

Richmond School District Policy Statement

Equal Opportunity Employment

Policy #: 511

The Richmond 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.

Additionally, and as further addressed by applicable laws, neither any official, employee, or agent of the District nor 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 an enforceable legal right (if any such applies) to refuse to participate in any manner in an investigation or proceeding conducted under the this policy or any other District nondiscrimination policy. Except when otherwise required by law, this non-retaliation provision does **not** preclude the District from (1) requiring an employee or other authorized agent of the District to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing; or (2) imposing consequences for an employee’s or agent’s refusal to cooperatively participate or otherwise assist in such matters.

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

School Psychologist
N56W26530 Richmond Rd
Sussex, WI 53089
262-538-1360

In his/her capacity as the District’s EEO Coordinator, the designated individual also serves as the District Title IX Coordinator and as the District’s Section 504/Americans with Disabilities Act (“ADA”) Coordinator for employment-related matters.

If the EEO Coordinator is affected by a conflict of interest, accused of discriminatory conduct, or otherwise absent or unavailable in connection with a given employment matter, the following staff member serves as the alternate to the EEO Coordinator:

District Administrator
N56W26530 Richmond Rd
Sussex, WI 53089
262-538-1360

The District has also designated and authorized the following position to serve as [additional] Title IX Coordinator:

School Principal
N56W26530 Richmond Rd
Sussex, WI 53089
262-538-1360

The coordinator(s) designated above have responsibilities related to coordinating the District’s efforts to (1) implement this policy and (2) adhere to applicable nondiscrimination laws and regulations, including by 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.

Unless otherwise specified by a state or federal law and subject to the employee reporting obligation specified below, any person (including a person who is not claiming to have been personally harmed/victimized by the alleged conduct or challenged policy) may report information about or, if eligible, submit a complaint alleging possible prohibited employment discrimination or retaliation under this policy to the District's EEO Coordinator or, if needed, to the designated alternate 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.

If the complaint or other report concerns a policy or alleged conduct that reasonably may constitute sex discrimination (including sexual harassment) in violation of Title IX, then the report or complaint may be submitted to any of the District's designated Title IX Coordinators using any of the methods listed immediately above.

A report of possible unlawful discrimination or prohibited retaliation under this policy will be treated by the District as a "complaint" if (1) the report can be objectively understood as a request for the District to investigate and make a determination about alleged unlawful discrimination or prohibited retaliation under one of the District's anti-discrimination complaint/grievance procedures, **and** (2) the person making the report is authorized by law or by District policy to make a complaint that initiates the applicable complaint/grievance procedures. By this policy:

1. Subject to the exceptions identified in the next paragraph, any current employee of the District as well as any person other than an employee (such as an applicant or former employee) who was participating or attempting to participate in District programs, activities, or operations in an employment-related capacity at the time of the alleged employment discrimination is authorized to make such a complaint as to any allegation(s) of prohibited employment discrimination based on any legally-protected status (including prohibited retaliation). Such employee's or other person's authorized legal representative may act on their behalf in making such a complaint.
2. As limited exceptions to the previous paragraph:
 - a. To make a complaint of prohibited harassment based on a legally-protected status that initiates complaint/grievance procedures adopted under a District nondiscrimination policy, the District reserves discretion to additionally require that the employee or other person must be alleging that he or she has been subjected to the alleged harassing conduct. An individual who is required to work in a hostile environment that is alleged to have been created based on a legally-protected status is sufficiently subjected to the alleged harassing conduct even if that individual is not the direct target of the conduct. Even in situations where this exception applies, an individual may still report information about possible unlawful harassment to the District, and the District will still appropriately respond to the report even if it is not processed as a "complaint."
 - b. In addition to their right to use the general reporting procedures identified 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 sexual harassment "complainant") may also file a "formal complaint" to initiate the applicable Title IX "grievance process," as those terms are defined in 34 C.F.R. Part 106. The Title IX regulations state that at the time of filing such a formal complaint, a complainant must be participating in or attempting to participate in a District program or activity. Additional information about filing a formal complaint of Title IX sexual harassment, including the applicable procedures, can be found in Board Policy 113.

To the extent permitted by law and upon being notified of conduct that could reasonably constitute prohibited employment discrimination, the District, acting through its designated nondiscrimination and equal employment opportunity coordinators, also reserves discretion to unilaterally document a complaint that serves to initiate one of the District's anti-discrimination complaint/grievance procedures.

Employee Obligation to Report Discrimination and Retaliation.

District employees are responsible for internally reporting information they know or receive about instances of prohibited discrimination or possible discrimination (including prohibited harassment or retaliation) within any District activities, programs, or operations. Generally, an employee sufficiently satisfies this internal reporting obligation by promptly providing the relevant information to a District-designated nondiscrimination and equal opportunity coordinator who is not affected by a known conflict of interest in the matter. In the event of such a conflict of interest, submitting the report to the District Administrator is also sufficient.

As a limited exception, an employee is strongly encouraged, but not strictly obligated, to report information about an incident or situation in which the employee, but **not** any student, was personally subject to conduct that reasonably may constitute unlawful discrimination or prohibited retaliation against that employee.

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 under Board Policy 113 in connection with formal complaints of sexual harassment as defined by Title IX and any allegations consolidated with such a complaint, and except as otherwise required by any other law, a complaint identifying circumstances or allegations that reasonably may 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.

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 and the District's designated nondiscrimination coordinators 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's designated nondiscrimination coordinator shares 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]
[42 U.S.C. §2000gg et seq.](#) [Pregnant Workers Fairness Act; implementing regulations at [29 C.F.R. Part 1636](#)]

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