



Book	Policy Manual
Section	500 Series: Personnel
Title	Equal Opportunity Employment and Nondiscrimination
Code	511
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The Seymour Community School District is an equal opportunity employer. The School Board's goal and expectation is that the District shall maintain policies, practices, and a workplace environment that (1) do not unlawfully discriminate against any employee or applicant for employment, and (2) facilitate a timely, appropriate, and proportionate response to any complaint, report, or concern regarding possible unlawful discrimination in employment. The District's commitment to nondiscrimination and to taking appropriate corrective action when needed encompasses all aspects of employment and personnel administration, including recruitment, hiring, training, assignments, compensation, evaluation, and discipline.

Accordingly, the District shall not unlawfully discriminate against any employee or applicant for employment on the basis of disability, race, color, ancestry, national origin, citizenship, sex (including sex-based stereotypes and an employee's transgender status), sexual orientation, marital status, pregnancy (including childbirth and medical conditions related to pregnancy or childbirth), age, religion, creed, political or religious affiliation, arrest or conviction record, military service, use or nonuse of a lawful product off school premises during nonworking hours, declining to attend a meeting or to participate in any communication about religious matters or political matters, the authorized use of family or medical leave or worker's compensation benefits, genetic information, or any other basis prohibited by applicable law.

Additional District policies, including [Board Policy 113 and Board Policy 512], further address equal employment opportunities and the District's prohibition against employment-related discrimination and prohibited retaliation.

In the pursuit of providing an appropriate workplace environment that is free from unlawful discrimination (including harassment) the District reserves all discretion and authority to receive reports of, investigate, intervene in, and implement an appropriate response for:

- The conduct of District officials, District employees, and certain non-employees (contractors, volunteers, vendors, visitors, etc.) that may constitute or that could reasonably contribute to a finding of unlawful discrimination affecting a District employee or applicant for employment.
- Conduct by a District official or employee that occurs while off-duty or away from a District workplace that has a legally-sufficient connection to District employment or to a District workplace (e.g., while off-duty, a supervisor sexually harasses a District employee).
- Workplace-related conduct by District officials or employees that the District determines (1) has no legitimate business purpose and improperly interferes with the efficient operation of the District; (2) improperly interferes with the work, education, or well-being of others; or (3) violates any Board policy or any other legitimate District work rule, directive, or expectation, even when such conduct may not be connected to a legally-protected status or prohibited by law.

**Accommodations.** Applicants and employees may submit requests for accommodations based on any of the following reasons, or otherwise identify a potential need for such accommodations, by contacting the District's Equal Employment Opportunity Officer or the employee's immediate supervisor:

- **Disability.** To the extent required by law, the District will make reasonable accommodations in its employment practices for qualified individuals with a disability.
- **Pregnancy, Childbirth, and Related Conditions.** The District will make legally-required reasonable accommodations for a qualified employee or applicant who has a known limitation related to pregnancy, childbirth, or a related medical condition.
- **Religious Beliefs/Practices.** The District will reasonably accommodate the religious beliefs and practices of an employee to the extent required by law.

**Sex Discrimination under Title IX and other Laws.** As mandated by Title IX of the federal Education Amendments of 1972 ("Title IX") and the regulations set forth in Chapter 106 of Title 34 of the Code of Federal Regulations ("the federal Title IX regulations"), the District does not unlawfully discriminate on the basis of sex in any education program or activity that the District operates. Title IX's requirement not to discriminate in any education program or activity extends to District employment. Inquiries regarding how Title IX and the federal Title IX regulations apply to the District may be referred to a District Title IX Coordinator (as designated below), to the Assistant Secretary for Civil Rights at the U.S. Department of Education, or to both. In addition to Title IX, other state and federal laws also prohibit sex discrimination in employment. The scope and application of such other laws is not always identical to the scope and application of Title IX.

**Retaliation Prohibited.** The District prohibits and shall appropriately address reports or complaints of any alleged, unlawful retaliation that arise in connection with state and federal employment rights.

Further, no official, employee, or agent of the District or any other person may intimidate, threaten, coerce, or unlawfully discriminate against any individual (1) for the purpose of interfering with any right or privilege secured by any nondiscrimination statute or related regulation, or (2) because the individual has made a report or complaint, or testified, assisted, participated, or exercised a legal right to refuse to participate in any manner in an investigation or proceeding conducted under this policy or any other District nondiscrimination policy.

**Nondiscrimination Coordinator(s).** The staff member holding the following position serves as the District's designated Equal Employment Opportunities Coordinator (EEO Coordinator):

Director of Pupil Services  
10 Circle Drive  
Seymour, WI 54165  
(920) 833-2304  
mtubeszewski@seymour.k12.wi.us

In his/her capacity as the District's EEO Coordinator, the designated individual also serves as a District Title IX Coordinator for employment-related matters.

The coordinator(s) designated above have primary responsibility for coordinating the District's efforts to implement this policy and adhere to applicable nondiscrimination laws and regulations, including responding to inquiries about the application of nondiscrimination laws to the District and coordinating the District's investigation of and response to any complaint or report alleging noncompliance with, or acts in violation of, such laws and regulations.

**Submitting a Report or Complaint of Employment Discrimination.** The District is committed to the appropriate resolution of complaints and reports that allege (1) unlawful discrimination or a violation of a District nondiscrimination policy, including any form of prohibited harassment that is based on a legally-protected status; or (2) any type of retaliation that is prohibited by a nondiscrimination law or a District nondiscrimination policy.

Accordingly, unless otherwise specified by a state or federal law, **any person** (even if the person has not been directly affected by the alleged conduct or challenged policy) may report a concern or allegation of prohibited employment discrimination or prohibited retaliation under this policy to the District's EEO Coordinator using the contact information designated above and any of the following methods:

1. By U.S. mail, telephone or electronic mail, at any time;
2. By in-person delivery; or
3. By any other means that results in a designated coordinator actually receiving the person's verbal or written report.

In addition to their right to use the general reporting procedures listed above, an individual who is alleged to be the victim of conduct that could constitute sexual harassment under the federal Title IX regulations (i.e., a Title IX "complainant") may also file a "formal complaint" of "sexual harassment," as those terms are defined in [34 C.F.R. §106.30](#). Additional information about filing a formal complaint of Title IX sexual harassment, including the applicable requirements and procedures, can be found in Board Policy 113.

**Deadline for Submitting a Report or Complaint.** There is no absolute deadline for a person to submit a report or complaint under this policy. The District always has an interest in being made aware of potential concerns with prohibited discrimination, harassment, or retaliation. However, employees are expected to make such reports promptly, and any other person who has a complaint or concern involving such a matter is strongly encouraged to notify the District or pursue a complaint as soon as reasonably possible after the occurrence of the relevant events. A material gap in pursuing a complaint or concern can affect the extent to which it is practical to investigate the matter, and a delay may also limit the range of remedies and resolutions that are reasonably available. Further, it is important for employees to know that, under some circumstances, certain legal remedies for alleged discrimination may be unavailable if the employee fails to take timely action on his/her complaint or claim or unreasonably fails to take advantage of preventive or corrective opportunities (such as a complaint procedure) provided by the employer. If the District dismisses a report or complaint under this policy due to lack of timeliness, an actual party in interest may seek reconsideration of the decision to the extent provided under Board Policy 113.

**Complaint Procedures.** Except as provided in Board Policy 113 in connection with formal complaints of Title IX sexual harassment or as otherwise required by any law, a report or complaint identifying circumstances or allegations that could constitute employment-related discrimination or retaliation under this policy will be processed according to the discrimination complaint procedures that the District has established under this policy.

**Employee Obligation to Report Policy Violations.** Any District employee of the District who has knowledge of conduct by any other person that constitutes, or is reasonably suspected to constitute, unlawful discrimination in violation of a legal obligation of the District, or in violation of any District nondiscrimination policy, is responsible for promptly reporting such conduct. Similarly, a District employee who reasonably suspects that any District policy or District operating procedure unlawfully discriminates against any person is also responsible for promptly reporting that knowledge, claim, or concern. Such reports may be made using the general reporting methods identified in this policy. Alternatively, an employee may satisfy this reporting obligation by submitting the relevant report directly to the District Administrator, provided that the person to whom the report is made is someone other than a person who is alleged to be responsible for the reported discrimination. The administration is authorized to extend this same reporting expectation to certain non-employee authorized agents of the District.

**Confidentiality.** Confidentiality and anonymity cannot be guaranteed with respect to employment discrimination matters that arise under applicable law and District policy. The District's legal obligations and/or the District's ability to appropriately process and respond to a report, complaint, or incident may result, directly or indirectly, in the disclosure of particular events and identities. However, the District will maintain the confidentiality of relevant records and information to the extent mandated by any applicable law. Further, District officials and employees are expected to engage in reasonable practices to avoid allowing indiscriminate access to or unwarranted dissemination of sensitive information/records related to employment discrimination matters. Individuals who have specific concerns about confidentiality in connection with any report, complaint, incident, or investigation should arrange to discuss those concerns with the District's Equal Employment Opportunities Coordinator or another appropriate administrative official as early as possible in the process.

**Prohibition on Bad Faith Conduct/Abuse of Process.** To the extent permitted by law, the District prohibits and reserves authority to appropriately address and impose consequences for bad-faith conduct or any other abuse of process by individuals who make a report or complaint, testify, assist, or participate in any manner in an investigation or proceeding conducted under this policy or any other District nondiscrimination policy. For example, the District may impose lawful consequences for making a materially false statement in bad faith or for pursuing allegations that the complaining party knows to be wholly frivolous.

**Consequences for Violations.** Any person who is determined to be responsible for any form of unlawful discrimination, any act of prohibited retaliation, or other violation of this policy is subject to appropriate disciplinary action and/or other appropriate consequences that are within the District's lawful authority.

In addition, any employee or authorized agent of the District who, considering the duties, responsibilities, and expectations established for their position/role, fails to reasonably respond to complaints or reports of alleged discrimination or retaliation, or who otherwise fails to reasonably act on their knowledge of a possible violation of a nondiscrimination law or a District nondiscrimination policy, is also subject to possible disciplinary action.

**Information and Notices.** The District Administrator shall ensure that District employees are informed of this policy and the related complaint procedures via the District's Employee Handbook.

In addition, the District Administrator, share joint responsibility for ensuring that the District prepares and issues/posts, on a timely basis, all legally-required general notices of (1) the rights of employees and applicants under the state and federal nondiscrimination laws; (2) the District's nondiscrimination policies; and (3) applicable reporting and complaint procedures. Beyond meeting legal requirements and any local policy requirements, the administration is encouraged to further disseminate such information using such methods as the administration deems appropriate.

**Maintenance of Complaint Records.** The District Administrator and the District's designated nondiscrimination coordinators share joint responsibility for ensuring that the District maintains adequate records of reports and complaints of discrimination and retaliation, including records of the District's response and disposition. Such records shall meet applicable legal requirements for documentation and records retention.

#### Legal References:

##### Wisconsin Statutes

[Subch. II of Chapter 111](#) [the state fair employment and nondiscrimination statutes, including specific prohibited bases of discrimination (sections [111.31](#) to [111.395](#))]

[Section 118.195](#) [discrimination against handicapped teachers]

[Section 118.20](#) [teacher/administrator discrimination prohibited]

##### Federal Laws and Regulations

[20 U.S.C. §1681 et seq.](#) [Title IX of the Education Amendments of 1972, as amended, prohibiting sex discrimination in federally-supported educational programs; implementing regulations at [34 C.F.R. Part 106](#)]

[42 U.S.C. §2000e et seq.](#) [Title VII of the Civil Rights Act of 1964, as amended, prohibiting employment discrimination based on race, color, national origin, sex, pregnancy, and religion; implementing regulations at [29 C.F.R. Ch. XIV](#)]

[42 U.S.C. §2000d et seq.](#) [Title VI of the Civil Rights Act of 1964, as amended, prohibiting discrimination on the basis of race, color, or national origin in any program or activity that receives federal funds; implementing regulations at [28 C.F.R. Part 42, Subpart C](#)]

[42 U.S.C. §12111 et seq.](#) [The Americans with Disabilities Act, Title I, as amended, prohibiting employment discrimination based on a qualifying disability; implementing regulations at 29 C.F.R. [Part 1602](#) and [Part 1630](#)]

[42 U.S.C. §12131 et seq.](#) [The Americans with Disabilities Act, Title II, as amended, nondiscrimination based on disability by state and local governments; implementing regulations at [28 C.F.R. Part 35](#)]

[42 U.S.C. §2000ff et seq.](#) [Genetic Information Nondiscrimination Act, as amended; implementing regulations at [29 C.F.R. Part 1635](#)]

[29 U.S.C. §794 et seq.](#) [Section 504 of the Rehabilitation Act of 1973, as amended, prohibiting discrimination based on a qualifying disability by recipients of federal funds; implementing regulations at [34 C.F.R. Part 104](#), [28 C.F.R. Part 42, Subpart G](#), and [29 C.F.R. Part 1640](#)]

[29 U.S.C. §621 et seq.](#) [Age Discrimination in Employment Act, as amended; implementing regulations at [29 C.F.R. Parts 1625 to 1627](#)]

[38 U.S.C. §4301 et seq.](#) [Uniformed Services Employment and Reemployment Rights Act, as amended; implementing regulations at [20 C.F.R. Part 1002](#)]

[8 U.S.C. §1324b\(a\)](#) [prohibiting employment discrimination based on national origin and citizenship status; implementing regulations at [28 C.F.R. Part 44](#)]

[11 U.S.C. §525](#) [employment discrimination based on certain bankruptcy-related statuses and proceedings]

*code citation pending* [Pregnant Workers Fairness Act, effective June 27, 2023; implementing regulations are expected to be issued]

#### Cross References:

*Insert appropriate cross references to the policy as applicable to your district.*

#### Adoption Date: