
- Policy 6151 - Returned/Outstanding-State Checks
- Policy 6152 - Student Fees, Fines, and Charges
- Policy 6152.01 - Waiver of School Fees or Fines
- Policy 6220 - Budget Preparation
- Policy 6230 - Budget Hearing
- Policy 6231 - Budget Implementation
- Policy 6235 - Fund Balance
- Policy 6236 - Community Services Fund (Fund 80)
- Policy 6325 - Procurement - Federal Grants/Funds
- Policy 6605 - Crowdfunding
- Policy 6611 - District-Supported/Sponsored Student Activity Accounts
- Policy 6630 - Cash Handling and Deposits
- Policy 6670 - Trust and Agency Funds
- Policy 6700 - Fair Labor Standards Act (FLSA)
- Policy 6830 - Audit
- Policy 5517 - Student Anti-Harassment
- Policy 4362 - Employee Anti-Harassment (*Support Staff*)
- Policy 3362 - Employee Anti-Harassment (*Professional Staff*)
- Policy 1662 - Employee Anti-Harassment (*Administration*)
- Policy 0155 - Committees
- Policy 0145 - School Board Member Anti-Harassment

**Recommended Action:** Approve the above-listed NEOLA policies for the initial reading by the Policy Committee and recommend them for the first reading.

**5. NEOLA POLICY 6146 - POST-ISSUANCE TAX-EXEMPT BOND COMPLIANCE 114**

**Description:** This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

**Recommended Action:** Approve Neola Policy 6146 - Post-Issuance Tax-Exempt Bond Compliance for the initial reading by the Policy Committee and recommend it for the first reading.

**6. NEOLA POLICY 6147 - DEBT MANAGEMENT 123**

**Description:** This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

**Recommended Action:** Approve Neola Policy 6147 - Debt Management for the initial reading by the Policy Committee and recommend it for the first reading.

**7. NEOLA POLICY 6320 - PURCHASING 125**

**Description:** This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

**Recommended Action:** Approve Neola Policy 6320 - Purchasing for the initial reading by the Policy Committee and recommend it for the first reading.

**8. NEOLA POLICY 6608 - ACCOUNTABILITY AND OVERSIGHT OF FUNDRAISER DISBURSEMENTS 128**

**Description:** This review constitutes the initial reading by the Policy Committee. Approval will forward the policy to the full School Board for the first reading.

**Recommended Action:** Approve Neola Policy 6608 - Accountability and Oversight of Fundraiser Disbursements for the initial reading by the Policy Committee and recommend it for the first reading.

**9. SCHEDULE NEXT POLICY AD-HOC COMMITTEE MEETING**

**Description:** Upcoming committee meeting dates, times, and locations will be reviewed.

**Recommended Action:** Set the meeting schedule as follows:

Ad-Hoc Policy Committee meeting: Monday, June 1, 2026, 6:00 p.m.

*The meeting will be held in the District Office conference room at 852 E. Division Street.*

**10. ADJOURN**



Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	GRANT FUNDS
Code	po6110 3/2
Status	
Legal	2 C.F.R. 200.56, 200.71, 200.77, 200.80, 200.112, 200.113, 200.302, 200.307 2 C.F.R. 200.309, 200.310, 200.313, 200.318 - .320, 200.343(b) & (e), 200.403 2 C.F.R. 200.404 and 200.406, 200.501-511 34 C.F.R. 75.707, 76.563, 76.565, 76.707 Compliance Supplement for Single Audits of State and Local Governments 20 U.S.C. 7906 31 U.S.C. 3729-3733

**6110 - GRANT FUNDS**

It is the objective of the School Board to provide equal educational opportunities for all District students. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the District that benefit students and the educational program. Therefore, it is the intent of the School Board to consider grant proposals and applications for their potential to enhance educational opportunities, the educational environment, and the physical and mental growth for each student.

The ~~District Administrator~~ **Superintendent** will review new Federal education legislation and prepare proposals for programs the ~~District Administrator~~ **Superintendent** deems would be of aid to the students of this District. The ~~District Administrator~~ **Superintendent** will approve each such proposal prior to its submission, and the School Board will approve all grants resulting from such proposals.

The School Board regards available Federal funds of aid to local school districts and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accord with Federal guidelines on discrimination. All Federal funds received by the District will be used in accordance with the applicable Federal regulations and guidelines. The ~~District Administrator~~ **Superintendent** will ensure that each draw of Federal monies is as close as administratively feasible to the related program expenditures.

~~No Federal funds received by the District will be used (1) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual; (2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds; (3) to provide sex education or HIV prevention education in schools unless the instruction is age-appropriate and includes the health benefits of abstinence; or (4) to operate a program of contraceptive distribution in the schools.~~

**Grant Proposal Development**

- A. All grant proposals must support at least one (1) District goal or priority.

- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved ~~during the internal review process.~~

### Grant Proposal Internal Review

- A. ~~Each grant proposal will be reviewed and approved by the District Administrator prior to submission to the funding source.~~
- B. ~~( ) The District Administrator will present the following proposals to the School Board for approval:~~
1. ~~( ) government funded proposals, regardless of the amount;~~
  2. ~~( ) proposals with budgets exceeding \$\_\_\_\_.00; or~~
  3. ~~( ) multi school or District wide proposals.~~

### Mandatory Disclosures

The District must promptly disclose whenever they have credible evidence of a violation of Federal criminal law potentially affecting the Federal award including, but not limited to, any fraud, embezzlement, bribery, gratuity violations, identity theft, or sexual assault and exploitation, or a violation of the Civil False Claims Act (2 C.F.R. 200.113) regarding the obligation to report credible information related to conduct prohibited by the Trafficking Victims Protection Act, 22 U.S.C. 7104c.

The disclosure must be made in writing to the Federal agency and the agency's Office of Inspector General, and to the pass-through entity, such as the Department of Public Instruction.

### Whistleblower Protections

An employee of the District may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information to the appropriate agency or individual that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract or grant. See Policy 1211/Policy 3211/Policy 4211 - Whistleblower Protection and Policy 8900 - Fraud.

### Grant Administration

- A. The administration of grants will adhere to all applicable Federal, State, local, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as District policies ~~and administrative guidelines.~~
- B. The ~~District Administrator~~ Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The ~~District Administrator~~ Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, applicable statutes, regulations and objectives, and the terms and conditions of the grant award.
- D. The District, in recognition of its unique combination of staff, facilities, and experience, will employ internal controls, including organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the District will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The ~~District Administrator~~ Superintendent will require that each draw of Federal monies be aligned with the District's payment process (whether reimbursement, cash advance, or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The District will maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.

- F. ~~(→)~~ The ~~District Administrator~~ Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.
- G. ~~(→)~~ Written amendments requiring the District Administrator's signature will be presented to the School Board for approval.
- H. ~~(→)~~ Employee positions established through the use of grant funding will terminate if and when the related grant funding ceases.
- I. ~~(→)~~ Program reports including but not limited to audit, site visits and final reports will be submitted to the District Administrator for review and distribution to the School Board and other appropriate parties.

## Financial Management

The financial management of grant funds will be in compliance with all applicable Federal, State, local and grantor rules, regulations, and assurances as well as District policies and administrative guidelines.

The ~~District Administrator~~ Superintendent will provide for the following:

- A. Identification of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the Assistance Listings title and number, Federal award identification number, the year the Federal award was issued, and name of the Federal agency or pass-through entity.
- B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.

Maintaining records that sufficiently identify the amount, source, and expenditure of Federal funds for Federal awards. These records must contain information necessary to identify Federal awards, authorizations, financial obligations, unobligated balances, as well as assets, expenditures, income, and interest. All records must be supported by source documentation.

- C. Effective control over and accountability for all funds, property, and other assets.

The District must adequately safeguard all assets and ensure they are used solely for authorized purposes.

Further, the District must:

- 1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the District is managing the Federal award in compliance with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;
  - 2. comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;
  - 3. evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of the Federal award; and
  - 4. take prompt action when instances of noncompliance are identified.
- D. Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information. This also includes information that the Federal awarding agency or pass-through entity designates as sensitive or other information the District considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.
  - E. Actual expenditures or outlays must be compared with budgeted amounts for each Federal award.
  - F. Recordkeeping and written procedures to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and accountability including, but not limited to the following areas:

- 1. cash management in accordance with 2 C.F.R. 200.305
- 2. allowability of costs in accordance with subpart E and the terms and conditions of the Federal award

3. conflict of interest
4. procurement
5. equipment management
6. conducting technical evaluations of proposals and selecting recipients
7. compensation and fringe benefits
8. travel

G. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.

H. Insurance coverage for real property and equipment, if applicable, is equivalent to such property owned by the District.

### **Audit Requirements**

A single or program-specific audit (2 C.F.R. 200.514, 2 C.F.R. 200.507) is required for any year if the District expends \$1,000,000 or more in Federal awards during the District's fiscal year. When Federal awards expended are less than \$1,000,000, the District may be exempt from Federal audit requirements (2 C.F.R. 200.501) for that year. However, in all instances, the District's records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and the Government Accountability Office (GAO).

The District will:

- A. arrange for the audit required in accordance with 2 C.F.R. 200.509 and make sure that the audit is properly performed and submitted in accordance with 2 C.F.R. 200.512;
- B. prepare financial statements including the schedule of expenditures of Federal awards in accordance with 2 C.F.R. 200.510;
- C. promptly follow up and take corrective action on audit findings, including preparing a summary schedule of prior audit findings and a corrective action plan (2 C.F.R. 200.511); and
- D. provide the auditor access to personnel, accounts, books, records, supporting documentation, and any other information needed for the auditor to perform the audit.

### **Certifications and Records Retention**

Financial reports must include a certification, signed by an official who is authorized to legally bind the District. The certification should state:

"I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to, violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812"

Each certification must be maintained pursuant to the requirements of 2 C.F.R. 200.334. The District will retain all Federal award records for three (3) years from the date of submission of the final financial report or longer if required by the School Board-adopted retention schedule.

### **Program Income**

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts and interest earned

on any of them. Additionally, taxes, special assessments, levies, fines and similar revenues raised by a recipient are not program income. Proceeds from the sale of real property, equipment or supplies are not program income. Finally, license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions made under the Federal award subject to 37 C.F.R. Part 401 are not program income.

Unless the District has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the District uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the Federal agency or pass-through entity.

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Book Neola Policy Templates for Processing  
Section 6000 Finances Templates  
Title INTERNAL CONTROLS  
Code po6111 3/2  
Status  
Legal 2 C.F.R. 200.1  
2 C.F.R. 200.303

#### 6111 - INTERNAL CONTROLS

The ~~District Administrator~~ Superintendent will establish, document, and maintain effective internal controls over Federal awards that provide reasonable assurance that the District is managing all Federal awards in compliance with the U.S. Constitution, statutes, regulations, and the terms and conditions of the awards. The District will have a process that provides reasonable assurance regarding the achievement of the following objectives:

- A. effectiveness and efficiency of operations;
- B. reliability of reporting for internal and external use; and
- C. compliance with applicable laws and regulations.

These internal controls should comply with the guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control-Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect on a Federal award, as well as any other Federal statutes and regulations that are identified in the Compliance Supplement. Finally, the District's internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The District will:

- A. comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;
- B. evaluate and monitor its compliance with the U.S. Constitution, statutes, regulations, and the terms and conditions of the award;
- C. take prompt action when instances of noncompliance are identified; and
- D. take reasonable cybersecurity and other measures to safeguard protected information, including protected "personally identifiable information" (PII) and other types of information. This also includes information the Federal agency or pass-through entity designates as sensitive or other information the District considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over

confidentiality.

PII is defined at 2 C.F.R. Section 200.1 as "information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual."

However, the definition of PII is not attached to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

**Suggested Resources:**

- A. ~~"Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States;~~
- B. ~~"Internal Control Integrated Framework" (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;~~
- C. ~~"Compliance Supplement" issued by the U.S. Office of Management and Budget; and~~
- D. ~~Internal control guidance issued by the U.S. Department of Education.~~

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	CASH MANAGEMENT OF GRANTS
Code	po6112 3/2 -3/30
Status	
Legal	2 C.F.R. 200.305

### 6112 - CASH MANAGEMENT OF GRANTS

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent will implement internal controls in the area of cash management.

The District's payment methods will minimize the time elapsing between the transfer of funds from the Federal agency or the Department of Public Instruction (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District will use forms and procedures required by the grantor agency or pass-through entity to request payment. The District will request grant funds payments in accordance with the provisions of the grant. Additionally, the District's financial management systems will meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent is authorized to submit payment requests as often as necessary when electronic fund transfers are used or at least monthly when electronic transfers are not used. See Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the District uses a cash advance payment method, the following standards will apply:

- A. The timing and amount of the advance payment requested must be as close as is administratively feasible to the actual disbursements by the District for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The District will make timely payments to contractors in accordance with contract provisions. **Whenever possible, advance payment requests by the District must be consolidated to cover anticipated cash needs for all Federal awards received by the recipient from the awarding Federal agency or Wisconsin Department of Public Instruction (DPI).**
- C. If available, the District will disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on Federal funds before requesting additional cash payments.
- D. The District will account for the receipt, obligation, and expenditure of funds.
- E. Advance payments will be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest-bearing accounts unless the following apply:
  - 1. The District receives less than \$250,000 in Federal funding per year.
  - 2. The best available interest-bearing account would not **reasonably** be expected to earn interest in excess of \$500 per year on Federal cash balances.
  - 3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
  - 4. A foreign government or banking system prohibits or precludes interest-bearing accounts.

5. An interest-bearing account is not readily accessible (for example, due to public or political unrest in a foreign country).
- G. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal funds must be returned annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either the Automated Clearing House (ACH) network or a Fedwire Funds Service payment.
- H. All interest in excess of \$500 per year must be returned to PMS regardless of whether the District was paid through PMS. Instructions for returning interest can be found at <https://pms.psc.gov/grant-recipients/returning-funds-interest.html>.
- I. All other Federal funds must be returned to the payment system of the Federal agency. Returns should follow the instructions provided by the Federal agency. All returns to PMS should follow the instructions provided at <https://pms.psc.gov/grant-recipients/returning-funds-interest.html>.



Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	COST PRINCIPLES - SPENDING FEDERAL FUNDS
Code	po6114 3/2
Status	
Legal	2 C.F.R. 200.344(b) 2 C.F.R. 200.403-.407, 200.413(a)-(c), 200.430(a), 200.431(a) and 200.458 34 C.F.R. 75.703 34 C.F.R. 76.707 - .708(a)

#### 6114 - COST PRINCIPLES - SPENDING FEDERAL FUNDS

The ~~District Administrator~~ Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds will be administered in a manner consistent with all applicable Federal, State, and local laws, the associated agreements/assurances, program objectives, and the specific terms and conditions of the grant award.

#### Cost Principles

A cost is reasonable if it does not exceed an amount that a prudent person would incur under the circumstances prevailing when the decision was made to incur the cost. Except where otherwise authorized by statute, costs will meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration will be given to:

1. whether a cost is generally recognized as ordinary and necessary for the operation or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal, and other laws and regulations;
3. market prices for comparable costs for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the District, its employees, its students or membership (if applicable), the public at large, and the Federal Government; and
5. the degree to which the cost represents a deviation from the School Board's established written policies and procedures for incurring costs.

While Federal regulations do not provide specific descriptions of what satisfies the necessary element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect

in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment;
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.

This standard is met if the cost:

1. is incurred specifically for the Federal award;
  2. benefits both the Federal award and other work of the District and can be distributed in proportions that may be approximated using reasonable methods; or
  3. is necessary to the overall operation of the District and is assignable, in part, to the Federal award in accordance with these cost principles.
- B. Conform to any limitations or exclusions set forth in the cost principles 2 C.F.R. Part 200 or in the terms and conditions of the Federal award, including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment or as a substantial or essential component of any system or as critical technology as part of any system. Such prohibition also applies to funds generated as program income, indirect cost recoveries, or to satisfy cost share requirements.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
- D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits, or offsets.
- The term applicable credits refers to those transactions that offset or reduce direct or indirect costs allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; insurance refunds or rebates; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the District relate to the Federal award, they will be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.
- G. Be not included as a match or cost-share requirements of any other Federally-financed program in either the current or a prior period, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
1. in the case of personal services, the ~~District Administrator~~ Superintendent will implement a system for District personnel to account for time and efforts expended on grant-funded programs to document that only permissible personnel expenses are allocated;
  2. in the case of other costs, all receipts and other invoice materials will be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

- I. Administrative closeout costs may be incurred until the due date of the final report(s). If incurred, these costs must be liquidated prior to the due date of the final report(s) and charged to the final budget period of the award unless otherwise specified by the Federal agency.

All other costs must be incurred during the approved budget period. At its discretion, the Federal agency is authorized to waive prior written approvals to carry forward unobligated balances to subsequent budget periods.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to incur financial obligations of the funds awarded, including any funds carried forward or other revisions pursuant to 2 C.F.R. 200.308. Prior written approval from the Federal awarding agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods, unless waived.

### **Selected Items of Cost**

The District will follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff will check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel will follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

- A. Capital expenditures for general-purpose equipment, buildings, and land are allowable as direct charges, but only with the prior written approval of the Federal agency or pass-through entity.
- B. Capital expenditures for special-purpose equipment are allowable as direct costs, provided that items with a unit cost of \$10,000 or more have the prior written approval of the Federal agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment that materially increase their value or useful life are allowable as a direct cost but only with the prior written approval of the Federal agency or pass-through entity.
- D. All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.
- E. Allowability of depreciation on buildings, capital improvements, and equipment will be in accordance with 2 C.F.R. 200.436 and 2 C.F.R. 200.465.
- F. When approved as a direct cost by the Federal agency or pass-through entity under Sections A - C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal agency.
- G. The District may claim the unamortized portion of any equipment written off as a result of a change in capitalization levels by continuing to claim the otherwise allowable depreciation on the equipment, or by amortizing the amount to be written off over a period of years negotiated with the cognizant agency for indirect cost.
- H. If the District is instructed by the Federal agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.
- I. Equipment and other capital expenditures are unallowable as indirect costs.

Statutory requirements may limit the allowability of costs. Any costs that exceed the maximum amount allowed by statute may not be charged to the Federal award. Only the amount allowable by statute may be charged to the Federal award.

Payments made for costs determined to be unallowable by the Federal agency, cognizant agency for indirect costs, or pass-through entity must be refunded (with interest) to the Federal Government.

### **Prior Written Approval**

To avoid subsequent disallowance or dispute based on unreasonableness or nonallocability, the District may seek the prior written approval of the Federal agency (or, for indirect costs, the cognizant agency for indirect costs) before incurring the cost. The absence of prior written approval on any element of cost will not, in itself, affect the reasonableness or allocability of that cost unless prior approval is specifically required for allowability.

## Cost Compliance

The District Administrator Superintendent will require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances will be treated consistently as either direct or indirect costs, but may not be double-charged or inconsistently charged as both.

### Determining Whether a Cost is Direct or Indirect

The association of costs with a Federal award (rather than the nature of the procurement transaction) determines whether costs are direct or indirect. Costs incurred for the same purpose in like circumstances must be treated consistently as direct or indirect.

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.). Direct costs may also include capital expenditures if approved by the Federal agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than \$10,000.

If a cost benefits two (2) or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit.

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances will be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the District Administrator, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap will include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Wisconsin Department of Instruction (DPI) or the pass-through entity (Federal funds subject to 2 CFR Part 200 pertaining to determining indirect cost allocation).

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment under a Federal award that will result in expenditures by a recipient or subrecipient under a Federal award.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the District - when the services are performed.
- C. Personal services by a contractor who is not an employee of the District - on the date which the District makes a binding written commitment to obtain the services.
- D. Performance of work other than personal services - on the date when the District makes a binding written commitment to obtain the work.
- E. Public utility services - when the District receives the services.
- F. Travel - when the travel is taken.
- G. Rental of property - when the District uses the property.
- H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

#### **Period of Performance**

All financial obligations must occur during the period of performance. Period of performance means the time interval between the start and end date of a Federal award, which may include one (1) or more budget periods. Identification of the period of performance will be specific to the Federal award and consistent with 2 C.F.R. 200.211 and does not commit the Federal agency to fund the award beyond the currently approved budget period. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN. Note, however, that certain Federal awards have specific requirements that restrict the use of funds beyond the initial period of performance.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period unless an agreement exists with the agency or the pass-through entity (e.g., Wisconsin Department of Public Instruction) to reimburse for pre-approval expenses.

If a Federal agency or pass-through entity approves an extension, or if the District extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the District will liquidate all financial obligations incurred under the award not later than ninety (90) calendar days after the conclusion of the period of performance of the award (or an earlier date as agreed upon by the DPI and the District). Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and will be returned to the agency. Consequently, the District will closely monitor grant spending throughout the grant cycle.



Book Neola Policy Templates for Processing  
 Section 6000 Finances Templates  
 Title TIME AND EFFORT REPORTING  
 Code po6116 3/30  
 Status  
 Legal 2 C.F.R. 200.430, 200.431

**6116 - TIME AND EFFORT REPORTING**

As a recipient of Federal funds, the District will comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify that compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 C.F.R. 200.431 Compensation-fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

- A. is reasonable for the services rendered, conforms to the District’s established written policy, and is consistently applied to both Federal and non-Federal activities; and
- B. follows an appointment made in accordance with the District’s written policies and meets the requirements of Federal statute, where applicable.

**Time and Effort Reports**

Unless specifically authorized by the Department of Public Instruction (pass-through entity), including during unexpected or extraordinary circumstances, all salaries and wages charged to Federally-sponsored projects must be based on records (time and effort reports) that accurately reflect the work performed by the employee. A time and effort report is required regardless of whether such time is paid by a Federally-sponsored agreement, a private foundation, or is an unpaid contribution, i.e., cost-share match. Committed cost sharing, either voluntary or mandatory, must be included in effort reports.

**Employee Compensation During Unexpected or Extraordinary Circumstances**

**~~[DRAFTING NOTE: The following option is language provided by DPI that relates specifically to the current situation and still requires the School Board action to be taken to affect its requirements.]~~**

~~( ) Under unexpected or extraordinary circumstances, such as a public health emergency, the District will continue to charge the compensation (including but not necessarily limited to salaries, wages, and fringe benefits) of its employees who are paid by a currently active Federal grant consistent with the organization’s policies and procedures for paying compensation from all funding sources, Federal and non-Federal.~~

~~In the event of an extended school closure, if the District chooses to continue to pay similarly situated employees whose compensation is paid with non-Federal funds, those paid with Federal grant funds may also continue to be paid.~~

~~The District Administrator will assure that the procedures for documenting time and effort per the Federal Uniform Grant Guidance include documenting the funding source of the personnel before the circumstance and the funding source of the personnel during the extended closure. This documentation will be maintained for auditing or monitoring purposes.~~

~~Through the process of documenting time and effort under unexpected or extraordinary circumstances, the District Administrator will verify that employees who are being paid with Federal grant funds while the program grant activities are closed in whole or in part due to the circumstance are not additionally being paid for working on other activities that are not closed down.~~

#### **[END OF OPTION]**

The procedures and requirements for charging compensation to grant funds described in this policy will be subject to modification as necessary to provide for application consistent with Federal or State agency requirements or guidance as may be revised during any unexpected or extraordinary circumstance which justifies or necessitates a deviation from required Federal grant procedures.

The reports:

- A. are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
- B. are incorporated into the official records of the District;
- C. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;
- D. encompass both Federally assisted and other activities compensated by the District on an integrated basis;
- E. comply with the District's established accounting policies and practices;
- F. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award; a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The District will also follow any time and effort requirements imposed by the pass-through entity to the extent that they are more restrictive than the Federal requirements. The Payroll Office is responsible for the distribution, collection, and retention of all employee effort reports. Individually reported data will be made available only to authorized auditors.

#### **Reconciliations**

Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the District to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the District and entered into the District's records in a timely manner.

The District's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

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Book Neola Policy Templates for Processing  
 Section 6000 Finances Templates  
 Title INVESTMENT INCOME  
 Code po6144-3/30  
 Status  
 Legal 25.50, 66.0603, 67.10, Wis. Stats.

6144 - **INVESTMENT INCOME**

The School Board authorizes the **Superintendent** or **Director of Finance and Facilities** to make investments of available monies from the funds of the District on a competitive basis in:

- A. time deposits in any credit union, bank, savings bank, trust company, or savings and loan association which is authorized to transact business in the State, if the time deposits mature in not more than three (3) years;
- B. bonds or securities issued or guaranteed as to principal and interest by the Federal government or by a commission, School Board, or other instrumentality of the Federal government;
- C. bonds or securities of any county, city, drainage district, technical college district, village, town, or school district in the State;
- D. other securities authorized by 66.0603, Wis. Stats.;
- E. the local government pooled-investment fund;
- F. in federally insured financial institutions through a re-deposit agent designated by the School Board, pursuant to 34.05, Wis. Stats.

~~[ ]~~ The purpose of the investments is to maximize the returns on the District's cash balances consistent with **the** safety of those monies and with the desired liquidity of the investments. ~~[END OF OPTION]~~

~~[ ]~~ Investments in U.S. Treasury securities and those other securities completely guaranteed by the Treasury as to payment of principal and interest may be purchased in any dollar amount or up to 100% of the available reserves. ~~[END OF OPTION]~~

~~[ ]~~ Investments in other types of authorized securities may be made with the provision that no more than \_\_\_\_\_ percent (\_\_\_%) of the total current investment portfolio consists of one type of security. ~~[END OF OPTION]~~

~~[ ]~~ All investments must mature or be redeemable within \_\_\_\_\_ (\_\_\_) years of the date of purchase not to exceed three (3) years. ~~[END OF OPTION]~~

~~[ ]~~ The \_\_\_\_\_ is authorized to contract with a depository for the operation of a cash management system under the following conditions:

- A. ~~( )~~ the contract is in writing

- B. ~~( )~~ the contract provides for the investment of funds by the depository with the written approval of the \_\_\_\_\_
- C. ~~( )~~ the depository keeps all records concerning investment cash management
- D. ~~( )~~ the investments are made in accordance with State law with maturities not to exceed three (3) years
- E. ~~( )~~ the contract, which cannot exceed three (3) years, is awarded using the District's bidding procedure

**[END OF OPTION]**

~~[ ]~~ The \_\_\_\_\_ may request, no more often than four (4) times per year, that each public depository report the amount of monies deposited by the \_\_\_\_\_ and the total value of the pool of securities pledged to secure the monies of this District held by the depository. **[END OF OPTION]**

~~[ ]~~ The \_\_\_\_\_ will include in the monthly report to the School Board all cash in all accounts on deposit as well as the investment assets of the School Board. **[END OF OPTION]**

~~[ ]~~ The School Board also requires the \_\_\_\_\_ to report to the School Board monthly:

- A. ~~( )~~ the types and amounts of each investment and the interest earned on each;
- B. ~~( )~~ the transactions occurring since the last report.

**END OF OPTION]**

Withdrawal of funds will be in accord with the law. The \_\_\_\_\_ **Director of Finance and Facilities**, acting in accord with the law, may sell negotiable instruments prior to maturity.

Interest derived from an investment will be deposited, except as otherwise provided by law, in the District's General Fund.



Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	TUITION INCOME
Code	po6150 3/30
Status	
Legal	121.75 et seq., Wis. Stats. 121.76(2)(a), Wis. Stats. 121.83, Wis. Stats.

#### 6150 - **TUITION INCOME**

The School Board will assess tuition for attendance in District schools by students who are not entitled to receive a free, public education in this District and whose enrollment has been approved by the School Board.

Tuition charges must be based on a statutory formula or other methods approved by DPI. Rates will be available before the beginning of the school year or before the student's attendance commences.

The **Director of Finance and Facilities** will be responsible for the assessment and collection of tuition. Tuition billing may be assessed daily in advance of the period for which the billing is made.

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Book Neola Policy Templates for Processing  
 Section 6000 Finances Templates  
 Title RETURNED/OUTSTANDING-STALE CHECKS  
 Code po6151 3/30  
 Status

**6151 - RETURNED/OUTSTANDING-STALE CHECKS**

When the District receives a check from a student or parent that, when deposited, is returned marked "insufficient funds", the ~~District Administrator~~ **Superintendent** will provide an opportunity for the payer to make proper payment or to arrange for a satisfactory payment schedule. If payment is not received within **thirty (30)** days, the payment schedule is not adhered to, or the monies do not appear to be collectable, the School Board authorizes the ~~District Administrator~~ **Superintendent** to remove the fee or charge from the District's Accounts Receivable and to take appropriate action against the student and/or the parents. The parent or student may be charged any cost charged by the District's banking institution for a returned check.

**Outstanding (Stale Dated) Checks - Unclaimed Property Process**

Checks that are outstanding, meaning they have not been cashed by the payee, after ~~( )~~ the period of time established by the banking institution for the validity period of the check ~~( ) a period of 180 days after issuance ( ) a period of \_\_\_\_\_ days after issuance~~ **[END OF OPTIONS] [DRAFTING NOTE: Neola recommends that District's consult with their banking institution to determine if the bank has established a period of time after which a check is no longer valid.]** will be deemed to be a "stale" check. Any stale check will be treated as unclaimed property consistent with the guidance provided by the Wisconsin Department of Revenue's (WI DOR) "Unclaimed Property Holder Report Guide" for locating the owner and/or remitting the unclaimed property to the WI DOR.

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Book Neola Policy Templates for Processing  
 Section 6000 Finances Templates  
 Title STUDENT FEES, FINES, AND CHARGES  
 Code po6152 3/30  
 Status  
 Legal 118.55(5), Wis. Stats.  
 120.12(11), Wis. Stats.  
 120.12(17), Wis. Stats.  
 120.12(22), Wis. Stats.  
 121.54(8), Wis. Stats.  
<http://www.dpi.wi.gov/sfs/finances/budgeting/school-fees>

**6152 - STUDENT FEES, FINES, AND CHARGES**

The School Board may levy certain charges to students to facilitate the utilization of adequate, appropriate learning materials used in the course of instruction. If the District determines that a student is in serious financial need, it may choose to provide any or all such materials free of charge. No student will be denied any educational opportunity because of his/her inability to pay any fee or charge imposed. (See also Policy 6152. 01 - Waiver of School Fees or Fines; and [DPI guidance](http://www.dpi.wi.gov/sfs/finances/budgeting/school-fees) (HTTP://www.dpi.wi.gov/sfs/finances/budgeting/school-fees) regarding school fees.)

**Materials Charge**

A charge will not exceed the combined cost of the material used, freight and/or handling charges, and nominal add-on for loss. Money received from the resale of such material will be returned to the **Director of Finance and Facilities** with an accurate accounting of all transactions.

**Fines**

When school property, equipment, or supplies are damaged, lost, or taken by a student, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

~~[ ] The late return of borrowed books or materials from the school libraries is subject to appropriate fines.~~

**Collection of Fees and Fines**

Any fees (including trip fees) or fines collected by members of the staff should be handled pursuant to ~~( )~~ Policy 6630 - Cash Handling and Deposits ~~( ) appropriate District procedures [END OF OPTION]~~.

The ~~District Administrator~~ **Superintendent** may waive fines or fees upon request, consistent with Policy 6152.01 - Waiver of School Fees or Fines. In the event the above course of action does not result in the fee or fine being collected, the School Board authorizes the ~~\_\_\_\_\_~~ **Director of Finance and Facilities** to take the student and/or the student's parents to Small Claims Court for collection. The District will not permit or elicit the assistance of volunteers in efforts to collect unpaid student fees or expenses, including food service balances.

## Student/Parent Rights

Nothing in this policy restricts the right of access of a parent or student to school records or to receive copies of such records, as required by Federal and State laws.

### Students Experiencing Homelessness - McKinney-Vento Act

No fine or fee will be charged to a student identified as a student experiencing homelessness unless it is determined that the student has the ability to pay the fee or fine and that its imposition does not create a barrier to the student's ability to enroll, attend school, achieve academic success, or be identified as experiencing homelessness. Any dispute regarding a fine or a fee that is imposed will not delay the student's enrollment or serve as a barrier to enrollment by delaying the transfer of student records to another school or school district if applicable.

Immediate enrollment notwithstanding, the waiver of fines or fees for a student experiencing homelessness will be extended to extra-curricular and co-curricular activities in addition to academic programming.

~~[ ] Students experiencing homelessness who are able to pay [ ] fees or fines [ ] fees or fines and refuse to do so [END-OF OPTION] may be prohibited from participating in graduation ceremonies until paid. No such student will be prevented from receiving his/her student records, including diploma if earned, and final transcripts.~~

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Book Neola Policy Templates for Processing  
 Section 6000 Finances Templates  
 Title WAIVER OF SCHOOL FEES OR FINES  
 Code po6152.01 -3/25  
 Status  
 Legal National School Lunch Act, 60 Stat. 230 (1946), 42 U.S.C. 1751 (as amended)  
 Child Nutrition Act of 1966, 80 Stat. 885, 42 U.S.C. 1771  
 42 U.S.C. 11432(g)(1)  
 118.55(5), Wis. Stats.  
 120.12(11), Wis. Stats.  
 120.12(17), Wis. Stats.  
 120.12(22), Wis. Stats.  
 121.54(8), Wis. Stats.

**Revised Policy – Vol. 35, No. 1**

**DRAFTING NOTE: For additional information regarding school fees, review the Department of Public Instruction guidance.**

**6152.01 - WAIVER OF SCHOOL FEES OR FINES**

The School Board will waive fees or fines assessed only for students whose parent(s) are unable to afford them and such fees and fines are barriers to the educational program. The ~~District Administrator~~ Superintendent may, as deemed necessary, establish additional procedures to supplement the procedures established in this policy regarding requests for the waiver of fees.

**Eligibility Standards**

Subject to completion of required forms or direct certification through the Wisconsin Division of Children and Families database, students eligible for a waiver of school fees or fines include, but are not limited to, the following:

- A. ~~[ ]~~ Students who qualify for free lunches or breakfasts under the School Free Lunch Program Act and after submission and approval of the income-based application or direct certification through the Division of Children and Families State database. ~~[END OF OPTION]~~

**~~[DRAFTING NOTE: NEITHER THE D.P.I. NOR THE U.S.D.A. REQUIRE FEE WAIVERS FOR STUDENTS WHO RECEIVE FREE LUNCH/BREAKFAST. BOTH GOVERNMENTAL AGENCIES LEAVE THIS DECISION TO THE LOCAL SCHOOL DISTRICT. HOWEVER, WISCONSIN STATUTE REQUIRES DISTRICTS TO PROVIDE BOOKS AND SUPPLIES TO INDIGENT STUDENTS RESIDING IN THE DISTRICT.]~~**

**~~[DRAFTING NOTE: EVEN THOUGH ALL STUDENTS ARE ELIGIBLE FOR FREE LUNCH/BREAKFAST IN THE 2021-22 SCHOOL YEAR, SUCH BLANKET ELIGIBILITY DOES NOT APPLY TO THE WAIVER OF FEES WHICH APPLIES ONLY TO THOSE STUDENTS WHOSE FREE LUNCH/BREAKFAST IS BASED ON THE INCOME~~**

**CRITERIA.}**

- B.  Students who are experiencing homelessness pursuant to Policy 5111.01 - Homeless Students. **[END OF OPTION]**

~~**[DRAFTING NOTE: WHILE THE LAW DOES NOT EXPRESSLY PROHIBIT CHARGING FEES TO HOMELESS STUDENTS, THE MCKINNEY-VENTO ACT PROHIBITS ANY OBSTACLE FROM BEING IMPOSED THAT CREATES A BARRIER TO A STUDENT'S ABILITY TO ENROLL, ATTEND SCHOOL, ACHIEVE ACADEMIC SUCCESS, OR BE IDENTIFIED AS EXPERIENCING HOMELESSNESS. EXCLUDING HOMELESS STUDENTS ON THE BASIS OF UNPAID FEES OR MEASURES TO COLLECT FEES WOULD LIKELY BE CONSIDERED TO BE A BARRIER. DISTRICTS SHOULD CHECK WITH THEIR ATTORNEY BEFORE CHARGING FEES TO HOMELESS STUDENTS.]**~~

- C.  Students who are eligible to receive reduced-price lunch or breakfast.
- D.  Students whose families have suffered very significant losses of income due to severe illness or injury in the family or unusual expenses including, but not limited to, fire, flood, or storm damage.
- E.  Other good and just reasons, as determined by the District Administrator **Superintendent**.

**Fees to be Waived**

The following fees will be waived for students deemed eligible for fee waivers by the District:

- A. ~~books;~~
- B. ~~course supplies;~~
- C. ~~Advanced Placement (AP) exams;~~
- D. ~~Early College Credit Program (ECCP);~~
- E. ~~Start College Now;~~
- F. ~~UW tuition per 120.12(17), Wis. Stats.;~~
- G. ~~( ) uniforms;~~
- H. ~~( ) non-required transportation;~~
- I. ~~( ) extra-curricular activities;~~
- J. ~~( ) parking;~~
- K. ~~( ) \_\_\_\_\_;~~
- L. ~~( ) \_\_\_\_\_.~~ **[END OF OPTIONS]**

**[END OF OPTION**

**Notification to Parents**

- A. Annually, the substance of this policy will be communicated in writing to the parent(s) of all students in the District.

~~**[DRAFTING NOTE: WHILE NOTIFYING ALL PARENTS OF THE FEE WAIVER POLICY IS NOT A LEGAL REQUIREMENT, IT IS BEST PRACTICE. DISTRICTS ARE ADVISED TO CONSULT WITH LEGAL COUNSEL IF THEY DECIDE NOT TO NOTIFY ALL PARENTS.]**~~

- B. The first bill or notice sent to parent(s) who owe fees will state:
  1. The District will waive fees or fines for persons unable to afford them in accordance with this policy.
  2. The procedure for applying for a waiver, and the name, address, and telephone number of the person to contact for information concerning a fee waiver.

## Procedures for Resolution of Disputes

A. An individual who cannot pay school fees or fines may write a letter requesting a waiver of fees to the ~~District Administrator~~ Superintendent. The letter must contain the following:

1. name(s) of student(s)
2. name of parent(s)
3. address of parent(s)
4. phone number of parent(s)
5. school where child(ren) attend(s)
6. reason for request for waiver of fees

The ~~District Administrator~~ Superintendent will have the authority to review the waiver request and request such further information, if any, as deemed necessary in order to make a decision on that request.

~~**[DRAFTING NOTE: Students who are experiencing homelessness may also be considered an unaccompanied minor, whereby the Homeless Liaison will be responsible for notification to such student(s) and assist in drafting the request for waiver of fees and fines.]**~~

B. No fee or fine will be collected from any individual who is seeking a fee waiver in accordance with the District's policy until the District has acted on the initial request or appeal (if any is made), and the individual has been notified of the decision.

C. If the ~~District Administrator~~ Superintendent denies a request for a waiver, then within fifteen (15) school days of receipt of the request, a copy of the decision will be mailed or provided in an appropriate method for those without a fixed residence or experiencing homelessness.

The decision will state the reason for the denial and will include the right to appeal, including the process and timelines for that action. The denial notice will also include a statement indicating that reapplication may be made for a waiver any time during the school year if circumstances change.

D. Students experiencing homelessness will be immediately enrolled, scheduled for transportation, or otherwise registered for school programming, regardless of outstanding fines or fees. The waiver review process will be reviewed accordingly. If the imposition of a fine or fee is not a barrier to educational program access, the student may be assessed the fine or fee.

~~**[DRAFTING NOTE: Select only one (1) option]**~~

E.  The decision of the ~~District Administrator~~ Superintendent is final.

~~**[OR]**~~

~~An appeal of the District Administrator's decision must be made to the School Board within seven (7) calendar days after receipt of the decision. An appeal will be decided within thirty (30) calendar days of the receipt of the request for an appeal. ( ) Parent(s) will have the right to meet with the School Board in order to explain why the waiver should be granted. **[END OF OPTION]**~~

## Nondiscrimination

The School Board expects all staff members to exercise the utmost care to see that, as a result of their actions or comments, students cannot differentiate between those students whose parents are unable to purchase required instructional ~~materials and materials,~~ pay required fees and/or fines, and those whose parents can.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	BUDGET PREPARATION
Code	po6220 3/30
Status	
Legal	65.90, Wis. Stats.

**6220 - BUDGET PREPARATION**

The District's operation and educational plan is reflected in its budgets. Each year, the School Board will review and approve the District budget, which will be prepared in accordance with applicable law and regulations.

Each budget will be designed to carry out District goals and operations in a thorough and efficient manner, maintain District facilities properly, and honor the continuing obligations of the School Board.

The School Board will ensure that adequate funds are reserved for the General Fund in accordance with Policy 6235 - Fund Balance.

A proposed budget requires the critical analysis of every member of the School Board prior to approval; once adopted, the budget deserves the support of all members of the School Board, regardless of their position before its adoption.

The School Board directs the \_\_\_\_\_ **Director of Finance and Facilities** to present the budgets to the School Board along with all available information associated with each budget in sufficient time to allow for proper analysis and discussion prior to the hearing.

When presented to the School Board for review and/or adoption, the information will be presented as prescribed by State law, and in the format provided by the Wisconsin Department of Public Instruction.

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Book Neola Policy Templates for Processing  
 Section 6000 Finances Templates  
 Title BUDGET HEARING  
 Code po6230 3/30  
 Status  
 Legal 65.90, Wis. Stats.  
 120.11(3), Wis. Stats. (for common or union high districts only)

6230 - **BUDGET HEARING**

The annual budget adopted by the School Board represents the School Board's position on the allocation of resources required to operate an appropriate system of education. All reasonable means will be employed by the School Board to present and explain that position to all interested parties. A public budget hearing will be conducted

~~[ ] [Option 1 – choose the option appropriate for your school type.]~~

~~[for Common or Union High Districts:]~~

~~(→) at the annual meeting.~~

~~[for Unified School Districts:]~~

~~(→) prior to adoption of the final budget at which time a full itemized report of the District's finances will be presented.~~

~~[END OF OPTION #1]~~

~~[ ] [Option 2 – Choose the option for your school type.]~~

~~[for Common or Union High Districts:]~~

~~[ ]~~ The report will include:

- A. receipts and expenditures of the ~~School~~ District since the last annual meeting;
- B. the current cash balance of the ~~School~~ District;
- C. the amount of the deficit and the bills payable to the ~~School~~ District;
- D. the budget summary required under 65.90, Wis. Stats.;

~~[NOTE: If the School Board has established a trust described in 66.0603 (1m) (b) 3., Wis. Stats. the following should be included as "E." on this list:]~~

- E. the amount in the trust established pursuant to 66.0603 (1m) (b) 3., Wis. Stats. the investment return earned by the trust since the last annual meeting, the total of disbursements made from the trust since the last annual meeting, 29 and the name of the investment manager if the investment authority has been delegated.

**~~[ ] [Option 2 — for Unified School Districts]~~**

~~[ ] The report will include the budget summary required under 65.90, Wis. Stats.~~

**~~[END OF OPTION]~~**

Each member of the School Board ~~and each administrator in the District~~ will be sufficiently acquainted with the budget and its underlying purposes to answer questions from members of the public.

A simplified form of the budget may be prepared annually and may be sent to appropriate parties and distributed to each person attending the annual budget hearing.

A simplified budget may include the expenditure in each major category of current expense for the current year and the coming year and a summary of anticipated receipts, as well as a brief explanation of significant increases and decreases from the preceding budget.

The final budget approved by the School Board will be made available to the public in the form and places as required by law.

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Book Neola Policy Templates for Processing  
 Section 6000 Finances Templates  
 Title BUDGET IMPLEMENTATION  
 Code po6231 3/30  
 Status  
 Legal 66.0607(7), 120.11(4) Wis. Stats.

**6231 - BUDGET IMPLEMENTATION**

The School Board places the responsibility of administering the budget, once adopted, with the ~~District Administrator~~ Superintendent.

The ~~District Administrator~~ Superintendent is authorized to proceed with making financial commitments, purchases, and other expenditures within limits provided in the School Board-approved budget, limitations stated in School Board policies, and within legal authority expressed in State statutes.

Listings of expenditures, appropriate financial reports, and budget comparison reports will be submitted monthly to the School Board to keep members informed as to the status of the budget and overall financial condition of the District. Once each month, the School Board minutes will include a statement of the receipts and expenditures in the aggregate (→) and beginning and ending balances ~~[END OF OPTION]~~.

If, during the fiscal year, it appears to the ~~District Administrator~~ Superintendent that actual revenues are less than estimated revenues, including the available equity upon which the appropriations from the fund were based, the ~~District Administrator~~ Superintendent will present to the School Board recommended amendments to the budget that will prevent unplanned expenditures from Fund Balance. The ~~District Administrator~~ Superintendent will make recommendations in accordance with requirements of the law and provisions of negotiated agreements. Such budget amendments must be approved by a two-thirds (2/3's) affirmative vote of the entire membership of the School Board.

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 Section 6000 Finances Templates  
 Title FUND BALANCE  
 Code po6235 3/30  
 Status  
 Legal Government Accounting Standards Board Statement 54

6235 - FUND BALANCE

~~[NOTE: Review with the District Auditor and Business Manager prior to adoption]~~

The School Board places the responsibility of administering the budget, once adopted, with the District Administrator Superintendent. The District Administrator Superintendent shall monitor the Fund 10 fund balance and shall report the balance to the School Board at the end of each budget year. The Fund 10 fund balance shall be maintained at a level sufficient to:

- A. minimize or avoid short-term borrowing for cash flow purposes;
- B. cover unforeseen expenditure needs or unrealized revenue sources; and
- C. demonstrate financial stability to preserve or enhance the District's bond rating, thereby lowering debt issuance costs.

The School Board will reserve adequate funds to maintain a secure financial position. The use of Fund Balance for recurring costs is discouraged.

~~[DRAFTING NOTE: CHOOSE ONE OF THE FOLLOWING OPTIONS OR NEITHER OPTION.]~~

~~[ ] OPTION #1: The Fund 10 fund balance shall not fall below \_\_\_\_\_ percent (\_\_\_\_%) of the preceding year's Fund 10 expenditures. [END OF OPTION #1]~~

[ ] OPTION #2: The target Fund Balance range for maintaining the District's financial stability is \_\_\_\_\_twenty-five (25) to thirty (30) percent (\_\_\_\_%) of the preceding year's Fund 10 and Fund 27 expenditures. [END OF OPTION #2]

Budget preparation and management shall adhere to this fund balance expectation. (See Policy 6220 - Budget Preparation and Policy 6231 - Budget Implementation.)

Fund balances will be reported in the categories established by the Government Accounting Standards Board Statement 54 (GASB 54) and in consultation with District auditors (↔) and the Business Manager Director of Finance and Facilities. The School Board will impose constraints on any funds placed in the committed and assigned classifications through consultation with the District's auditor (↔) and the Business Manager Director of Finance and Facilities. The applicable categories for fund balance designations are:

- A. **Nonspendable Fund Balance** - amounts that cannot be spent because they are either (a) not in a spendable form (which includes items that are not expected to be converted to cash – e.g., inventories or prepaid amounts) or (b) legally or contractually required to be maintained intact (e.g., the corpus of an endowment fund).

- B. **Restricted Fund Balance** - amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.
- C. **Committed Fund Balance** - amounts constrained to specific purposes by the **School** Board; to be reported as committed, amounts cannot be used for any other purpose unless the **School** Board takes action to remove or change the constraint.
- D. **Assigned Fund Balance** - amounts the **School** Board *intends* to use for a specific purpose but are neither restricted nor committed; intent can be expressed by the **School** Board or by an official or committee to which the **School** Board delegates the authority.
- E. **Unassigned Fund Balance** - amounts that are available for any purpose; these amounts are reported only in the general fund.

~~[-] The Board discourages the maintenance of unassigned fund balances.~~

If, during the fiscal year, it appears to the ~~District Administrator~~**Superintendent** that the fund balance will be less than estimated, the ~~District Administrator~~**Superintendent** will bring forward for **School** Board consideration recommendations that will protect the fund balances. Such recommendations shall be in accordance with the requirements of the law.

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Book Neola Policy Templates for Processing  
 Section 6000 Finances Templates  
 Title COMMUNITY SERVICES FUND (FUND 80)  
 Code po6236 3/30  
 Status  
 Legal 65.90, Wis. Stat.  
 120.13(19), Wis. Stats.  
 Wis. Admin Code PI 80

**6236 - COMMUNITY SERVICES FUND (FUND 80)**

It is the purpose of this policy to authorize a Community Services Fund (hereinafter referred to as "Fund 80") for the development and maintenance of programs and services outside of the regular curricular and extra-curricular programs (these programs may include education, training, recreational, cultural and/or athletic programs and services).

The Community Services Program is accounted for in Fund 80 and the School Board may fund the program by a combination of a local tax levy and user/rental fees. Fund 80 expenses will not be paid from the Fund 10 general fund.

Each activity or service covered by this policy must be authorized by the School Board before monies can be collected or disbursed in the name of said activity or service.

Each activity or service supported by this fund must be open for participation by the general community within any age or similar guidelines of the activity and not contain prohibitive requirements based on school district membership. The following costs are ineligible costs for community programs and services:

- A. Costs for any program or service that is limited to only District students;
- B. Costs for any program or service whose schedule presents a significant barrier for age-appropriate School District residents to participate in the program or service;
- C. Costs that are not the actual, additional cost to operate community programs and services under this policy; and
- D. Costs that would be incurred by the District if community programs and services were not being provided by the District.

The School Board must adopt a budget for Fund 80 expenditures. (↔) A summary of revenues and expenses will be provided at each District Annual Meeting to determine future Fund 80 tax levies. ~~[DRAFTING NOTE: This option should not be selected by Unified School Districts.]~~



Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	PROCUREMENT - FEDERAL GRANTS/FUNDS
Code	po6325 3/30
Status	
Legal	2 C.F.R. 200.317 - .326 Appendix II to Part 200 2 C.F.R. 200.334 - 200.336 2 C.F.R. 200.520

**6325 - PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds including any District matching funds will be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, **School** Board policies, and administrative procedures.

The ~~District Administrator~~**Superintendent** will have and use a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326), including affirmative steps for small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms, for the administration and management of Federal grants and Federally-funded programs. The District will maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions will conform to the provisions of the District’s documented general purchasing policy and administrative guidelines (Policy 6320 - Purchasing and AG 6320A - Purchasing).

When required by Federal program legislation, all Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc., must comply with Davis-Bacon prevailing wage requirements.

All District employees, officers, and agents who have purchasing authority will abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130 – Ethics and Conflict of Interest, Policy 3230 – Ethics and Conflict of Interest, and Policy 4230 – Ethics and Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. When appropriate, an analysis will be made between leasing and purchasing property or equipment to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements, where appropriate, for **the** procurement or use of common or shared goods and services.

**Competition**

All procurement transactions under the Federal award paid for from Federal funds or District matching funds will be conducted in a manner that provides full and open competition and that is in accordance with 2 C.F.R. Part 200, good administrative practice, and sound business judgment. To ensure objective contractor performance and eliminate unfair

competitive advantage, the District will exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids, from competition for such procurements.

Examples of situations that may restrict competition include, but are not limited to:

- A. unreasonable requirements on firms for them to qualify to do business
- B. unnecessary experience and excessive bonding requirements
- C. noncompetitive pricing practices between firms or between affiliated companies
- D. noncompetitive contracts to consultants that are on retainer contracts
- E. organizational conflicts of interest
- F. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement
- G. any arbitrary action in the procurement process

To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list \_\_\_\_\_ **[insert frequency see Drafting Note]** annually.

**~~[DRAFTING NOTE: The District will allow vendors not on the pre-qualified list to apply for placement on the list periodically. The District may determine how frequently the pre-qualified list becomes open for new vendors or whether it is open continuously.]~~**

The District will require that all prequalified lists of persons, firms, or products which are used in procurement transactions are current and include enough qualified sources to provide maximum open competition. When establishing or amending prequalified lists, the District (or subrecipient) must consider objective factors that evaluate price and cost to maximize competition. The District will not preclude potential bidders from qualifying during the solicitation period.

To the extent consistent with established practices and legal requirements applicable to the recipient or subrecipient, this subpart does not prohibit recipients or subrecipients from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. This subpart also does not prohibit recipients and subrecipients from making inquiries of bidders about these subjects and 2 C.F.R. Revisions 2024: Unofficial Comparison Version assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable Federal statutes and regulations, and the terms and conditions of the Federal award.

### **Solicitation Language (Purchasing Procedures)**

The District will have written procurement procedures (in accordance with 2 C.F.R. 200.319(d)) that require that all solicitations incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured. The description may include a statement of the property, equipment, or service to be procured. When necessary, the description must set forth those minimum essential characteristics and standards to which the property, equipment, or service will conform. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to clearly and accurately describe the technical requirements, a "brand name or equivalent" description of features to provide procurement requirements may be used. The specific features of the named brand must be clearly stated and the District must identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals.

The **School** Board will not approve any expenditure for an unauthorized purchase or contract.

### **Procurement Methods**

The District will have and use documented procedures, consistent with the standards described above, for the following methods of procurement:

## A. Informal Procurement Methods

Informal procurement methods for small purchases expedite the completion of transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction under a Federal award does not exceed the simplified acquisition threshold, or a lower threshold established by the State. The informal procurement methods include:

### 1. Micro-Purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed ~~( ) \$\_\_\_\_\_~~ **[not to exceed \$10,000]** ~~( ) the class maximum deviation by Federal Acquisition Regulation [END OF OPTIONS]~~. To the extent practicable, the District should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the District Administrator considers the price to be reasonable based on research, experience, purchase history or other relevant information and maintains documents to support its conclusion. The District will maintain evidence of this reasonableness in the records of all purchases made by this method.

~~[ ]~~ Unless otherwise defined by State or local law, districts are responsible for determining and documenting an appropriate micro-purchase threshold in accordance with 2 C.F.R. 200.320(a)(iv) based on internal controls, an evaluation of the risk, and its documented procurement procedures. The micro-purchase threshold used by the District will be authorized or not prohibited under State, local, or tribal laws or regulations.

An eligible District may self-certify a threshold of up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal agency or pass-through entity and auditors in accordance with 2 C.F.R. 200.334. The self-certification, in accordance with 2 C.F.R. 200.334, must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

- a. a qualification as a low-risk auditee in accordance with the criteria in 2 C.F.R. 200.520;
- b. an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or
- c. for public institutions, a higher threshold is consistent with State law.

**[DRAFTING NOTE: The Federal regulation allows for a \$50,000 threshold. While this authority is allowed for an entity qualified as a low-risk auditee by Federal regulation, this increased threshold has not yet been addressed by the Department of Public Instruction (DPI) and Neola does not suggest its use due to the complexity and subjectivity of the mechanism.] [END OF OPTION]**

### 2. Small Purchases

Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold of ~~\$\_\_\_\_\_~~ **250,000** ~~[not to exceed \$250,000]~~. Small purchase procedures require that price or rate quotations will be obtained from ~~( ) \_\_\_\_\_ ( )~~ an adequate number of ~~[END OF OPTION]~~ qualified sources. **[DRAFTING NOTE: Unless the pass-through entity or State law defines the number of quotes required, the District may define in policy how many quotations are adequate. The number must be greater than one (1).]**

Districts are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations ("FAR"). When applicable, a lower simplified acquisition threshold used by the District must be authorized or not prohibited under State, local, or tribal laws or regulations.

## B. Formal Procurement Methods

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on

competition in 200.319 or non-competitive procurement. The formal methods of procurement are:

## 1. Sealed Bids

Sealed, competitive bids will be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to more than \$ ~~\_\_\_\_\_~~ 250,000 **[DRAFTING NOTE: the lesser of the established Small Purchase threshold or \$250,000]** and when the School Board determines to build, repair, enlarge, improve, or demolish a school building/facility, the cost of which will exceed \$50,000.

In order for sealed bidding to be feasible, the following conditions will be present:

- a. a complete, adequate, and realistic specification or purchase description is available;
- b. two (2) or more responsible bidders have been identified as willing and able to compete effectively for the business; and
- c. the procurement lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally based on price.

When sealed bids are used, the following requirements apply:

- a. Bids will be solicited in accordance with the provisions of State law and Policy 6320. Bids will be solicited from ~~( ) \_\_\_\_\_ ( )~~ an adequate number of **[END OF OPTION]** qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid will be publicly advertised.
- b. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond.
- c. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
- d. A firm fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the invitation for bids, factors such as discounts, transportation costs, and life cycle costs will be considered in determining which bid is lowest. Payment discounts must only be used to determine the low bid when the District determines they are a valid factor based on prior experience.
- e. The School Board reserves the right to reject any or all bids but must document and provide a justification for all bids it rejects.

## 2. Proposals

Procurement by proposals is a method in which either a fixed-price or cost-reimbursement contract is awarded. This method is used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. **[DRAFTING NOTE: Federal law does not require a competitive proposal unless the procurement is for over \$250,000. The State/District may set a lower threshold for sealed bids and competitive proposals. The threshold established herein should be consistent with Policy 6320—Purchasing.]**

If this method is used, the following requirements apply:

- a. Requests for proposals require public notice and must identify all evaluation factors and their relative importance. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.
- b. Proposals will be solicited from ~~( ) \_\_\_\_\_ ( )~~ an adequate number of **[END OF OPTION]** sources.
- c. The District must have written procedures for conducting technical evaluations and for making selections.
- d. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the District considering price and other factors.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure A/E professional services. The method cannot be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

### 3. **Noncompetitive Procurement**

Procurement by noncompetitive proposals may be used only when one (1) or more of the following circumstances apply:

- a. the aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;
- b. the procurement transaction can only be fulfilled by a single source;
- c. the public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;
- d. the District requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or
- e. after soliciting several sources, competition is determined to be inadequate.

#### **Domestic Preference for Procurement**

The District should, to the extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements will be included in all subawards, contracts, and purchase orders under the Federal award.

#### **Procurement of Recovered Materials**

The District must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6962. These requirements include:

- A. procuring only items designated in the guidelines of the Environmental Protection Agency ("EPA") at 40 C.F.R. part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000;
- B. procuring solid waste management services in a manner that maximizes energy and resource recovery; and
- C. establishing an affirmative procurement program for the procurement of recovered materials identified in the EPA guidelines.

The District should, to the greatest extent practicable and consistent with law, purchase, acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable.

This may include purchasing compostable items and other products and services that reduce the use of single-use plastic products.

#### **Contract/Price Analysis**

The District will perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the Simplified Acquisition Threshold (currently \$250,000). The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, the District should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the District must make independent estimates before receiving bids or proposals.

A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements. The District must not use the "cost plus a percentage of cost" and "percentage of construction costs" methods of contracting.

Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that the costs incurred or cost estimates included in negotiated prices would be allowable for the District according to cost principle requirements.

### **Time and Materials Contracts**

The District uses a time and materials type contract only 1) after a determination that no other contract is suitable; and 2) if the contract includes a ceiling price that the contractor exceeds at its own risk. A time-and-materials type contract means a contract whose cost to the District is the sum of the actual costs of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Because this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District will assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

### **Suspension and Debarment**

The District will award contracts only to responsible contractors that possess the ability to perform successfully under the terms and conditions of the proposed contract. All purchasing decisions will be made in the best interests of the District and will seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District will consider such factors as 1) contractor integrity; 2) public policy; 3) compliance; 4) proper classification of employees; 5) record of past performance; and 6) financial and technical resources.

The District will not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District will confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors, at [www.sam.gov](http://www.sam.gov); collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

### **Bid Protest**

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the agency.

A bidder who wishes to file a bid protest will file such notice and follow procedures prescribed by the Request For Proposals ("RFPs") or the individual bid specifications package, for resolution. Bid protests will be filed in writing with the **District Administrator Superintendent** within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the **District Administrator Superintendent** will review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest will be communicated to the **School Board** and will be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest or failure to file a formal written protest within the time prescribed will constitute a waiver of proceedings.

### **Maintenance of Procurement Records**

The District will maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

### **Records Retention**

The District must retain all Federal award records for three (3) years from the date of submission of the final financial report, or as otherwise required pursuant to the **School Board**-adopted records retention schedule, whichever is longer. For awards that are renewed quarterly or annually, the District must retain records for three (3) years from the date of submission of the quarterly or annual financial report, respectively, or as otherwise required pursuant to the **School Board**-adopted records retention schedule, if longer. Records to be retained include, but are not limited to, financial records, supporting documentation, and statistical records. Other records retention requirements will be in accordance with 2 C.F.R. 200.334 and the **School Board**-adopted records retention schedule.

The District must collect, transmit, and store Federal award information in an open file, non-licensed, and machine-readable formats. The District may substitute electronic versions of original paper records through duplication or other forms of electronic conversion, provided that the procedures are subject to periodic quality control reviews. Quality control reviews must ensure that electronic conversion procedures provide safeguards against the alteration of records and assurance that records remain in a format that is readable by a computer system.

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Book                      Neola Policy Templates for Processing

Section                    6000 Finances Templates

Title                        CROWDFUNDING

Code                        po6605 - 3/25

Status

**6605 - CROWDFUNDING**

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the District – be it a specific classroom, grade level, department, school, or curricular or extra-curricular activity.

For purposes of this policy, "crowdfunding" is defined as the solicitation of resources funds, supplies, or other resources from individuals and/or organizations to support identified specific activities, or projects, or programs that enhance the educational program or a specific cause approved by the District. The solicitation Crowdfunding is typically from a large number of individuals/organizations utilizing internet-based technologies.

**[DRAFTING NOTE: SELECT OPTION #1 or OPTION #2]**

**[ ] [OPTION #1]**

The School Board does not permit or sanction the use of crowdfunding for District or specific school programs or activities, including co-curricular or extra-curricular activities.

No crowdfunding site may use the name, logo, mascot, or any other name which or slogan that would associate an activity with the District.

**[END OF OPTION #1; END OF POLICY]**

**OR**

**[ ] [OPTION #2]**

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free, appropriate, public education to any students in the classroom may be permitted, but only with the specific approval

( ) of the District Administrator.

**OR**

( ) of the School Board upon the recommendation of the District Administrator.

Such approved crowdfunding activities are authorized to use the District name, logo, mascot, or any other name or slogan that which would associate an activity with the District. Unauthorized use of District branding is strictly prohibited. (See Policy 9700.01 – Advertising and Commercial Activities)

All crowdfunding activities shall align with the financial, operational, and platform standards outlined in School Board policies. The ( ) Principal ( ) \_\_\_\_\_ **[END OF OPTION]** shall be responsible for monitoring compliance with this policy, approving platforms, and reviewing activities for alignment with District goals. If a crowdfunding activity is found to be in non-compliance with any appropriate School Board Policy, it will result in the immediate cessation of the crowdfunding activity and the ( ) School Board ( ) District Administrator **[END OF OPTION]** may prohibit future fundraising privileges.

All approved crowdfunding activities shall protect the privacy of students, children, and young adults in accordance with School Board policies ( ) and District administrative guidelines **[END OF OPTION]** and applicable State and Federal law, including Family Education Rights and Privacy Act (FERPA) and IDEIA Individuals with Disabilities Education Act (IDEA).

All funds raised through approved crowdfunding activities shall be disbursed in accordance with Policy 6608—Accountability and Oversight of Fundraiser and Crowdfunding Disbursement and all other applicable School Board policies.

Materials, supplies, equipment, and other proceeds of the crowdfunding activity shall become the property of the District or school. Cash Direct cash payments or equivalent payment to District personnel is prohibited ( ) if they exceed \$25.00 **[END OF OPTION]**. All fiscal transactions shall comply with appropriate School Board policies.

Approved crowdfunding activities must be conducted through a district approved platform that meets the following standards:

- A. Systems and Organizational Controls (SOC 2) Type I Certification or equivalent standard recognized as best practice in the industry. (minimum):

The platform must demonstrate compliance with SOC 2 or equivalent standards, ensuring strong controls for security, availability, processing integrity, confidentiality, and privacy. Compliance with this standard guarantees that the platform adheres to industry recognized best practices for safeguarding sensitive data and financial transactions.

- B. Low Fees: Platforms must not exceed a fifteen percent (15%) fee structure to ensure that the funds raised benefit the District maximally and minimize donor loss.

All crowdfunding activities are subject to ( ) AG 6605 and other **[END OF OPTION]** applicable School Board policies including, but not limited to, Policy 5830—Student Fundraising.

**[END OF OPTION #2; END OF POLICY]**

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 Section 6000 Finances Templates  
 Title DISTRICT-SUPPORTED/SPONSORED STUDENT ACTIVITY ACCOUNTS  
 Code po6611 - 3/25  
 Status  
 Legal 120.16(2) Wis. Stats.

**6611 - DISTRICT-SUPPORTED/SPONSORED STUDENT ACTIVITY ACCOUNTS**

The School Board authorizes the maintenance of approved student activity accounts for District-supported student activities as allowed by DPI regulations and the auditor's recommendations in accordance with GASB 84. Approval of the establishment of any student activity account for District-supported student activity, after the student activity is approved, without District financial support, in accordance with Policy 2430 - District-Sponsored Clubs and Activities, will be determined by the ~~( ) School Board ( ) District Administrator ( ) Business Manager ( ) School Administration ( )~~ **[END OF OPTION] Activities Director** before monies can be collected or disbursed in the name of said activity. **[DRAFTING NOTE: For consistency, it is recommended to make the selection of the approval entity consistent with Policy 2430 – District-Sponsored Clubs and Activities.]**

District-supported clubs, activities, and athletics are supported, at least in part, with District funds and are therefore subject to District oversight and management. In addition, any club, activity, or athletic team that does not directly receive designated District funds but is required for a course or provides academic credit is also considered District-supported and is subject to District oversight and management. Typically, District-supported student co-curricular activities have designated activity funds established either in Fund 10 or Fund 21 in accordance with GASB 84, DPI regulations, and auditor recommendations. Financial support includes, but is not limited to, budgeted funds allocated by the District or school, an advisor/coach paid for by the District or school who exercises control over the activity's fund, some activities offered to students paid for by the District or school, and transportation paid for by the District or school. Also, financial support includes indirect financial assistance as part of the District's educational program when student participation is required by a course or academic credit is awarded for participation in the activity.

**Definitions**

The following definitions are provided for these terms within the context of this policy:

- A. **District-sponsored student activity:** All student activities recognized by the District as approved co-curricular/extra-curricular activities are designated as District-sponsored, including both District-supported and District-supported student activities. (see Policy 2430 - District-Sponsored Clubs and Activities)
- B. **District-supported student activity:** The District provides financial support of the student activity and exercises administrative control over the dispersal of the activity's funds.
- C. **Nondistrict-supported student activity:** The District does not provide financial support of the student activity and does not exercise administrative control over the dispersal of funds.

Other terms are used as defined in Bylaw 0100 - Definitions.

All activities described in this policy are sponsored by the District and are authorized to use the District name, logo, mascot, or any other name which would associate an activity with the District provided such use is consistent with other applicable District policy.

~~[ ] The District Administrator is directed to obtain annually a list and brief description of the objectives, activities, and limitations of each activity account prior to the start of the new fiscal year. [END OF OPTION]~~

~~[ ] The School Board will review the list upon submission to determine if the objective of each activity account serves a continuing District need. [END OF OPTION]~~

All activities will be on a self-sustaining basis.

The \_\_\_\_\_ **Director of Finance and Facilities** will be the Treasurer of the student activities activity account. The Treasurer may delegate responsibility to

**Finance Program Assistant.** ~~( ) the principal.~~

~~( ) a financial secretary.~~

~~( ) \_\_\_\_\_ [other].~~

~~[ ] There will be established in the activity account(s) an account for the use of needy students to be disbursed at the discretion of the \_\_\_\_\_. [END OF OPTION]~~

~~[ ] Fund-raising for all student activities will be in accordance with School Board Policy 5830 - Student Fund-Raising and Policy 9700 - Relations with Non-School Affiliated Groups. [END OF OPTION]~~

~~[ ] Interest earned on the account of a specific class or activity will be credited to that class or activity. [END OF OPTION]~~

~~[ ] Interest earned on the activity account will be allocated to each class or activity. [END OF OPTION]~~

All collected money will be handled, secured, and deposited in accordance with Policy 6630 - Cash Handling and Deposits. Misappropriation of activity accounts, which includes theft or any other misuse of funds, will result in discipline up to and including suspension, expulsion, and/or termination.

#### **[Administrative Guideline Clients]**

~~All monies accumulated in the account of a specific class or activity will be disposed of in accordance with the procedures set forth in the administrative guidelines established by the District Administrator.~~

#### **[Policy Only Clients]**

~~[ ] Following graduation, the unexpended activity accounts of the Senior Class will be transferred to the Freshman Class.~~

After one (1) year of inactivity, the unexpended activity accounts of discontinued student organizations will, on the recommendation of the

~~( ) District Administrator and the approval of the School Board,~~

( ) principal and the approval of the ~~District Administrator,~~ **Superintendent.**

be transferred to the General Fund **or an alternative activity account.**

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	CASH HANDLING AND DEPOSITS
Code	po6630 3/30
Status	
Legal	120.14, Wis. Stats.

### 6630 - CASH HANDLING AND DEPOSITS

The School Board requires that cash be handled in accordance with generally accepted accounting practices and specific recommendations provided by the District's independent auditor. Receipts and records of all cash transactions must be maintained for accounting and auditing.

Specifically, it is prohibited to leave cash in an unsecured location overnight. All collected money will be submitted to the school office no later than the end of the day on which the money was collected, and the money will be secured in a ~~( )~~ locked safe ~~( ) designated location or night depository~~. If there is not access to the school office and its ~~( )~~ locked safe ~~( ) designated secure location or night depository~~, then the money will be secured overnight in accordance with the procedures established by the District. Cash may not be removed from District premises or retained overnight by a District employee or volunteer without permission of the ~~District Administrator~~ **Superintendent**.

Cash will be accounted for and deposited in a financial institution within one (1) ~~( ) business day ( ) week~~ **[END OF OPTION]** of being collected. Cash will be counted and cross-checked by two (2) persons.

The ~~District Administrator~~ **Superintendent** will implement cash handling safeguards that include, but are not limited to, the following:

- A. ~~( )~~ Safe combinations should always be changed whenever an employee holding that safe combination leaves employment.
- B. ~~( )~~ Two or more people should be counting/verifying the cash counts ~~( )~~ and ticket count reconciliation with cash counts **[END OF OPTION]** at all times.
- C. ~~( )~~ A Cash Count Sheet that provides the names of the people counting the cash and the cash breakdown of coins, currency, checks, and credit card slips should always be used.
- D. ~~( )~~ The Cash Count Sheet should always be signed by all people counting the cash.
- E. ~~( )~~ Bank deposit slip amounts should match the Cash Count Sheets and the deposit receipt from the bank.
- F. ~~( )~~ Copies of the Cash Count Sheet(s), deposit slip(s), and the bank deposit receipt(s) should all be retained together for auditing purposes.



Book Neola Policy Templates for Processing  
Section 6000 Finances Templates  
Title TRUST AND AGENCY FUNDS  
Code po6670 3/30  
Status  
Legal 66.0603, 120.11, Wis. Stats.

**6670 - TRUST AND AGENCY FUNDS**

The ~~School Board of Education~~ directs the establishment of Trust and Agency Funds for the financial administration of trusts operated by and duly approved by the ~~School~~ Board.

The \_\_\_\_\_ ~~Director of Finance and Facilities~~ will be responsible for the administration of Trust and Agency Funds. Funds will be audited annually and will be administered under appropriate accounting controls. The books of account will record income and expenses separately for each approved area.

**~~[-] Post-Employment Benefits~~**

Funds held in trust for post-employment benefits may be invested and re-invested in the same manner as is authorized in Policy 6144. Interest derived from these investments will accrue, except as otherwise provided by law, to these designated trust funds.

~~[NOTE: The following passage applies to common or joint school districts.]~~

~~[-] At the annual meeting the Treasurer's report will include the amount in the trust, the investment return earned since the last annual meeting, the total disbursements since the last annual meeting and the name of the investment manager if investment authority has been delegated under Wis. Stats. 66.0603(3)(b).~~

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Book Neola Policy Templates for Processing  
 Section 6000 Finances Templates  
 Title FAIR LABOR STANDARDS ACT (FLSA)  
 Code po6700 3/30  
 Status  
 Legal 29 U.S.C. 201 et seq.  
 29 C.F.R. Part 541  
 104.01, Wis. Stats.  
 DWD 274.03, Wis. Admin. Code

**6700 - FAIR LABOR STANDARDS ACT (FLSA)**

It is the School Board’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 School Board will pay at least the minimum wage to all employees. Further, the School 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 will be paid overtime compensation.

**CHOOSE ONE (1) OF THE FOLLOWING:**

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

Work week is defined as the seven (7) day period of time beginning on Sunday at 12:00 a.m. and continuing to the following Saturday at 11:59 p.m. (or Monday at 12:00 a.m. and continuing to the following Sunday at 11:59 p.m.)

**[NOTE: END OF CHOICE]**

Covered, non-exempt employees who work (i.e., perform work on behalf of or for the benefit of the School 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 School Board (→) School 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~~ **Superintendent** will determine the necessity and availability of overtime work.

~~Overtime may be authorized only by a supervisor and will be used primarily to address circumstances of an emergency or temporary nature. Non-exempt employees who work overtime without prior approval from the District Administrator~~ **Superintendent** or a supervisor will be subject to disciplinary action, up to and including termination.

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

**[NOTE: END OF CHOICE]**

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 School 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 School Board will 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 School 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 the employee's salary, the employee should immediately report this information to the

~~( ) District Administrator,~~

~~( ) or the employee's immediate supervisor.~~

~~( ) Business Manager,~~

~~( ) \_\_\_\_\_,~~

~~( ) or the employee's immediate supervisor~~ Director of Finance and Facilities.

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 School Board will make a good faith commitment to avoid any recurrence of the error.

~~**\*[DRAFTING NOTE: The regular salary basis rate is set by regulation as a minimum weekly salary amount or, in the case of an exempt administrative academic employee, the same as the starting teacher salary in the District.]**~~

~~**[\* \* DRAFTING NOTE: Job titles do not determine exempt status, nor does receipt of a particular salary. If an employee does not meet all of the applicable criteria for a specific exemption, the employee will be covered by the FLSA and entitled to overtime if the employee works more than forty (40) hours in a week, regardless of whether the individual is paid a salary. Under the standard duties test, an employee's primary duty (i.e., principal, main, major, or most important duty) — based on all of the facts in a particular case — must be that of an exempt executive, administrative, administrative academic, or professional employee, or an exempt computer employee.]**~~



Book Neola Policy Templates for Processing  
Section 6000 Finances Templates  
Title AUDIT  
Code po6830 3/30  
Status  
Legal 120.14, Wis. Stats.  
PI 14

**6830 - AUDIT**

The School Board requires that, after the close of the fiscal year (June 30th), an audit of all accounts of the District be made annually by an independent, certified public accountant. The audit examination will be conducted in accordance with generally accepted auditing standards and the Wisconsin Uniform Financial Accounting Requirements of the DPI (WUFAR). The audit will include all funds over which the School Board has direct or supervisory control.

The auditor will prepare a detailed audit report which will be submitted to the School Board and the Department of Public Instruction. The auditor's report will include:

- A. the financial audit statement for the fiscal year;
- B. a management letter;
- C. the auditor's communication with those charged with governance, including any significant findings or issues from the audit; and
- D. Federal and State program audit reports and schedules, as appropriate.

The ~~District Administrator~~ **Superintendent** will assure that the audit report is completed timely and submitted prior to the deadline established by DPI.

~~1~~ The School Board minutes will reflect receipt of the annual audit report by the School Board ~~( )~~ and compliance with the above submission.

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Book	Neola Policy Templates for Processing
Section	5000 Students Templates
Title	STUDENT ANTI-HARASSMENT
Code	po5517 - 3/3
Status	
Legal	48.981, Wis. Stats. 118.13, Wis. Stats. P.I. 9, Wis. Admin. Code P.I. 41 Wis. Admin. Code 20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Act of 2004, as amended (IDEA) 29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended 42 U.S.C. 1983 42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 34 C.F.R. Part 104, Section 504 Regulations 34 C.F.R. Part 300, IDEA Regulations

## 5517 - STUDENT ANTI-HARASSMENT

### Prohibited Harassment

It is the policy of the School Board to maintain an educational environment that is free from all forms of harassment. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of harassment. This policy applies to conduct occurring in any manner or setting over which the School Board District can exercise control, including on school property, or at another location if such conduct occurs during an activity sponsored by the School Board District.

The School Board District will not tolerate any form of harassment and will take all necessary and appropriate actions to eliminate it, including suspension or expulsion of students, and disciplinary action against any other individual in the School District community. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our students.

The School Board District will vigorously enforce its prohibition against harassment based on the traits of sex (including gender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. Additionally, the School Board District prohibits harassing behavior directed at students for any reason, even if not based on one of the Protected Classes, through its policies on bullying (See Policy 5517.01 – Bullying).

~~[-]~~ In coordination with parents, District counseling and student services staff will provide support to any individual subjected to harassment. When appropriate, support will also be extended to those found to have committed the harassment. This support may include a referral to counseling services. ~~The District will offer counseling services to any person found to have been subjected to harassment and, where appropriate, the person(s) who committed the harassment.~~

The ~~School Board~~ District ensures procedures will be in place to ~~will~~ investigate all allegations of harassment and in those cases where harassment is substantiated, the ~~School Board~~ District will take immediate steps designed 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.

### Other Violations of the Anti-Harassment Policy

The ~~School Board~~ District ensures procedures will be in place to ~~will also~~ take prompt steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation;
- B. Filing a malicious or knowingly false report or complaint of harassment;
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment complaints comprises part of one's duties.

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

### Notice

Notice of the School Board's policy on anti-harassment in the educational environment 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 will have those meanings defined herein; words not defined herein will be construed according to their plain and ordinary meanings.

**Compliance Officer:** an employee designated by the School Board to be responsible for coordinating the District's efforts to comply with state and federal nondiscrimination laws and for receiving formal complaints of pupil discrimination.

**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):** 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) unless expressly stated otherwise herein.

**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 individuals, students, administrators, teachers, and staff, as well as School Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the ~~School Board~~ District.

**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 ~~School Board~~ District, 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 is prohibited by School Board Policy 5517.01 – Bullying. It is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a student’s educational, physical, or emotional well-being. Bullying need not be based on any Protected Class. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the student’s sex (including gender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation, physical, mental, emotional, or learning disability, or any other characteristic protected by Federal or State civil rights. Complaints brought under this policy that are more appropriately handled under the Bullying policy will be referred for investigation consistent with the procedures in that policy.

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

### **Harassment**

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student based on one or more of the student’s Protected Class that:

- A. places a student in reasonable fear of harm to their person or damage to their property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

“Harassment” also includes “hate speech” directed against a student—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.

### **Sexual Harassment**

For purposes of this policy only and not sexual harassment under Title IX, addressed in Policy 2266 ~~( )/AG 2266 [END OF OPTION]~~ - Nondiscrimination on the Basis of Sex in Education Programs or Activities, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- A. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of access to educational opportunities or program;
- B. submission or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education;
- C. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

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 verbal harassment or abuse;
- B. unwelcome pressure for sexual activity;
- C. threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education 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 and obscene gestures;
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals;
- F. unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact, other than necessary restraint of students by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
- G. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status;
- H. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational status;
- I. unwelcome behavior or words directed at an individual because of gender;

Examples are:

1. repeatedly asking a person for dates or sexual behavior after the person has indicated no interest;
  2. rating a person's sexuality or attractiveness;
  3. staring or leering at various parts of another person's body;
  4. spreading rumors about a person's sexuality;
  5. letters, notes, telephone calls, or materials of a sexual nature;
  6. displaying pictures, calendars, cartoons, or other materials with sexual content.
- J. inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life;

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:

1. hugging, kissing, or other physical contacts with a student;
2. telling sexual jokes to students;
3. engaging in talk containing sexual innuendo or banter with students;
4. talking about sexual topics that are not related to the curriculum;
5. showing pornography to a student;
6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");
7. initiating or extending contact with students beyond the school day for personal purposes;
8. using e-mail, text messaging, or websites to discuss personal topics or interests with students;
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;

10. 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);
11. going to a student's home for non-educational purposes;
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of a student);
13. giving gifts or money to a student for no legitimate educational purpose;
14. accepting gifts or money from a student for no legitimate educational purpose;
15. being overly "touchy" with students;
16. favoring certain students by inviting them to come to the classroom at non-class times;
17. getting a student out of class to visit with the staff member;
18. 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;
19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
20. being alone with a student behind closed doors without a legitimate educational purpose;
21. telling a student "secrets" and having "secrets" with a student;
22. other similar activities or behavior:
  - a. ( ) \_\_\_\_\_
  - b. ( ) \_\_\_\_\_
  - c. ( ) \_\_\_\_\_

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 Superintendent.

- K. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- L. ( ) a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- M. verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, or persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

~~[ ] In addition to investigating and taking appropriate corrective action in instances of harassment, or of sexual harassment or other sexual misconduct, the District will make available to the victim of such harassment or misconduct resources to assist the student with coping with the effects of victimization. The school counseling services will identify available resources in the community and provide assistance to students in contacting such resources if desired by the student. The District will not directly provide or pay for assistance unless such services are available in the District program or the School Board otherwise approves.~~

It is further the policy of the School Board that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the workplace, in that it interferes with the educational process and may involve elements of coercion by reason of the relative status of a staff member to a student.

## Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. 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.

## 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 or educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. 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 educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. 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.

## Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's physical, mental, emotional or learning disability and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

## Anti-Harassment Compliance Officers

The School Board designates the following individuals to serve as the District's Compliance Officers (also known as "Anti-Harassment Compliance Officers"; hereinafter referred to as the "COs").

**~~[DRAFTING NOTE: Neola suggests the School Board appoint both a male and a female Compliance Officer in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The Compliance Officers may also serve as the District's Section 504 Compliance Officer(s)/ADA Coordinator(s) and/or Title IX Coordinators. Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer, as appropriate.]~~**

Mark Inouye

Director of Student Services/Title IX Coordinator - Students

715-425-1800

852 Division Street

River Falls, WI 54022

mark.inouye@rfsd.k12.wi.us

Nate Schurman

Director of Human Resources/Title IX Coordinator - Staff

715-425-1800

852 E. Division Street

River Falls, WI 54022

nate.schurman@rfsd.k12.wi.us

Lynette Coy

Director of Finance and Facilities/Alternate Anti-Harassment Compliance Officer

715-425-1800  
852 E. Division Street  
River Falls, WI 54022  
lynette.coy@rfsd.k12.wi.us

**Another staff member???**

\_\_\_\_\_

(Name)

\_\_\_\_\_

(School District Title)

\_\_\_\_\_

(Telephone Number)

\_\_\_\_\_

(Office Address)

\_\_\_\_\_

(E-mail Address)

\_\_\_\_\_

(Name)

\_\_\_\_\_

(School District Title)

\_\_\_\_\_

(Telephone Number)

\_\_\_\_\_

(Office Address)

\_\_\_\_\_

(E-mail Address)

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

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

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

**Reports and Complaints of Harassing Conduct**

Reporting procedures are as follows:

- A. Any student who believes they have been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to any District employee, such as a teacher, administrator, or other employees.

- B. Any parent of a student who believes the student has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the student's teacher, building administrator, or Superintendent.
- C. Teachers, administrators, and other school employees who have the knowledge or received notice that a student has or may have been the victim of harassment prohibited under this policy will report the alleged harassment to one (1) of the Compliance Officer(s) ~~( ) and the building principal or Superintendent [END OF OPTION]~~ within two (2) days. **In alignment with ACT 57, if the alleged harassment involved the sexual misconduct of a school employee or volunteer, then a report should be made to one (1) of the Compliance Officer(s) immediately. It neither Compliance Officer is available, then a report should be made to the Superintendent.**
- D. Any other person with knowledge or belief that a student has or may have been the victim of harassment prohibited by this policy will be encouraged to immediately report the alleged acts to any District employee, such as a teacher, administrator, or other employees.
- E. The reporting party or Complainant will be encouraged to use a **report form (Form will need to be updated)** available from the principal of each building or available from the District office, but oral reports will be considered complaints as well. Use of formal reporting forms will not be mandated. However, all oral complaints will be reduced to writing.
- F. ~~To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the School Board has designated both a male and a female Compliance Officer for receiving reports of harassment prohibited by this policy. At least one (1) Compliance Officer or other individuals will be available outside regular school hours to address complaints of harassment that may require immediate attention.~~

A CO will be available during regular school/work hours to discuss concerns related to harassment and to assist students, other members of the ~~School~~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 student.

~~Any School Board employee who directly observes harassment of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) days. Thereafter, the COs must contact the Complainant, if over age eighteen (18) or the Complainant's parents/guardians if under age eighteen (18), within two (2) days to advise of the School Board District's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer to conduct an investigation following all the procedures outlined in the complaint procedures.~~

The COs are assigned to accept complaints of harassment directly from any member of the ~~School~~District community or a Third Party, or to receive complaints that are initially filed with a ~~school~~ building administrator. Upon receipt of a complaint, either directly or through a ~~school~~ building administrator, a CO will contact the Complainant and begin either an informal or formal process (depending on the request of the Complainant or the nature of the alleged harassment), ~~or [ ] Option 1 the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. [END OF OPTION 1] [ ] Option 2 the Superintendent will designate a specific individual to conduct the process necessary for an informal or formal investigation. [END OF OPTION 2].~~ The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. The CO will prepare recommendations for the Superintendent. In the case of a complaint against the Superintendent or a School Board member, the CO will prepare recommendations for ~~[ ] \_\_\_\_\_ [ ] the School Board Attorney the School Board President [END OF OPTION]~~ who has been designated to serve as the decision-maker for such complaints. All ~~School Board District~~ employees must report incidents of harassment that are reported to them to the Compliance Officer as soon as possible, but always within no more than two (2) days of learning of the incident.

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 Superintendent, or School Board President if the matter involves the Superintendent, engage outside legal counsel to conduct the investigation consistent with this policy.

### Filing a Complaint and Initial Processing of a Complaint

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any student, or the student's parent/guardian, who believes that the student has been subjected to harassment may seek resolution of the complaint through the procedures described below. The formal 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 a student to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights ("OCR") and/or other applicable government agency. The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 <sup>58</sup>

If at any time during the investigation process the investigator determines that the complaint is properly defined as Bullying, under Policy 5517.01 - Bullying and not Harassment under this Policy, because the conduct at issue is not based on a student's Protected Characteristics, the investigator will transfer the investigation to the appropriate building principal.

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 educational environment and may have constituted discriminatory harassment based on a Protected Class, the Principal will report the act of bullying, aggressive behavior, and/or harassment to one (1) of the Compliance Officer(s) who will investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, the matter will be investigated in accordance with the grievance process and procedures outlined in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal will suspend the Policy 5517.01- Bullying investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266 -Nondiscrimination on the Basis of Sex in Education Program or Activities. The Compliance Officer will keep the Principal informed of the status of the investigation under this policy and provide the Principal with a copy of the resulting report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities grievance process.

### **Complaint and Investigation Procedure**

A Complainant may file a complaint, either orally or in writing with a teacher, principal, or other District employee at the student's school, the CO, Superintendent, or other District official who works at another school or at the District level. Due to the sensitivity surrounding complaints of harassment, 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 teacher, principal, or other District official at the student's school, the CO, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the CO within 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 their **understanding of the** facts upon which the complaint is based (i.e., when, where, and what occurred); and a list of potential witnesses.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer will 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 class schedule for the Complainant or the Respondent, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the (↔) Principal **and** (↔) Superintendent **[END OF OPTION]** prior to any action being taken, except for complaints against the Superintendent, in which case the School Board President should be consulted. The Complainant should be notified of any proposed action prior to such action being taken.

As soon as appropriate in the investigation process, the CO will inform the Respondent that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of any relevant policies **and/or administrative procedures** and the School Board's anti-harassment policy will be provided to the Respondent at that time. The Respondent must also be provided an opportunity to respond to the complaint.

All investigations will be commenced as soon as practicable upon receipt of a complaint and concluded as expeditiously as feasible, in consideration of the circumstances, while taking measures to complete a thorough investigation. The Complainant will be notified in writing of receipt of the complaint within forty-five (45) days of the complaint and will reach a determination concerning the complaint within ninety (90) days of receipt unless additional time is agreed to by the Complainant.

Generally, 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 generally 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 will prepare and deliver a report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in School Board policy and State and Federal law as to whether the Respondent engaged in harassment/retaliation of the Complainant. In determining if harassment occurred, a preponderance of evidence standard will be used. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

↔ The CO may consult with the School Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

Generally, within five (5) days of receiving the report of the CO or designee, the Superintendent, or in the case of a complaint against the Superintendent or a School Board member, the person designated to serve as the decision-maker for the complaint ~~either must~~ **must either** issue a written decision regarding whether the complaint has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent. The Superintendent may redact information from the decision consistent with applicable law. The School Board authorizes the Superintendent to consult with legal counsel to determine the extent to which information in an investigation report must be provided to either the Complainant or Respondent.

If the Superintendent requests additional investigation, the Superintendent 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 Superintendent must issue a final written decision as described above.

The decision of the Superintendent will be final. If the Complainant feels that the decision does not adequately address the complaint they may appeal the decision to the State Superintendent of Public Instruction by submitting a written request to the Wisconsin Department of Public Instruction ("DPI"), Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157.

The ~~School Board~~ **District** 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 ~~School Board~~ **District** 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 School Board.

To the extent required by law or permitted by the District, 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 will 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.

### **Additional School District Action**

If the evidence suggests that the harassment at issue is a crime or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.), the CO or Superintendent will report the harassment to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations and crimes.

Any reports made to the local child protection service or to local law enforcement will not terminate the CO's obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, in no event will the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

### **Privacy/Confidentiality**

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations. Confidentiality cannot be guaranteed, however. Respondents must be provided an opportunity to meaningfully respond to allegations.

All records generated under the terms of this policy will be maintained as confidential to the extent permitted by law. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of an investigation, the CO will instruct each person who ~~are~~ 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.

### **Directives During Investigation**

The CO may recommend to the Superintendent placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the Superintendent is the Respondent, the CO will make such recommendation to the School Board. For example, 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 will determine whether any witnesses in the course of an investigation may be required to answer questions that could also involve criminal investigations or sanctions, including the existence of a co-occurring law enforcement investigation are still required to answer questions concerning the District's investigation, but are entitled to do so without waiving their Constitutional right against self-incrimination that applies during a criminal investigation. Employees should be advised of this right, through what is often referred to as a "Garrity Warning". The Garrity Warning informs the employee that the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. ~~(see Form 5517 F3 — Garrity Warning)~~

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 will be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken because of the discrimination, or other appropriate action.

The School 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 School Board will vigorously enforce its prohibitions against harassment 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 or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable law.

When imposing discipline, the Superintendent will consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where harassment is not substantiated, the School Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies.

Where the ~~School Board~~ District becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the School Board and/or Superintendent will 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 School 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 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 School Board promotes preventative educational measures to create greater awareness of discriminatory practices. The Superintendent will provide appropriate information to all members of the ~~School~~-District community related to the implementation of this policy and will provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the School 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 will retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and 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 School 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;
- 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 School 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 School 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; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**
- [DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]**
- Q. ~~( )~~ documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
  - R. ~~( )~~ copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
  - S. ~~( )~~ copies of any notices sent to the Complainant and the Respondent in advance of any interview or hearing;
  - T. ~~( )~~ copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

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

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

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	EMPLOYEE ANTI-HARASSMENT
Code	po4362 - DB 1/19/26
Status	
Legal	111.31, 118.195, 118.20, Wis. Stats. 29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967 29 U.S.C. 794, Rehabilitation Act of 1973 42 U.S.C. 1983 42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964 42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 29 C.F.R. Part 1635 National School Boards Association Inquiry and Analysis - May 2008

#### 4362 - **EMPLOYEE ANTI-HARASSMENT**

##### **Prohibited Harassment**

The School Board is committed to a work environment that is free of harassment of any form. The ~~School Board~~ District 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 School Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including 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 School 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 between employee-and-employee or employee-and-student.

The School Board ensures procedures will be in place to 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 School 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 will have those meanings defined herein; words not defined herein will be construed according to their plain and ordinary meanings.

**Compliance Officer:** an employee designated by the School Board to be responsible for coordinating the District's efforts to comply with state and federal nondiscrimination laws and for receiving formal complaints of pupil/employee discrimination.

**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 School Board/District employees (i.e., administrators, and professional and support staff), as well as School Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the School 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 School Board/District, 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 is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact the employee's physical or emotional well-being. Bullying need not be based on any Protected Class. Staff members should report complaints of bullying behavior to their supervisor. If their supervisor is the subject of the behavior, the complaint should be reported to the Superintendent. If the Superintendent is the subject of the behavior, the complaint should be reported to the School Board President. These complaints will be investigated in alignment to Policy 3362.01/4362.01 Threatening Behavior Towards Staff Members. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the employee's protected class and will be investigated in alignment with procedures in this policy.

## Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against an employee based on one or more of the employee's Protected Class that:

- A. places an employee in reasonable fear of harm to their person or damage to their property;
- B. has the effect of substantially interfering with an employee's work performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Harassment also includes "hate speech" directed against an employee—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.

**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: Examples include, but are not limited to:

- 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 a 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 will 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 a 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 School 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 the 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 Superintendent.

### **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) will serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)" or CO or COs):

**Mark Inouye**  
**Director of Student Services/Title IX Coordinator - Students**  
**715-425-1800**  
**852 E. Division Street**

River Falls, WI 54022  
mark.inouye@rfsd.k12.wi.us

Nate Schurman  
Director of Human Resources and Leadership Development/Title IX Coordinator - Staff  
715-425-1800  
852 E. Division Street  
River Falls, WI 54022  
nate.schurman@rfsd.k12.wi.us

Lynette Coy  
Director of Finance and Facilities/Alternate Anti-Harassment Compliance Officer  
715-425-1800  
852 E. Division Street  
River Falls, WI 54022  
lynette.coy@rfsd.k12.wi.us

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

- A. on the ~~School~~ District's website.
- B. ~~in the Employee Handbook~~.

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 will 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 CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. 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 Superintendent or will oversee the preparation of such recommendations by a designee. All 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 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 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 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 ~~School Board's~~ District'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 District may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report will 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 School 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 employees who believes s/he they has have been the victim of harassment prohibited under this policy is are 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 will 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 will 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 will be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints will be reported to the Superintendent, 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 Superintendent or a School Board Member that is received by the District Compliance Officer will be referred to the School Board's legal counsel, who will assume the role of the District Compliance Officer for such complaints.
- E. The reporting party or Complainant will be encouraged to use a **report form (LINKED FORM WILL NEED TO BE UPDATED)** available from the Principal of each building or available from the District office, but oral reports will be considered complaints as well. **Use of formal reporting forms will not be mandated.** However, all oral complaints will be reduced to writing. Further, nothing in this policy will prevent any person from reporting harassment directly to the Superintendent or other supervisory employee.

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 will report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who will 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 will 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 will 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 the 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 Superintendent or other supervisory employee. As noted above, any complaint received regarding the Superintendent or a School Board member will be referred to the School Board's legal counsel, who will assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint will be reported to the Superintendent, 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, Superintendent, 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 their understanding 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 will 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 Superintendent. No temporary arrangements will 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 will 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 will be afforded the opportunity to submit a written response to the complaint. The CO will 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.

Investigations will be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO will keep the Complainant reasonably informed of the investigation's progress.

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, including, but not limited to, evaluations and prior disciplinary actions, 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 will prepare and deliver a written report to the Superintendent 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 School Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

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 Superintendent, or School Board President, if the matter involves the Superintendent, 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 Superintendent 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 Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent 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 Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in harassment of or retaliation toward the Complainant, the Superintendent 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 Superintendent will be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to School Board Policy 3340. Nothing in this policy will be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The School 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 a Third Party alleging the harassment pursues the complaint. The School 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 School 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 will 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 School 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, will 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 Superintendent placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the Superintendent is the Respondent, the CO will make such a recommendation to the School 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 will determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of ~~his/her/their~~ 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 will 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 School 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 School Board will 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 Superintendent will consider the totality of the circumstances. In those cases where harassment is not substantiated, the School Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies.

Where the School Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the School Board and/or Superintendent will 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 School 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 Superintendent will be advised that local law enforcement was notified.

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

Any reports made to local law enforcement will 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 will not be stopped due to the involvement of outside agencies without good cause after consultation with the Superintendent.

### **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 School Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The School 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 will 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 will 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 Employment Opportunity Commission.

A link to this policy will appear in the ~~e~~Employee ~~h~~Handbook and a copy will be made available upon request of employees and other interested parties.

### **Education and Training**

In support of this policy, the School Board promotes preventative educational measures to create greater awareness of harassment. The Superintendent will provide appropriate information to all members of the ~~School~~-District community related to the implementation of this policy and will provide training for District staff at such times as the School Board in consultation with the Superintendent determines is necessary or appropriate.

The School 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 School 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 will retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315 - **Information Management**) 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 School 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 School 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 School 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 - Information Management) 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 - Information Management) created or received as part of an investigation will be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, and Policy 8320 - Personnel Records, and ~~Policy 8330 - Student Records~~ for not less than three (3) years, but longer if required by the District's records retention schedule.

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Book	Neola Policy Templates for Processing
Section	3000 Professional Staff Templates
Title	EMPLOYEE ANTI-HARASSMENT
Code	po3362 - DB 1/19/26
Status	
Legal	111.31, 118.195, 118.20, Wis. Stats. 29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967 29 U.S.C. 794, Rehabilitation Act of 1973 42 U.S.C. 1983 42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964 42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act 42 U.S.C. 6101, The Age Discrimination Act of 1975 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 29 C.F.R. Part 1635 National School Boards Association Inquiry and Analysis - May 2008

### 3362 - EMPLOYEE ANTI-HARASSMENT

#### Prohibited Harassment

The School Board is committed to a work environment that is free of harassment of any form. The ~~School Board~~ District 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 School Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including 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 School 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 between employee-and-employee or employee-and-student.

The School Board ensures procedures will be in place to 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 School 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 will have those meanings defined herein; words not defined herein will be construed according to their plain and ordinary meanings.

**Compliance Officer:** an employee designated by the School Board to be responsible for coordinating the District's efforts to comply with state and federal nondiscrimination laws and for receiving formal complaints of pupil employee discrimination.

**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 ~~School Board~~District employees (i.e., administrators, ~~and~~ professional and support staff), as well as School Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the School 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 ~~School Board~~District, 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 is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact the employee's physical or emotional well-being. Bullying need not be based on any Protected Class. Staff members should report complaints of bullying behavior to their supervisor. If their supervisor is the subject of the behavior, the complaint should be reported to the Superintendent. If the Superintendent is the subject of the behavior, the complaint should be reported to the School Board President. These complaints will be investigated in alignment to Policy 3362.01/4362.01 Threatening Behavior Towards Staff Members. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the employee's protected class and will be investigated in alignment with procedures in this policy.

## Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against an employee based on one or more of the employee's Protected Class that:

- A. places an employee in reasonable fear of harm to their person or damage to their property;
- B. has the effect of substantially interfering with an employee's work performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Harassment also includes "hate speech" directed against an employee—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups(s) 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.

## 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:~~ Examples include, but are not limited to:

- 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 a 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 will 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 a 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 School 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~~are 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 the 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 Superintendent.

### **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) will serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)" or CO or COs):

**Mark Inouye**  
Director of Student Services/Title IX Coordinator - Students  
715-425-1800  
852 E. Division Street  
River Falls, WI 54022  
mark.inouye@rfsd.k12.wi.us

**Nate Schurman**

Director of Human Resources and Leadership Development/Title IX Coordinator - Staff  
715-425-1800  
852 E. Division Street  
River Falls, WI 54022  
nate.schurman@rfsd.k12.wi.us

Lynette Coy  
Director of Finance and Facilities/Alternate Anti-Harassment Compliance Officer  
715-425-1800  
852. E. Division Street  
River Falls, WI 54022  
lynette.coy@rfsd.k12.wi.us

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

- A. on the ~~School~~ District's website.
- B. in the ~~eEmployee~~ ~~h~~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 will 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 CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. 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 Superintendent or will oversee the preparation of such recommendations by a designee. All 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 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 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 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 ~~School Board's~~ District'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 District may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report will 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 School 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 ~~E~~mployees who believes ~~s/he~~ they have ~~has~~ been the victim of harassment prohibited under this policy ~~is~~ are 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 will 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 will 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 will be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints will be reported to the Superintendent, 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 Superintendent or a School Board Member that is received by the District Compliance Officer will be referred to the School Board's legal counsel, who will assume the role of the District Compliance Officer for such complaints.
- E. The reporting party or Complainant will be encouraged to use a [report form](#) (LINKED FORM WILL NEED TO BE UPDATED) available from the Principal of each building or available from the District office, but oral reports will be considered complaints as well. **Use of formal reporting forms will not be mandated.** However, all oral complaints will be reduced to writing. Further, nothing in this policy will prevent any person from reporting harassment directly to the Superintendent or other supervisory employee.

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 will report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who will 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 will 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 will 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 the 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 Superintendent or other supervisory employee. As noted above, any complaint received regarding the Superintendent or a School Board member will be referred to the School Board's legal counsel, who will assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint will be reported to the Superintendent, 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,

Superintendent, 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 their understanding 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 will 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 Superintendent. No temporary arrangements will 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 will 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 will be afforded the opportunity to submit a written response to the complaint. The CO will 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.

Investigations will be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO will keep the Complainant reasonably informed of the investigation's progress.

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, including, but not limited to, evaluations and prior disciplinary actions, 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 will prepare and deliver a written report to the Superintendent 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 School Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

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 Superintendent, or School Board President, if the matter involves the Superintendent, 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 Superintendent 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 Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent 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 Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in harassment of or retaliation toward the Complainant, the Superintendent 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 Superintendent will be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to School Board Policy 3340. Nothing in this policy will be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The School 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 a Third Party alleging the harassment pursues the complaint. The School 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 School 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 will 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 School 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, will 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 Superintendent placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the Superintendent is the Respondent, the CO will make such a recommendation to the School 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 will determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of ~~his/her~~ their 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 will 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 School 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 School Board will 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 Superintendent will consider the totality of the circumstances. In those cases where harassment is not substantiated, the School Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies.

Where the School Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the School Board and/or Superintendent will 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 School 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 Superintendent will be advised that local law enforcement was notified.

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

Any reports made to local law enforcement will 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 will not be stopped due to the involvement of outside agencies without good cause after consultation with the Superintendent.

## **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 School Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The School 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. 85

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 will 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 will 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 Employment Opportunity Commission.

A link to this policy will appear in the ~~e~~Employee ~~h~~Handbook and a copy will be made available upon request of employees and other interested parties.

### **Education and Training**

In support of this policy, the School Board promotes preventative educational measures to create greater awareness of harassment. The Superintendent will provide appropriate information to all members of the ~~School~~-District community related to the implementation of this policy and will provide training for District staff at such times as the School Board in consultation with the Superintendent determines is necessary or appropriate.

The School 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 School 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 will retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315 - **Information Management**) 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 School 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~~ students or employees and a narrative of verbal disciplinary sanctions issued to ~~students or~~ 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 School 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 School 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 - Information Management) 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 - Information Management) created or received as part of an investigation will be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, and Policy 8320 - Personnel Records, and ~~Policy 8330 - Student Records~~ for not less than three (3) years, but longer if required by the District's records retention schedule.

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Book	Neola Policy Templates for Processing
Section	1000 Administration Templates
Title	EMPLOYEE ANTI-HARASSMENT
Code	po1662 - - DB 1/14/26
Status	
Legal	111.31, 118.195, 118.20, Wis. Stats. 29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967 29 U.S.C. 794, Rehabilitation Act of 1973 42 U.S.C. 1983 42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964 42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 29 C.F.R. Part 1635 National School Boards Association Inquiry and Analysis - May 2008

## 1662 - EMPLOYEE ANTI-HARASSMENT

### Prohibited Harassment

The School Board is committed to a work environment that is free of harassment of any form. The ~~School Board~~ District 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 School Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including 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 School 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 between employee-and-employee or employee and student.

The School Board ensures procedures will be in place to 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 School 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 will have those meanings defined herein; words not defined herein will be construed according to their plain and ordinary meanings.

**Compliance Officer:** an employee designated by the School Board to be responsible for coordinating the District's efforts to comply with state and federal nondiscrimination laws and for receiving formal complaints of pupil/employee discrimination.

**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 ~~School Board~~District employees (i.e., administrators, ~~and~~ professional and support staff), as well as School Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the School 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 ~~School Board~~District, 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 is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact the employee's physical or emotional well-being. Bullying need not be based on any Protected Class. Staff members should report complaints of bullying behavior to their supervisor. If their supervisor is the subject of the behavior, the complaint should be reported to the Superintendent. If the Superintendent is the subject of the behavior, the complaint should be reported to the School Board President. These complaints will be investigated in alignment to Policy 3362.01/4362.01 Threatening Behavior Towards Staff Members. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the employee's protected class and will be investigated in alignment with procedures in this policy.

## Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against an employee based on one or more of the employee's Protected Class that:

- A. places an employee in reasonable fear of harm to their person or damage to their property;
- B. has the effect of substantially interfering with an employee's work performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Harassment also includes "hate speech" directed against an employee—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups(s) 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.

## 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:~~ Examples include, but are not limited to:

- 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 a 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 will 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 a 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 School 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~~ **are** 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 **the** 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 Superintendent.

### **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) will serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)" or CO or COs):

**Mark Inouye**  
Director of Student Services/Title IX Coordinator - Students  
715-425-1800  
852 E. Division Street  
River Falls, WI 54022  
mark.inouye@rfsd.k12.wi.us

**Nate Schurman**

Director of Human Resources and Leadership Development/Title IX Coordinator - Staff  
715-425-1800  
852 E. Division Street  
River Falls, WI 54022  
nate.schurman@rfsd.k12.wi.us

Lynette Coy  
Director of Finance and Facilities/Alternate Anti-Harassment Compliance Officer  
715-425-1800  
852 E. Division Street  
River Falls, WI 54022  
lynette.coy@rfsd.k12.wi.us

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

- A. on the ~~School~~ District's website.
- B. in the ~~eEmployee~~ ~~h~~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 will 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 CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. 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 Superintendent or will oversee the preparation of such recommendations by a designee. All 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 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 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 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 ~~School Board's~~ District'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 District may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report will 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 School 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 ~~E~~mployees who believes ~~s~~ ~~h~~they have ~~has~~ been the victim of harassment prohibited under this policy ~~is~~ ~~are~~ 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 will 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 will 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 will be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints will be reported to the Superintendent, 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 Superintendent or a School Board Member that is received by the District Compliance Officer will be referred to the School Board's legal counsel, who will assume the role of the District Compliance Officer for such complaints.
- E. The reporting party or Complainant will be encouraged to use a [report form](#) (LINKED FORM WILL NEED TO BE UPDATED) available from the Principal of each building or available from the District office, but oral reports will be considered complaints as well. **Use of formal reporting forms will not be mandated.** However, all oral complaints will be reduced to writing. Further, nothing in this policy will prevent any person from reporting harassment directly to the Superintendent or other supervisory employee.

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 will report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who will 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 will 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 will 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 the 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 Superintendent or other supervisory employee. As noted above, any complaint received regarding the Superintendent or a School Board member will be referred to the School Board's legal counsel, who will assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint will be reported to the Superintendent, 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,

Superintendent, 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 their understanding 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 will 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 Superintendent. No temporary arrangements will 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 will 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 will be afforded the opportunity to submit a written response to the complaint. The CO will 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.

Investigations will be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO will keep the Complainant reasonably informed of the investigation's progress.

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, including, but not limited to, evaluations and prior disciplinary actions, 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 will prepare and deliver a written report to the Superintendent 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 School Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

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 Superintendent, or School Board President, if the matter involves the Superintendent, 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 Superintendent 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 Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent 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 Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in harassment of or retaliation toward the Complainant, the Superintendent 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 Superintendent will be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to School Board Policy 3340. Nothing in this policy will be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The School 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 a Third Party alleging the harassment pursues the complaint. The School 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 School 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 will 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 School 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, will 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 Superintendent placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the Superintendent is the Respondent, the CO will make such a recommendation to the School 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 will determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of ~~his/her~~ their 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 will 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 School 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 School Board will 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 Superintendent will consider the totality of the circumstances. In those cases where harassment is not substantiated, the School Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies.

Where the School Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the School Board and/or Superintendent will 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 School 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 Superintendent will be advised that local law enforcement was notified.

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

Any reports made to local law enforcement will 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 will not be stopped due to the involvement of outside agencies without good cause after consultation with the Superintendent.

## **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 School Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The School Board reserves the right to discipline any person filing a<sup>97</sup> 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 will 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 will 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 Employment Opportunity Commission.

A link to this policy will appear in the Employee Handbook and a copy will be made available upon request of employees and other interested parties.

### **Education and Training**

In support of this policy, the School Board promotes preventative educational measures to create greater awareness of harassment. The Superintendent will provide appropriate information to all members of the School District community related to the implementation of this policy and will provide training for District staff at such times as the School Board in consultation with the Superintendent determines is necessary or appropriate.

The School 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 School 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 will retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315 - Information Management) 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 School 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 School 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 School 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 - Information Management) 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 - Information Management) created or received as part of an investigation will be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, and Policy 8320 - Personnel Records, ~~and Policy 8330 - Student Records~~ for not less than three (3) years, but longer if required by the District's records retention schedule.

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 Title COMMITTEES  
 Code po0155 - DB 4/21/26  
 Status

0155 - **COMMITTEES**

The School Board will work as a committee of the whole, except as otherwise provided. Standing committees shall be appointed as follows:

- Educational Program Committee
- Finance and Facilities Committee
- Personnel Committee

- The Personnel Committee will represent the School Board in negotiations with staff. The Personnel Committee may not officially act for the School Board, except in areas specifically authorized by School Board. Final decisions and agreements are subject to approval of the entire School Board.
- The School Board may designate the Superintendent, Director of Human Resources, and Director of Finance and Facilities to assist in any or all negotiations.
- The School Board may retain the services of qualified professional consultants to assist in and or all negotiations.

The School Board president will appoint all School Board committees, except when the School Board itself may decide otherwise.

Other committees may be established by the School Board as necessary. In addition, ad hoc committees may be appointed to do exploratory, fact-finding, and preliminary work for the School Board. These committees, however, are temporary and have no power to take action whatsoever, or to commit the School Board or District to any course of action except as specifically directed by the School Board.

Notice will be given for all School Board committee meetings in accordance with state law and School Board policy.

A quorum of the School Board may be present at committee meetings, however, only committee members are allowed to vote on agenda items.

Adopted from retired policy 185 and 532.1

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

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

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

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

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

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

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

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

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 Title IX Education Amendments of 1972, Chapter 227

0145 - ~~School Board~~ **SCHOOL BOARD MEMBER ANTI-HARASSMENT**

The School Board is committed to an environment that is free of harassment. The ~~School Board~~ District will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. ~~The harassment of a District staff member, student, or another School Board member by a member of the School Board is strictly forbidden. Any member who is found to have harassed a member of the staff, a student, or another School Board member, will be subject to discipline by the School Board and may be reported to law enforcement authorities.~~

~~The School Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including 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 School 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 between employee-and-employee or employee-and-student.~~

~~The School Board will ensure procedures will be in place to investigate investigate all allegations of harassment and, in those cases where harassment is substantiated, take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects.~~

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

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

**Notice**

~~Notice of the School 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 will have those meanings defined herein; words not defined herein will be construed according to their plain and ordinary meanings.

**Compliance Officer:** an employee designated by the School Board to be responsible for coordinating the District's efforts to comply with state and federal nondiscrimination laws and for receiving formal complaints of pupil employee discrimination.

**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 District employees (i.e., administrators, and professional and support staff), as well as School Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the School 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 School 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 is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact the employee's physical or emotional well-being. Bullying need not be based on any Protected Class. Staff members should report complaints of bullying behavior to their supervisor. If their supervisor is the subject of the behavior, the complaint should be reported to the Superintendent. If the Superintendent is the subject of the behavior, the complaint should be reported to the School Board President. These complaints will be investigated in alignment to Policy 3362.01/4362.01 Threatening Behavior Towards Staff Members. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the employee's protected class and will be investigated in alignment with procedures in this policy.

## **Harassment**

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against an employee based on one or more of the employee's Protected Class that:

- A. places an employee in reasonable fear of harm to their person or damage to their property;
- B. has the effect of substantially interfering with an employee's work performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Harassment also includes "hate speech" directed against an employee—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.

## **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:~~ Examples include, but are not limited to:

- 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 a 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 will be addressed solely by Policy 2266

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 a 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 School 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~~are 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 the 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 Superintendent.

## **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**

Mark Inouye

Director of Student Services/Title IX Coordinator - Students

715-425-1800

852 E. Division Street

River Falls, WI 54022

mark.inouye@rfsd.k12.wi.us

Nate Schurman

Director of Human Resources and Leadership Development/Title IX Coordinator - Staff

715-425-1800

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River Falls, WI 54022

nate.schurman@rfsd.k12.wi.us

Lynette Coy

Director of Finance and Facilities/Alternate Anti-Harassment Compliance Officer

715-425-1800

852 E. Division Street

River Falls, WI 54022

lynette.coy@rfsd.k12.wi.us

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

- A. on the ~~School~~-District's website.
- B. in the ~~parent and staff~~ eEmployee ~~h~~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 will 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 CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. 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 Superintendent or will oversee the preparation of such recommendations by a designee. All 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 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 School 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 School 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 ~~School Board's~~District'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 District may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report will 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 School 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~~ eEmployees who believes ~~s/h~~they ~~has~~ have been the victim of harassment prohibited under this policy ~~is~~ are 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 will 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 will 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 will be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints will be reported to the Superintendent, who will coordinate with the other appointed/designated CO<sub>7</sub> 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 Superintendent or a School Board Member that is received by the District Compliance Officer will be referred to the School Board's legal counsel, who will assume the role of the District Compliance Officer for such complaints.

- E. The reporting party or Complainant will be encouraged to use a **report form (LINKED FORM WILL NEED TO BE UPDATED)** available from the Principal of each building or available from the District office, but oral reports will be considered complaints as well. **Use of formal reporting forms will not be mandated.** However, all oral complaints will be reduced to writing. Further, nothing in this policy will prevent any person from reporting harassment directly to the Superintendent or other supervisory employee.

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 will report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who will 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 will 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 will 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 the 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 Superintendent or other supervisory employee. As noted above, any complaint received regarding the Superintendent or a School Board member will be referred to the School Board's legal counsel, who will assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint will be reported to the Superintendent, 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, Superintendent, 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 their understanding 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 will 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 Superintendent. No temporary arrangements will 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 will 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 will be afforded the opportunity to submit a written response to the complaint. The CO will 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.

Investigations will be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO will keep the Complainant reasonably informed of the investigation's progress.

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, including, but not limited to, evaluations and prior disciplinary actions, -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 will prepare and deliver a written report to the Superintendent 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 School Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

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 Superintendent, or School Board President, if the matter involves the Superintendent, 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 Superintendent 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 Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent 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 Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in harassment of or retaliation toward the Complainant, the Superintendent 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 Superintendent will be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to School Board Policy 3340. Nothing in this policy will be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The School 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 a Third Party alleging the harassment pursues the complaint. The School 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 School 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 will 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 School 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, will 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 Superintendent placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the Superintendent is the Respondent, the CO will make such recommendation to the School 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 will 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 will 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 School 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 School Board will 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 Superintendent will consider the totality of the circumstances. In those cases where harassment is not substantiated, the School Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other School Board policies.

Where the School Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the School Board and/or Superintendent will 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 School 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 Superintendent will be advised that local law enforcement was notified.

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

Any reports made to local law enforcement will 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 will not be stopped due to the involvement of outside agencies without good cause after consultation with the Superintendent.

### **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 School Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The School 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 will 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 (ASK DAVID L.). This notice will 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 Employment Opportunity Commission.

A link to summary of this policy and any related administrative guidelines will appear in the eEmployee Handbook and a copy will be made available upon request of employees and other interested parties.

### **Education and Training**

In support of this policy, the School Board promotes preventative educational measures to create greater awareness of harassment. The Superintendent will provide appropriate information to all members of the School-District community related to the implementation of this policy and will provide training for District staff at such times as the School Board in consultation with the Superintendent determines is necessary or appropriate.

The School 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 School 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 will retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315 - Information Management) 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 School 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 School 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 School 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 - Information Management) 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 - Information Management) created or received as part of an investigation will be retained in accordance with Policy 8310 - Public Records, Policy 8315- Information Management, and Policy 8320 - Personnel Records, and ~~Policy 8330 - Student Records~~ for not less than three (3) years, but longer if required by the District's records retention schedule.

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Book Neola Policy Templates for Processing  
Section 6000 Finances Templates  
Title POST-ISSUANCE TAX-EXEMPT BOND COMPLIANCE  
Code po6146 4/23  
Status

#### 6146 - **POST-ISSUANCE TAX-EXEMPT BOND COMPLIANCE**

The Post-Issuance Tax-Exempt Bond Compliance Policy (the "Policy") sets forth specific actions of the District designed to monitor post-issuance compliance:

- with applicable provisions of the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder for obligations issued by the District on tax-exempt or tax-advantaged basis ("Obligations"); and
- with applicable requirements set forth in certificates and agreement(s) ("Continuing Disclosure Agreements") providing for ongoing disclosure in connection with the offering of obligations to investors, for obligations (whether or not tax-exempt / tax-advantaged) subject to the continuing disclosure requirements of Rule 15c2-12(b)(5) (the "Rule") promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

This Policy documents practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continue to be eligible to be excluded from gross income for federal income tax purposes or that the Obligations continue to receive tax-advantaged treatment. The federal tax law requirements applicable to each particular issue of Obligations will be detailed in the arbitrage or tax certificate prepared by bond counsel and signed by officials of the District and the post-closing compliance checklist provided by bond counsel with respect to that issue. This Policy establishes a permanent, ongoing structure of practices and procedures that will facilitate compliance with the requirements for individual borrowings.

This Policy similarly documents practices and describes various procedures and systems designed to ensure compliance with Continuing Disclosure Agreements, by preparing and disseminating related reports and information and reporting "material events" for the benefit of the holders of the District's obligations and to assist the Participating Underwriters (within the meaning of the Rule) in complying with the Rule.

The District recognizes that compliance with pertinent law is an on-going process, necessary during the entire term of the obligations, and is an integral component of the District's debt management. Accordingly, the analysis of those facts and implementation of the Policy will require on-going monitoring and consultation with bond counsel and the District's accountants and advisors.

The Director of Finance and Facilities shall be responsible for developing, maintaining and following written procedures and/or an Administrative Rule for monitoring post-issuance compliance.

The compliance officer is authorized to obtain the assistance of the following in carrying out necessary functions under this policy:

1. Bond Counsel – the District's legal counsel that assists in the bond issuance
2. External Financial Advisors – the District's accounting firm or other financial advisor
3. Bond Paying Agent/Trustee
4. Rebate Analyst

#### **General Procedures for Post-Issuance Compliance**

1. The Director of Finance and Facilities (the "Compliance Officer") shall be responsible for monitoring post-issuance compliance issues.
2. The Compliance Officer will coordinate procedures for record retention and review of such records.
3. All documents and other records relating to Obligations issued by the Issuer shall be maintained by or at the direction of the Compliance Officer. In maintaining such documents and records, the Compliance Officer will comply with applicable Internal Revenue Service ("IRS") requirements.
4. The Compliance Officer shall be aware of options for voluntary corrections for failure to comply with post-issuance compliance requirements (such as remedial actions under Section 1.141-12 of the Treasury Regulations (the "Treasury Regulations") and the Treasury's Tax-Exempt Bonds Voluntary Closing Agreement Program) and take such corrective action when necessary and appropriate.
5. The Compliance Officer will review post-issuance compliance procedures and systems on a periodic basis, but not less than annually.

### **Issuance of Obligations - Documents and Records**

With respect to each issue of Obligations, the Compliance Officer will:

1. Obtain and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents (the "Transcript").
2. Confirm that bond counsel has filed the applicable information report (e.g., Form 8038, Form 8038-G, Form 8038-CP) for such issue with the IRS on a timely basis.
3. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations with other applicable staff members of the Issuer.

### **Arbitrage**

The following procedures relate to the monitoring and calculating of arbitrage and compliance with specific arbitrage rules and regulations. The Compliance Officer will:

1. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the Transcript.
2. Confirm that a computation of the yield on such issue from the Issuer's financial advisor or bond counsel (or an outside arbitrage rebate specialist) is contained in the Transcript.
3. Maintain a system for tracking investment earnings on the proceeds of the Obligations.
4. Coordinate the tracking of expenditures, including the expenditure of any investment earnings. If the project(s) to be financed with the proceeds of the Obligations will be funded with multiple sources of funds, confirm that the Issuer has adopted an accounting methodology that maintains each source of financing separately and monitors the actual expenditure of proceeds of the Obligations.
5. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. This procedure shall include an examination of the expenditures made with proceeds of the Obligations within 18 months after each project financed by the Obligations is placed in service and, if necessary, a reallocation of expenditures in accordance with Section 1.148-6(d) of the Treasury Regulations.
6. Monitor compliance with the applicable "temporary period" (as defined in the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.
7. Ensure that investments acquired with proceeds of such issue are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.
8. Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.

9. Consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions or investments in guaranteed investment contracts.
10. Identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.
11. Monitor compliance with six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.
12. Procure a timely computation of any rebate liability and, if rebate is due, to file a Form 8038-T and to arrange for payment of such rebate liability.
13. Arrange for timely computation and payment of "yield reduction payments" (as such term is defined in the Code and Treasury Regulations), if applicable.

### **Private Activity Compliance**

The following procedures relate to the monitoring and tracking of private uses and private payments with respect to facilities financed with the Obligations. The Compliance Officer will:

1. Maintain records determining and tracking facilities financed with specific Obligations and the amount of proceeds spent on each facility.
2. Maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.
3. Maintain records allocating to a project financed with Obligations any funds from other sources that will be used for otherwise non-qualifying costs.
4. Monitor the expenditure of proceeds of an issue and investment earnings for qualifying costs.
5. Monitor private use of financed facilities to ensure compliance with applicable limitations on such use. Examples of potential private use include:
  - o Sale of the facilities, including sale of capacity rights;
  - o Lease or sub-lease of the facilities (including leases, easements or use arrangements for areas outside the four walls, e.g., hosting of cell phone towers) or leasehold improvement contracts;
  - o Management contracts (in which the Issuer authorizes a third party to operate a facility, e.g., cafeteria) and research contracts;
  - o Preference arrangements (in which the Issuer permits a third party preference, such as parking in a public parking lot);
  - o Joint-ventures, limited liability companies or partnership arrangements;
  - o Output contracts or other contracts for use of utility facilities (including contracts with large utility users);
  - o Development agreements which provide for guaranteed payments or property values from a developer;
  - o Grants or loans made to private entities, including special assessment agreements; and
  - o Naming rights arrangements.
6. Monitoring of private use should include the following:
  - o Procedures to review the amount of existing private use on a periodic basis; and
  - o Procedures for identifying in advance any new sale, lease or license, management contract, sponsored research arrangement, output or utility contract, development agreement or other arrangement involving private use of financed facilities and for obtaining copies of any sale agreement, lease, license, management contract, research arrangement or other arrangement for review by bond counsel.

If the Compliance Officer identifies private use of facilities financed with tax-exempt or tax-advantaged debt, the Compliance Officer will consult with the Issuer's bond counsel to determine whether private use will adversely affect the tax status of the issue and if so, what remedial action is appropriate. The Compliance Officer should retain all documents related to any of the above potential private uses.

### **Qualified Tax-Exempt Obligations**

If the Issuer issues "qualified tax-exempt obligations" in any year, the Compliance Officer shall monitor all tax-exempt financings (including lease purchase arrangements and other similar financing arrangements and conduit financings on behalf of 501(c)(3) organizations) to assure that the \$10,000,000 "small issuer" limit is not exceeded.

### **Federal Subsidy Payments**

The Compliance Officer shall be responsible for the calculation of the amount of any federal subsidy payments and the timely preparation and submission of the applicable tax form and application for federal subsidy payments for tax-advantaged obligations such as Build America Bonds, New Clean Renewable Energy Bonds and Qualified School Construction Bonds.

### **Reissuance**

The Compliance Officer will identify and consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

### **Record Retention**

The following procedures relate to retention of records relating to the Obligations issued. The Compliance Officer will:

1. Coordinate with staff regarding the records to be maintained by the Issuer to establish and ensure that an issue remains in compliance with applicable federal tax requirements for the life of such issue.
2. Coordinate with staff to comply with provisions imposing specific recordkeeping requirements and cause compliance with such provisions, where applicable.
3. Coordinate with staff to generally maintain the following:
  - The Transcript relating to the transaction (including any arbitrage or other tax certificate and the bond counsel opinion);
  - Documentation evidencing expenditure of proceeds of the issue;
  - Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation.
  - Documentation evidencing use of financed property by public and private entities (e.g., copies of leases, management contracts, utility user agreements, developer agreements and research agreements);
  - Documentation evidencing all sources of payment or security for the issue; and
  - Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, SLGs subscriptions, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).
4. Coordinate the retention of all records in a manner that ensures their complete access to the IRS.
5. Keep all material records for so long as the issue is outstanding (including any refunding), plus seven years.

### **Continuing Disclosure**

Under the provisions of SEC Rule 15c2-12 (the "Rule"), Participating Underwriters (as defined in the Rule) are required to determine that issuers (such as the Issuer) have entered into written Continuing Disclosure Agreements to make ongoing disclosure in connection with Offerings subject to the Rule. Unless the Issuer is exempt from compliance with the Rule or the continuing disclosure provisions of the Rule as a result of certain permitted exemptions, the Transcript for each issue of related obligations will include a Continuing Disclosure Agreement executed by the Issuer.

In order to monitor compliance by the Issuer with its Continuing Disclosure Agreements, the Compliance Officer will take the actions listed below, if and as required by such Continuing Disclosure Agreements. The Compliance Officer may coordinate with staff, and may engage a dissemination agent, counsel, and/or other professionals to assist in discharging the Compliance Officer's duties under these Procedures as the Compliance Officer deems necessary.

### **Compilation of Currently Effective Continuing Disclosure Agreements**

The Compliance Officer shall compile and maintain a set of all currently effective Continuing Disclosure Agreements of the Issuer. Such agreements are included in the transcript of proceedings for the Issuer's respective bond or note issue. Continuing Disclosure Agreements are "Currently Effective" for purposes of these Procedures (and hence shall be included in the set of Currently Effective Continuing Disclosure Agreements) for so long as the bonds or notes to which they relate are outstanding. As bonds or notes are completely repaid or redeemed, the Compliance Officer shall remove the related continuing disclosure agreements from the set of Currently Effective Continuing Disclosure Agreements.

### **Annual Review and Annual Reporting Requirements**

The Compliance Officer shall ensure that all necessary financial statements, financial information and operating data is filed in the manner and by the filing dates set forth in the Currently Effective Continuing Disclosure Agreements. The Compliance Officer shall review the set of Currently Effective Continuing Disclosure Agreements annually, prior to each annual filing, keeping in mind:

The financial information and operating data required to be reported under a particular Continuing Disclosure Agreement may differ from the financial information and operating data required to be reported under another Continuing Disclosure Agreement; an

The timing requirements for reporting under a particular Continuing Disclosure Agreement may differ from the timing requirements for filing under another Continuing Disclosure Agreement.

### **Calendar; EMMA Notification System**

The Compliance Officer shall keep a calendar of all pertinent filing dates required under the Issuer's Currently Effective Continuing Disclosure Agreements. The Compliance Officer shall also subscribe to notification services made available through the EMMA system.

### **Annual Review of Prior Filings**

As part of the annual review process, the Compliance Officer shall also review prior filings made within the past five years subsequent to the last such review of prior filings. If the Compliance Officer discovers any late or missing filings, the Compliance Officer (after discussing the circumstances with the Issuer's dissemination agent, counsel or other agents as necessary) shall "remedy" such prior failures by ensuring that the missing information is filed.

### **Monitoring of Material Events**

The Compliance Officer shall monitor the occurrence of any of the following events and/or other events set forth in the Currently Effective Continuing Disclosure Agreements and shall provide notice of the same in the required manner and by the relevant reporting deadline (within 10 business days of the occurrence):

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Issuer's bonds or notes, or other material events affecting the tax status of the Issuer's bonds or notes;
7. Modification to rights of holders of the Issuer's bonds or notes, if material;
8. Calls of the Issuer's bonds or notes, if material, and tender offers; Defeasances of the Issuer's bonds or notes;
9. Release, substitution or sale of property securing repayment of the Issuer's bonds or notes, if material;
10. Rating changes;
11. Bankruptcy, insolvency, receivership or similar event of the Issuer;

12. The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
13. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
14. Incurrence of a Financial Obligation of the Issuer, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Issuer, any of which affect holders of the securities, if material; and
15. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer, any of which reflect financial difficulties.

"Financial Obligation" means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term Financial Obligation shall not include municipal securities as to which a final official statement has been provided through the EMMA system consistent with the Rule.

### **Review of Official Statements**

The Compliance Officer shall review drafts of any Official Statement for a new offering or bonds or notes, with assistance from its dissemination agent, counsel or other agents of the Issuer as necessary, and shall determine that the Official Statement accurately and completely describes the Issuer's continuing disclosure compliance history within the five years prior to the date of the respective Official Statement. This compliance review is not meant to limit the Issuer's other reviews of or diligence procedures relating to its Official Statements.

### **Record Retention**

The Compliance Officer shall retain documentation evidencing the Issuer's annual reviews and its reviews of Official Statements in connection with new offerings as set forth above. This Issuer shall retain this documentation, for each Continuing Disclosure Agreement, for the period that the related bonds or notes are outstanding.

### **Annual Review Checklist**

The Compliance Officer may (or may not) choose to use and retain the attached Annual Review Checklist to assist in implementing these Procedures.

### **Succession Plan**

The Compliance Officer shall have a succession plan and shall train his/her successor regarding the required Procedures prior to departing the Issuer.

### **RFSD Policy 2025**

**[DRAFTING NOTE: Final Policy should be reviewed by District Bond Counsel.]**

The School Board may, from time to time, issue bonds and other obligations. These interests are excludable from gross income for Federal income tax purposes or are excludable from interest that is paid in whole or in part by the Federal government or which bonds otherwise enjoy certain preferential treatment under the Internal Revenue Code of 1986, as amended, (the "code") or regulations developed implementing the Code (the "regulations"). Such obligations may include tax exempt obligations and/or obligations eligible for tax credits (direct subsidies to the School District or tax credits to bond owners). All such tax exempt obligations or tax advantaged obligations are referred to herein as "Obligations," whether in the form of general obligation bonds, revenue bonds, bond anticipation notes, tax anticipation notes, lease purchase obligations, installment purchase obligations, or otherwise.

This policy documents practices and describes various procedures and systems designed to identify, on a timely basis, facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continues to be eligible to be excluded from gross income for Federal income tax purposes or that the Obligations continue to receive tax advantaged treatment. The Federal tax law requirements applicable to each issue of Obligations will be detailed in the nonarbitrage or tax compliance certificate prepared by bond counsel (the "Tax Certificate") and signed by officials of the District and the post closing compliance checklist provided by bond counsel with respect to such issue. This policy establishes a permanent, ongoing structure of practices and procedures that will facilitate compliance with the Code, Treasury Regulations, and SEC Rule 15c2-12 (the "Rule").

The School Board recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an ongoing process, necessary during the entire term of the Obligations, and is an integral component of the District's debt management. Accordingly, the analysis of those facts and implementation of this Policy will require ongoing monitoring and consultation with an attorney experienced in legal work relating to the issuance of tax exempt obligations or tax-advantaged obligations ("Bond Counsel") and the District's accountants.

This policy doesn't address any post-issuance compliance requirements under State law. Nor is this policy a substitute, or a replacement, for any Tax Certificate or a post-issuance compliance checklist relating to specific Obligations. The District is responsible for compliance with any such Tax Certificate or post-issuance compliance checklist.

This policy may be modified, expanded, abridged, or otherwise amended only by the School Board upon consultation with the District's attorney and Bond Counsel, but without any notice to or consent from any trustee, bondholder, or any other person.

The general purpose of the policies set forth herein is to ensure compliance with post-issuance Federal tax requirements generally falling into the following two (2) categories:

**A. Qualified Use of Proceeds and Financed Property**

Qualified use requirements generally require monitoring of the various direct and indirect uses of bond-financed property over the life of the bonds and calculations of the percentage of nonqualified uses.

**B. Arbitrage Yield and Rebate**

Arbitrage requirements also require monitoring over the life of the bonds to determine whether the yield on investments acquired with bond proceeds are properly restricted and the District must file Form 8038-T to pay a yield reduction payment and/or rebate payment.

**Responsible Official**

The School Board designates the ( ) School Board President ( ) District Administrator ( ) Business Manager Director of Finance and Facilities **[END OF OPTION]** as the Bond Compliance Officer with primary responsibility in post-issuance compliance. The compliance officer is authorized to obtain the assistance of the following in carrying out necessary functions under this policy:

- A. ( ) Bond Counsel — the District's legal counsel that assists in the bond issuance
- B. ( ) External Financial Advisors — the District's accounting firm or other financial advisor
- C. ( ) Bond-Paying Agent/Trustee
- D. ( ) Rebate Analyst

All personnel that are responsible for ensuring post-issuance compliance with the tax rules must receive training or educational resources, as determined appropriate by the Bond Compliance Officer.

**Post-Issuance Duties**

The Bond Compliance Officer will engage in a detailed review of post-issuance tax compliance with the tax rules to identify instances of noncompliance and prevent violations from occurring, or timely correct identified violations, if possible. When failures to comply with post-issuance compliance requirements are identified, the Bond Compliance Officer will promptly consult with bond counsel to determine if remedial action is available or if some other action is required.

**Private Use**

Bond-financed projects are subject to rules and limitations on private use. Private use includes non-governmental activity through leases, management agreements, research agreements, and other types of activity in which a non-governmental entity obtains a benefit or interest in the bond-financed project beyond that normally provided to the public. In the event such special usage is contemplated, the Bond Compliance Officer must assure compliance with applicable tax regulations.

**Use of Bond Proceeds**

The Bond Compliance Officer will assure that bond funds are used for the purpose for which the bond issue is authorized and that any project with a combination of authorized expenses from bond proceeds and other funds results in expenses paid for with bond proceeds that are clearly identified and properly recorded.

The Bond Compliance Officer must assure that investment activities are conducted at fair market value and may employ bidding procedures to establish a safe harbor. The Bond Compliance Officer will be aware of any yield restrictions on any bond issue and monitor such. In the event that reimbursement is required, the Bond Compliance Officer will work with the District's advisors to complete and record those transactions and to assure proper filings with the IRS.

### **Recordkeeping Requirements**

The Bond Compliance Officer is responsible for the maintenance of records relating to the bond financings and for the transfer of all such records to their successor. In the event that different persons are responsible for different aspects of compliance with the tax rules (for example, the investment of bond proceeds and expenditure of bond proceeds on projects), the Bond Compliance Officer will assure coordination with all involved and retention of complete records. The following records, as applicable, will be retained:

- A. audited financial statements of the School District throughout the period of the bond issue
- B. appraisals, surveys, and studies pertaining to the facilities financed with the proceeds of bonds, as well as any and all contracts entered into for the construction, renovation, or purchase of bond-financed facilities
- C. all public discourse concerning the bonds, including informative materials distributed by the District, as well as other publications, such as third-party studies, newspaper articles, etc.
- D. paying Agent or trustee statements
- E. all records regarding the management of bond funds, including investments and the gains (or losses) from such investments; and including specifically trustee statements regarding investments, investment contracts, or other such instruments
- F. School Board resolutions authorizing reimbursement of bond funds or earned interest, and accounting of any such disbursements
- G. ledger of bond expenditures (including costs of issuance) and the dates and amounts of such expenditures (including requisitions, draw schedules, draw requests, invoices, bills, and canceled checks with respect to such expenditures)
- H. records of the sale of any bond-financed facilities, including School Board resolutions, sales documents, and accounting of proceeds, from such sale
- I. record of any private business uses of bond-financed facilities after the issue, including leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other arrangements which provide special legal entitlements to nongovernmental persons or entities
- J. arbitrage rebate reports and records of rebate and yield reduction payments, if any
- K. resolutions or minutes of School Board meetings at which any action was taken by the School Board pertaining to the bond issue or subsequent treatment, including any formal elections under the Code or Regulations
- L. copies of each Form 8038-T and Form 8038-R filed with the IRS and any other forms or documents filed with the IRS, and
- M. any other documents or School Board minutes regarding the Bond issue, financing, facilities, investments, reimbursements, governmental review reports, etc.

The School Board may also enter into a contract with a third party to assist the District in complying with its continuing disclosure obligations.

Records of appraisals, surveys, and studies pertaining to the facilities financed with the proceeds of bonds, as well as any and all contracts entered into for the construction, renovation, or purchase of bond-financed facilities, as applicable, will be retained.





Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	DEBT MANAGEMENT
Code	po6147 4/28
Status	
Legal	67, Wis Stats. 67, Wis. Stats.

## 6147 - DEBT MANAGEMENT

### Statement of Purpose

The purpose of the Debt Management Policy is to establish and maintain well-defined debt management guidelines for issuing new debt as well as managing outstanding debt to sustain a strong debt management program.

### Scope

The Debt Management Policy applies to all debt instruments issued by the District, regardless of the purpose for which issued or the funding source for repayment.

### Objective

The primary objective is to ensure prudent debt management practices which:

- A. maintain financial stability;
- B. preserve public trust;
- C. minimize or stabilize costs to taxpayers;
- D. preserve access to financial markets;
- E. demonstrate adequate administrative oversight of debt program to credit rating agencies.

### Types of Authorized Debt

The Constitution and laws of the State of Wisconsin limit the power of the District to issue obligations and to contract indebtedness. The District may not borrow money or issue notes or bonds therefore for any purpose except those specified by statute and may only incur indebtedness as prescribed by law.

### Bond or Note Anticipation Notes

In anticipation of issuing general obligation bonds or notes, the District is authorized to borrow money using bond or note anticipation notes. The bond or note anticipation notes will in no event be general obligations of the District, and do not constitute an indebtedness of the District, nor a charge against its general credit or taxing power. The bond or note anticipation notes are payable only from (a) proceeds of the bond or note anticipation notes set aside for payment of interest on the bond or note anticipation notes as they become due, and, (b) proceeds to be derived from the issuance and

sale of general obligation bonds or notes which proceeds are pledged for the payment of the principal of and interest on the bond or note anticipation notes. The maximum term of any bond or note anticipation notes (including any refunding) is five (5) years.

### **General Obligation Bonds**

The principal amount of every sum borrowed by the District and secured by an issue of bonds may be payable at one time in a single payment or at several times in two (2) or more installments; however, no installment may be made payable later than the termination of twenty (20) years immediately following the date of the bonds. The School Board is required to levy a direct, annual, irrevocable tax sufficient in amount to pay the interest on such bonds as it falls due and also to pay and discharge the principal thereof at maturity. Bonds issued by the District to refinance or refund outstanding notes or bonds issued by the District may be payable no later than twenty (20) years following the original date of such notes or bonds.

### **Refunding Bonds**

In addition to being authorized to issue bonds, the District is authorized to borrow money using refunding bonds for refunding existing debt. To evidence such indebtedness, the District must issue to the lender its refunding bonds (with interest) payable within a period not exceeding twenty (20) years following the initial date of the debt to be refunded. Such refunding bonds constitute a general obligation of the District. Refunding bonds are not subject to a referendum.

### **General Obligation Promissory Notes**

In addition to being authorized to issue bonds, the District is authorized to borrow money using notes for any public purpose. To evidence such indebtedness, the District must issue to the lender its promissory notes (with interest) payable within a period not exceeding twenty (20) years following the date of said notes. Such notes constitute a general obligation of the District. Notes issued to refinance or refund outstanding promissory notes must be payable within ten (10) years and no later than twenty (20) years.

### **Temporary Borrowing**

The School Board may, on its own motion, borrow money in such sums as may be needed to meet the immediate expenses of maintaining the schools in the District during the then-current school year. No such loan or loans will be made to extend beyond November 1 of the following year or in any amount exceeding one-half (1/2) of the estimated receipts for the operation and maintenance of the District for the current school year in which the loan is made.

### **Procedures for Borrowing**

Whenever the School Board engages in borrowing outside of borrowing authorized by referendum approved on the School Board's initiative, the School Board will determine the method it will use for borrowing, including short-term borrowing, establishing a line of credit, or other forms of borrowing. The School Board designates the ~~the Director of Finance and Facilities~~ ~~( ) District Administrator~~ ~~( ) Business Manager~~ ~~( ) \_\_\_\_\_~~ to prepare ~~or cause bond counsel to prepare~~ all necessary instruments and resolutions for School Board approval. All procedures and required School Board action will be consistent with applicable legal authority for borrowing, including solicitations of bids from potential lenders. Such borrowing will be in accordance with the provisions of Chapter 67 of the Wisconsin Statutes.

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Book Neola Policy Templates for Processing  
 Section 6000 Finances Templates  
 Title PURCHASING  
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 Legal 120.12(24), 66.0133, Wis. Stats.  
 2 C.F.R. Section 200.213; 200.318 - 200.326  
 48 C.F.R. Section 9.4

**6320 - PURCHASING**

Procurement of all supplies, materials, equipment, and services paid for from District funds will be made in accordance with all applicable Federal and State statutes, **and School Board policies,** ~~and administrative guidelines.~~ Standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts are established in Policy 1130, ~~Policy 3230,~~ ~~and~~ Policy 4230 – Ethics and Conflict of Interest.

All procurement transactions will be conducted in a manner that encourages full and open competition and in accordance with good administrative practice and sound business judgment.

It is the policy of the **School Board** that the ~~District Administrator~~ **Superintendent** seek at least **two** ~~(2)~~ **[INSERT NUMBER]** price quotations on purchases of more than \$ ~~50,000~~ **[INSERT DOLLAR AMOUNT]** for a single item, except in cases of **a single vendor,** emergency, or when the materials purchased are of such a nature that price negotiations would not result in a savings to the District.

**Competitive Bids**

Purchase of and contract for projects will be subject to a competitive bid process as and when required by law. **The School Board reserves the right to reject any and all bids.**

~~When the purchase of, and contract for, single items of supplies, materials, or equipment is reasonably anticipated to reach the amount of \$250,000~~ **[INSERT DOLLAR AMOUNT]** or more, the ~~Director of Finance and Facilities~~ **Director of Finance and Facilities** will obtain competitive bids. **[END OF OPTION]**

~~Bids will be sealed and will be opened by the~~ **Director of Finance and Facilities** ~~in the presence of at least one (1) witness. A bidder may be required to submit a sworn statement regarding:~~

- A. financial ability to complete the contract, including the posting of a bond where appropriate or required;
- B. nature and quality of equipment to be used in performing the contract;
- C. experience and past performance in performing the contract;
- D. such other information the District deems relevant to the protection and welfare of the public in the performance of the contract or that are required by applicable law.

Such statements will be delivered to the District no later than five (5) **business** days prior to the bid opening, or as directed by the applicable RFP, and will be kept confidential by the District, except upon the written order of the person submitting the statement or on behalf of whom the statement is submitted, for the necessary use by the District in qualifying the person/bidder or the District. The statements will be reviewed and the bidder notified if it is qualified to submit a bid.

**[END OF OPTION]**

**Purchasing Items with Federal Grant Funds (See also Policy 6325 - Procurement - Federal Grants/Funds)**

When purchasing items with Federal funds, a District will:

- A. give consideration to whether separating or combining purchases will provide for a more cost-effective approach to avoid acquisition of unnecessary or duplicative items;
- B. where appropriate, conduct an analysis of lease versus purchase options, and the most economical and beneficial method will be pursued;
- C. conduct an evaluation of the availability and feasibility of entering into intergovernmental agreements to procure the goods or services required on a shared basis;
- D. in the case of a time and material contract, make a determination that no other arrangement is suitable and that the contract places a ceiling price that protects the District.

**General Provisions**

~~The District Administrator Superintendent is authorized to purchase all items within budget allocations. ( ) For additional information on hiring consultants, see Policy 8125 - Consultants. [END OF OPTION] The Board reserves the right to reject any and all bids.~~

~~[ ] Contracts can be awarded by the Superintendent \_\_\_\_\_ without School Board approval for any single item or group of identical items costing less than \$\_\_\_\_\_250,000 [INSERT DOLLAR AMOUNT]. All other contracts, if not included in the approved budget or an amendment or revision to the budget, require School Board approval prior to purchase. [END OF OPTION]~~

~~[ ] The Board will be informed of the terms and conditions of all competitive bids and will award contracts as a consequence of such bids.~~

~~The District Administrator is authorized to purchase all items within budget allocations. ( ) For additional information on hiring consultants, see Policy 8125 - Consultants. [END OF OPTIONS]~~

~~[ ] The School Board should be advised, for prior approval, of all purchases of equipment, materials, and services when the purchase~~

~~(-) was not contemplated during the budgeting process.~~

~~(-) exceeds the~~

~~(-) line item by the \_\_\_\_\_ or %; or~~

~~(-) varies materially from the function or scope as budgeted.~~

**[END OF OPTION]**

~~[ ] The District Administrator Superintendent is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the schools in operation. Such purchases will be brought to the School Board's attention at the next regular meeting. [END OF OPTION]~~

~~Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped will be made a part of the bid specifications.~~

~~Before the \_\_\_\_\_ places a purchase order, the \_\_\_\_\_ s/he will~~

~~(-) have the \_\_\_\_\_~~

~~check whether: (a) the proposed purchase is subject to bid;; (b) whether sufficient funds exist in the budget; and (c) the goods or services might be available elsewhere in the District. [ ] All purchase orders will be numbered consecutively. [END OF OPTION]~~

[ ] In the interests of economy, fairness, and efficiency in its business dealings, the School Board requires that:

- A. ~~( )~~ items commonly used in the various schools or units thereof, be standardized whenever consistency with educational goals can be maintained;
- B. ~~( )~~ opportunity be provided to as many responsible suppliers as possible to do business with the School-District;
- C. ~~( )~~ a prompt and courteous reception, insofar as conditions permit, be given to all who call on legitimate business matters;
- D. ~~( )~~ where the requisitioner has recommended a supplier, the \_\_\_\_\_ Director of Finance and Facilities may make suggestion alternatives to the requisitioner if, in the \_\_\_\_\_ Director's his/her judgment, better service, delivery, economy, or utility can be achieved by using a different supplier;
- E. ~~( )~~ upon the placement of a purchase order, the \_\_\_\_\_ Director of Finance and Facilities will commit the expenditure against a specific line item to guard against the creation of liabilities in excess of appropriations.

~~[END OF OPTION]~~

~~[ ] The District Administrator Superintendent will determine the maximum expenditure allowed without a properly signed purchase order. [END OF OPTION]~~

~~[ ] Employees may be held personally responsible for anything purchased without a properly signed purchase order or authorization. [END OF OPTION]~~

The School Board may acquire office equipment by lease, installment payments, lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the specific terms, including price, of such a purchase.

### Debarred Contractors Excluded

The District will not award any contract, agreement, or subcontract for goods or services to any party that has been suspended or debarred from receiving contracts or subcontracts by the Federal Acquisition Regulations (FAR).

~~For any contract or subcontract with a value in excess of \$25,000, the District will ( ) [OPTION #1] verify that the contractor or subcontractor and any principle is not listed on the General Services Administration's list of debarred or suspended contractors in the Excluded Parties Listing System (EPLS) [END OF OPTION #1] ( ) [OPTION # 2] require that each such contractor or subcontractor obtain certification from the General Service Administration that it is not a suspended or debarred contractor [END OF OPTION #2] ( ) [OPTION # 3] include a provision in the contract or as a condition of any subcontract award that the contracting party attest that it is not at the time of contracting a suspended or debarred party under the Federal Acquisition Regulations [END OF OPTION #3] and that, if at any time during performance of the services or delivery of goods in the applicable contract, said contractor or subcontractor should be identified as a suspended or debarred entity by the General Services Administration, the contractor or subcontractor will immediately notify the District of that fact, which will serve as sufficient grounds to terminate the contract as the District determines is appropriate.~~

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Book Neola Policy Templates for Processing  
 Section 6000 Finances Templates  
 Title ACCOUNTABILITY AND OVERSIGHT OF FUNDRAISER DISBURSEMENTS  
 Code po6608 - 3/25  
 Status  
 Legal Governmental Accounting Standards Board (GASB) Statement No. 84

**6608 - ACCOUNTABILITY AND OVERSIGHT OF FUNDRAISER AND CROWDFUNDING DISBURSEMENTS**

The School Board recognizes that the proper accounting, oversight, and transparency of all disbursements from fundraisers and crowdfunding campaigns organized by students or parent groups for the purpose of providing benefits to the District’s programming or facilities must be in alignment with applicable Federal and State accounting standards. Proper documentation and reporting are essential for compliance with the Governmental Accounting Standards School Board Statement No. 84 (GASB 84) and Federal reporting requirements

Fundraisers and crowdfunding campaigns conducted and organized by students, parent groups, and other private entities will meet the compliance, accounting, and reporting requirements established herein. Parent groups may include Parent Teacher Associations (PTAs), Parent Teacher Organizations (PTOs), Educational Foundations, Booster clubs, and/or other private entities established for the benefit of the District, school, or a school organization. (See also Policy 5830 – Student Fundraising, Policy 9211 – District Support Organizations)

**Definitions**

For purposes of this policy, the following terms will be defined as:

Custodial Funds: Funds held and managed by the school district for student activities under GASB 84.

Noncustodial Funds: Funds raised and managed independently by parent groups or private organizations.

~~F-33 Federal Financial Form Line 19: The line on the annual, mandated federal report that is required to detail the “Contributions and Donations From Private Sources,” which includes revenue associated with private donations, stipends, or on-behalf payments through fundraising activities. (Financial Accounting for Local and State School Systems: 2014 Edition)~~

~~**[DRAFTING NOTE: As identified above, private sources include, but are not limited to: School Support Organizations, including Educational Foundations, PTA/PTO organizations, Booster Clubs, and any other private entity that has been established for the benefit of the District, school, or a school organization.]**~~

**Accounting and Compliance Requirements – Custodial Funds**

A. Student-Organized Fundraising

Funds raised by students whose funds are managed by the District are classified as custodial funds. All funds collected must be deposited into the District’s custodial accounts and proper accounting and General Ledger code attribution is recommended.

Disbursements from the custodial accounts must be properly documented with receipts and expenditure records.

~~( ) A profit and loss revenue and expense report must be prepared and submitted to the Director of Finance and Facilities ( ) Principal ( ) \_\_\_\_\_ [END OF OPTION] within ten (10) business days following the close of the fundraiser. The profit and loss report of each fundraiser will be approved by the Director of Finance and Facilities ( ) District Administrator ( ) \_\_\_\_\_ [END OF OPTION].~~

~~As defined in the Financial Accounting for Local and State School Systems: 2014 Edition all revenues and expenditures from student fundraising must be included on the F-33 Federal Financial Report. This data is collected through the District's Annual Report to the Department of Public Instruction (DPI).~~

#### B. Parent Group-Organized Fundraising (Non-Custodial Funds)

Funds raised by parent groups and/or other private individuals are considered non-custodial funds under GASB 84.

~~( ) Even though the funds raised by parent groups and/or other private individuals are non-custodial, parent groups are required to prepare and submit a profit and loss report for each fundraiser, donation or crowdfunding campaign.~~

~~( ) The report submitted will also include:~~

- ~~1. Total funds raised with explanation of use of proceeds.~~
- ~~2. Detailed listing of expenditures with receipts.~~
- ~~3. Description of disbursements to school district personnel, such as stipends or payments.~~
- ~~4. Description of disbursements to schools directly. Reports must be submitted to the ( ) Principal ( ) school bookkeeper ( ) \_\_\_\_\_ [END OF OPTION] within fifteen (15) business days of the fundraiser's conclusion. The report of each fundraiser will be approved by the ( ) Principal ( ) \_\_\_\_\_ [END OF OPTION].~~

Any disbursements to the school or District must follow the established procedures for gifts to the District. (See also Policy 7230 – Gifts, Grants & Bequests)

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

#### **District Oversight**

~~( ) All reports will be available for the ( ) \_\_\_\_\_ to review, approve, implement appropriate financial controls and maintain necessary record keeping. [END OF OPTION]~~

~~( ) These reports should be available in a format that enables web-based access, and can generate reporting of financial transactions as needed and both by program, source, or group, as well as in an aggregating manner to improve transparency and facilitate compliant reporting. [END OF OPTION]~~

Disbursements that include payments on behalf of the school district (e.g., purchase of equipment) must also be properly categorized in required annual reporting.

Failure to comply with this policy may result in suspension or restrictions to fundraising activities of a student group, foundation, parent organization, and/or other private entity. Improper reporting will result in additional audits or financial reviews of the offending organization's financial records. The ~~( ) School Board ( ) District Administrator Superintendent ( ) \_\_\_\_\_ [END OF OPTIONS]~~ may impose other corrective actions that are necessary and appropriate to protect the integrity of the School Board's financial operations and to meet the financial reporting standards.