



*Wisconsin Rapids Board of Education*  
**Personnel Services Committee**

510 Peach Street · Wisconsin Rapids, WI 54494 · 715-424-6701

Sandra Hett, Chair  
Larry Davis  
Mary Rayome  
John Krings, President

December 7, 2020

Location: Board of Education, 510 Peach Street, Wisconsin Rapids, WI  
Conference Room A/B

Time: Immediately following the Educational Services Committee meeting, but not before 6:30 p.m.

- I. Call to Order
- II. Public Comment
- III. Actionable Items
  - A. Appointments
  - B. Resignations
  - C. Board Policy Review
- IV. Consent Agenda
- V. Adjournment

The Wisconsin open meetings law requires that the Board, or Board Committee, only take action on subject matter that is noticed on their respective agendas. Persons wishing to place items on the agenda should contact the District Office at 715-424-6701, at least seven working days prior to the meeting date for the item to be considered. The item may be referred to the appropriate committee or placed on the Board agenda as determined by the Superintendent and/or Board President.

With advance notice, efforts will be made to accommodate the needs of persons with disabilities by providing a sign language interpreter or other auxiliary aids, by calling 715-424-6701.

School Board members may attend the above Committee meeting(s) for information gathering purposes. If a quorum of Board members should appear at any of the Committee meetings, a regular School Board meeting may take place for purposes of gathering information on an item listed on one of the Committee agendas. If such a meeting should occur, the date, time, and location of the Board meeting will be that of the particular Committee as listed on the Committee agenda.



### C. Board Policy Review

Board Policy 447.11 Use of Seclusion and Physical Restraint with Students, Second Reading (*Attachment A*)  
Board Policy 447.11 Use of Seclusion and Physical Restraint with Students - Exhibit, Second Reading (*Attachment B*)

These policies were reviewed and approved for first reading at the regular Educational Services Committee meeting in November 2020. The administration recommends approval of Board Policy 447.11 Use of Seclusion and Physical Restraint with Students and Board Policy 447.11 Use of Seclusion and Physical Restraint with Students - Exhibit for second reading.

Title IX of the Education Amendments of 1972 provides that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance on the basis of sex. On May 6, 2020, the Department of Education issued regulations governing the implementation of Title IX. The regulations include a definition of sexual harassment under Title IX and require districts to adopt a detailed grievance procedure and grievance process for reports and complaints of sexual harassment. The administration has been working with legal counsel to develop new policies to address these changes in federal regulations. Brian Oswald, Director of Human Resources, will review the recommended new policies with the Committee as well as proposed revisions to existing policies which are also impacted. The policies are as follows:

- Board Policy 411.11 Sexual Harassment and Non-Discrimination in District Programs, Activities, and Operations, First Reading (*Attachment C*)
- Board Policy 411.11 Rule (1) Procedure for District Response to Alleged Sexual Harassment under Title IX, First Reading (*Attachment D*)
- Board Policy 411.11 Rule (2) Expectations for Employees to Report Discrimination and Harassment, First Reading (*Attachment E*)
- Administrative Guideline, First Reading (*Attachment F*)
- Board Policy 411 Student Non-Discrimination and Anti-Harassment, First Reading (*Attachment G*)
- Board Policy 511 Non-Discrimination and Equal Employment Opportunity, First Reading (*Attachment H*)
- Board Policy Employee Anti-Harassment, First Reading (*Attachment I*)

The administration recommends approval of Board Policy 411.11 - Sexual Harassment and Non-Discrimination in District Programs, Activities, and Operations, for first reading.

The administration recommends approval of Board Policy 411.11 Rule (1) Procedure for District Response to Alleged Sexual Harassment under Title IX, for first reading.

The administration recommends approval of Board Policy 411.11 Rule (2) Expectations for Employees to Report Discrimination and Harassment, for first reading.

The administration recommends approval of Administrative Guideline, for first reading.

The administration recommends approval of Board Policy 411 Student Non-Discrimination and Anti-Harassment, for first reading.

The administration recommends approval of Board Policy 511 Non-Discrimination and Equal Employment Opportunity, for first reading.

The administration recommends approval of Board Policy Employee Anti-Harassment, for first reading.

IV. Consent Agenda

Personnel Services Committee members will be asked which agenda items from the Committee meeting will be placed on the consent agenda for the regular Board of Education meeting.

V. Adjournment

## 447.11 USE OF SECLUSION AND PHYSICAL RESTRAINT WITH STUDENTS

**Maintaining a safe and productive environment for student learning is a high priority of the Board of Education. Positive behavioral interventions and supports shall be considered and utilized to address behavior that interferes with the student's learning or the learning of others.** It is the policy of the School District of Wisconsin Rapids to permit the use of seclusion and restraint only when a student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others, it is the least restrictive intervention feasible, and it is performed in a manner consistent with this policy and the law. All students, including students with disabilities, must be treated with dignity and respect. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the students and others.

All employees and "covered individuals" shall comply with State and Federal law regarding the use of seclusion and physical restraint.

### **SECLUSION**

Seclusion is defined in the law as the involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving.

Individuals covered by the law include employees of a public or charter school, and student teachers. The law specifically includes individuals contracted with the school to provide services, such as CESA employees and student teachers.

The "covered individuals" (school employees and contracted individuals who provide services for a public or charter school) may use seclusion with a student only if all of the following apply:

- A. The student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and it is the least restrictive intervention available;
- B. The seclusion lasts only as long as necessary to resolve the risk to physical safety;
- C. A covered individual maintains constant supervision of the student;
- D. The seclusion room or area is free of objects or fixtures that may injure the student;
- E. The student has adequate access to bathroom facilities, drinking water, necessary medication, and meals;
- F. No door connecting the seclusion room or area to other rooms or areas is capable of being locked **or has a lock on it.**

### **PHYSICAL RESTRAINT**

Physical restraint is defined as a restriction that immobilizes or reduces the ability of a student to freely move his/her torso, arms, legs, or head. **Restraint may never be used as a form of corporal punishment, as defined by state law to mean the intentional infliction of physical pain as a means of discipline. When a physical restraint technique is used, a covered individual should, to the extent practical, make reasonable attempts to de-escalate the student's behavior or other aspects of the situation with the goal of minimizing the duration of the need for restraint.** The "covered individuals" may only use physical restraint on or with a student only if all of the following apply:

- A. The student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and it is the least restrictive intervention available.
- B. The degree of force used and the duration of the physical restraint do not exceed the degree and duration that are reasonable and necessary to resolve the risk **to the physical safety of the student or others.**
- C. There are no medical contraindications to the use of physical restraint;

D. None of the following maneuvers or techniques are used:

1. those that do not give adequate attention and care to protecting the student's head
2. those that cause chest compression
3. those that place pressure or weight on the student's neck or throat
4. it does not constitute corporal punishment
5. neither mechanical nor chemical restraints are used

Actions that are specifically excluded from the definitions of seclusion and physical restraint above include: 1) if a student is not confined to an area from which she/he is physically prevented from leaving; 2) directing a disruptive student to temporarily separate himself/herself from the general activity in the classroom to allow the student to regain control, or for the teacher to maintain or regain classroom order; 3) directing a student to temporarily remain in the classroom to complete tasks; or 4) briefly touching or holding a student's hand, arm, shoulder, or back to calm, comfort, or redirect the student.

#### **PARENTAL NOTICE AND WRITTEN REPORT REQUIREMENTS**

Whenever seclusion or physical restraint is used with or on a student, the Principal or his/her designee shall notify the student's parent or guardian as soon as practicable but no later than one (1) business day after the incident. The notice shall advise the parent of the incident and of the availability, or pending availability, of the written report.

**For purposes of these procedures, "parent" includes a natural or adoptive parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.**

The Principal shall prepare this written report, in consultation with the individuals involved, within two (2) business days of the incident. The written report shall include details of the student and staff involved in the incident; the date, time, and duration of the use of seclusion or physical restraint; a description of the incident including the actions of the student before, during, and after the incident; and the names and titles of the covered individuals present during the incident. This written report shall be retained as a record by the school district and within three (3) business days of the incident, ~~the report shall be made available to the parent for review~~ **provide a copy of the written report to the parent.**

Annually by September 1, the Principal of each school or his/her designee shall submit to the Board a report containing all of the following: 1) the number of incidents of seclusion and of physical restraint in the school during the previous school year; and 2) the total number of pupils who were involved in the incidents, and the number of children with disabilities who were involved in the incidents.

#### **POST-INCIDENT DEBRIEFING MEETINGS**

**Whenever a covered individual uses seclusion or restraint on a student, the principal or his/her designee shall meet with the covered individuals who participated in the incident to discuss all of the following:**

- A. **The events preceding, during, and following the use of seclusion or restraint.**
- B. **How to prevent the need for seclusion or restraint, including the factors that may have contributed to the escalation of behaviors; alternatives to restraint, such as de-escalation techniques and possible interventions; and other strategies that the principal or designee determines are appropriate.**

**Such post-incident debriefing meetings shall normally occur within 5 days of the incident.**

#### **INDIVIDUAL EDUCATION PROGRAM (IEP) REQUIREMENTS**

The law requires that for students with identified disabilities under the Individuals with Disabilities in Education Act (IDEA), the ~~first~~ **second** time that seclusion or physical restraint is used on a child with a disability **within the same school year** the student's Individual Education Program (IEP) team must convene as soon as possible after the incident **but no later than 10 school days after the incident.** The IEP team shall review the student's IEP to ensure that it contains appropriate positive behavioral interventions and supports to address behaviors that are of concern and to revise the IEP if necessary. **The interventions, supports, and other strategies included in the IEP related to a behavior that resulted in the use of seclusion or restraint should be based on a functional behavioral assessment of that behavior.**

**MANDATORY TRAINING FOR STAFF**

Staff who engage in the lawful use of physical restraint shall obtain training as to the methods of preventing the need for physical restraint, identification of dangerous behaviors that may indicate the need for physical restraint and the methods of evaluating risk of harm such that physical restraint is warranted, experience in administering and receiving various types of restraint, instruction on the effects of restraint, monitoring signs of distress during restraint, obtaining medical assistance and demonstrating proficiency in administering physical restraint.

Pursuant to State law, the Superintendent or his/her designee shall create and maintain a record of the training received by the employees and school staff covered by the State law governing seclusion and restraint.

**LIMITED TRAINING REQUIREMENT EXCEPTION**

Training for staff in the use of physical restraint is required unless the situation is an emergency and a trained individual is not immediately available due to the “unforeseen nature of the emergency.” However, at a minimum the school in which physical restraint is used must ensure that at least one (1) employee has been trained in its use.

**DISCIPLINARY ACTION FOR A VIOLATION OF THIS POLICY**

In addition to any penalty prescribed by law, the Superintendent or his/her designee is directed by this policy to see that a Board employee who intentionally, knowingly, or recklessly violates this policy is subject to a disciplinary action up to and including dismissal. A Board employee engages in conduct “intentionally” if, when s/he engages in the conduct, it is his/her conscious objective to do so. A Board employee engages in conduct “knowingly” if, when s/he engages in the conduct, s/he is aware of a high probability of a violation of this policy. A Board employee engages in conduct “recklessly” if s/he engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of harm that might result to a student and the disregard involves a substantial deviation from acceptable standards of conduct established by this policy.

**RETALIATION FOR FULLY IMPLEMENTING OR REPORTING VIOLATIONS**

No Board employee shall be permitted to retaliate against a person for reporting or objecting to actions in violation of this policy or providing information regarding a violation of this policy.

LEGAL REF.:           Sections    115.787(2)(i)      Wisconsin Statutes  
  115.787(3)(b)(1)  
  118.13  
  118.164  
  118.305  
  118.31  
  939.48  
  
  Individuals with Disabilities Education Act (IDEA)

CROSS REF.:           411 Rule, Student Non-Discrimination and Anti-Harassment  
  447.1, Physical Force and Corporal Punishment  
  447.11, Exhibit – Notification & Reporting of Physical Restraint and/or Seclusion

APPROVED:           April 8, 2019  
  TBD



# Wisconsin Rapids Public Schools

## Notification & Reporting of Physical Restraint and/or Seclusion

Parents of pupil must be notified of the incident no later than 1 business day.

This report shall be completed within 2 business days of the incident and must be *available for review by sent to the pupil's parents* within 3 business days of the incident (*1<sup>st</sup> class mail, electronic transmission, or hand delivery*).

<b>Person Completing Report:</b> Click or tap here to enter text.	<b>School Building:</b> Click or tap here to enter text.	<b>Date of Report:</b> Click or tap to enter a date.
<b>Pupil Name:</b> Click or tap here to enter text.	<b>Grade:</b> Click or tap here to enter text.	<b>Date of Incident:</b> Click or tap to enter a date.
<b>Parent Name:</b> Click or tap here to enter text.	<u><i>Student with IEP</i></u> Yes or No  <u><i>Student with 504 Plan</i></u> Yes or No	<b>Date of Notification:</b> Click or tap to enter a date.  <b>Method of Notification:</b> Choose an item.

**(A) Description of clear, present, and imminent risk: (~~additional details may be included on the back~~)**  
Click or tap here to enter text.

**(B) Description of strategies used to de-escalate student prior to seclusion/restraint: (~~additional details may be included on the back~~)**  
Click or tap here to enter text.

**(C) Description of pupil's actions: (~~additional details may be included on the back~~)**  
*Before the incident:*  
Click or tap here to enter text.

*During the incident: Document student's behavior every 5 minutes.*  
Click or tap here to enter text.

*After the incident:*  
Click or tap here to enter text.

**Name/Title of Staff Member(s) and/or law enforcement officers involved in present during the incident:**

Name	Title	Involved in debriefing/Date
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

**Others (name, title, debriefing):** Click or tap here to enter text.



List date(s), method(s), and outcome(s) for debriefing incident with student, parent, and staff (use additional pages as needed):

*Summary of debriefing with all who participated in the incident to discuss all of the following:*

*Events preceding, during and following the use of seclusion or physical restraint:*

*Click or tap here to enter text.*

*How to prevent the need for seclusion or physical restraint, including factors that may have contributed to the escalation of behaviors; alternatives to physical restraint, such as de-escalation techniques and possible interventions; and other strategies that the school principal or designee determines are appropriate.*

*Click or tap here to enter text.*

*If this was the 2<sup>nd</sup> time Seclusion or Restraint was used this school year, the IEP team must meet as soon as practicable, but no later than 10 school days after the incident.*

List any follow-up actions needed such as student meeting, IEP review, etc. (use additional pages as needed):

Click or tap here to enter text.

*Please print this form for signatures and date*

<i>Person Completing Form's Signature:</i>	<i>Date:</i>
<i>Principal/Designee Signature:</i>	<i>Date:</i>

**Incident Written Report**

<b>SECLUSION</b>	Yes or No	<b>Date:</b> Click or tap to enter a date.	<b>Time:</b> Click or tap here to enter text.	<b>Duration:</b> Click or tap here to enter text.	<b>Location:</b> Click or tap here to enter text.
<b>RESTRAINT</b>	Yes or No	<b>Date:</b> Click or tap to enter a date.	<b>Time:</b> Click or tap here to enter text.	<b>Duration:</b> Click or tap here to enter text.	<b>Location:</b> Click or tap here to enter text.

This incident was recorded and report was filed in the building level seclusion and restraint log on the following date: \_\_\_\_\_

**NOTE: USE THE BACK SIDE OF THIS FORM TO ADD ADDITIONAL COMMENTARY TO THE REPORT**

<b>Additional Details:</b>	<i>(continued from page 1)</i>
<del>(A) Description of clear, present, and imminent risk</del>	
<del>(B) Description of strategies used to de-escalate student prior to seclusion/restraint</del>	
<del>(C) Description of pupil's actions before, during, or after the incident / debriefing details / follow-up actions needed</del>	

**411.11 SEXUAL HARASSMENT AND NON-DISCRIMINATION IN DISTRICT PROGRAMS, ACTIVITIES, AND OPERATIONS**

The Wisconsin Rapids School District prohibits all forms of unlawful discrimination against students, employees, and other persons in all aspects of the District’s programs, activities, and operations. The term “unlawful discrimination” encompasses any unlawful policy, practice, conduct, or other unlawful denial of rights, benefits, or privileges that is based on any legally-protected status or classification (e.g., race, national origin, sex, disability, religion, etc.). Various state and federal laws establish the actions that do (and do not) constitute unlawful discrimination with respect to each protected status or classification. Where applicable, unlawful harassment that is based on a legally-protected status is one form of unlawful discrimination.

The District requires and will enforce nondiscrimination in a manner that is consistent with applicable constitutional provisions and with the rights and obligations that are established under all applicable state and federal civil rights laws, including but not limited to the current provisions of the following federal laws, which jointly serve to identify and protect the rights of students, employees, and other persons:

- Title IX of the Education Amendments of 1972 (sex discrimination);
- Section 504 of the Rehabilitation Act (disability discrimination);
- The Americans with Disabilities Act (including both the employment-related provisions of the ADA as well as Title II of the ADA, which broadly prohibits discrimination on the basis of disability in state and local government services);
- Titles IV and VI of the Civil Rights Act of 1964 (addressing discrimination based on race, color, national origin, sex, or religion);
- The Age Discrimination Act of 1975 (age discrimination);
- The nondiscrimination provisions of the Elementary and Secondary Education Act;
- The civil rights provisions associated with the District’s participation in federal nutrition programs.

There are a significant number of additional state and federal nondiscrimination laws that are not listed above that further establish the rights of students and/or employees. In recognition of such laws, the District maintains additional nondiscrimination policies and rules that specifically and uniquely cover students and all aspects of employment and personnel administration within the District.

**Special Statement Regarding Sex Discrimination under Title IX**

In compliance with the federal Title IX statutes 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 students, certain admissions processes, and District employment. Inquiries regarding how Title IX and the federal Title IX regulations apply to the District may be referred to the District’s Title IX Coordinator (as designated below), to the Assistant Secretary for Civil Rights at the U.S. Department of Education, or to both.

Under this policy, “sexual harassment” in violation of Title IX means conduct on the basis of sex that satisfies one or more of the following:

- 1) An employee of the District conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;

- 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- 3) "Sexual assault," "dating violence," "domestic violence," and "stalking" as all are defined by Title IX and the Title IX regulations.

**Designation and Authorization of Nondiscrimination Coordinator(s)**

Any questions concerning the District's nondiscrimination and equal opportunities policies, the application of any nondiscrimination law to the District, or the District's discrimination-related reporting and complaint procedures should be directed to the Director of Human Resources, who is also designated as the District's Title IX Coordinator. The contact information for this position is as follows:

Director of Human Resources\*  
Wisconsin Rapids School District  
510 Peach Street  
Wisconsin Rapids, WI 54494

\*(Note that a staff directory is available on the WRPS webpage at [www.wrps.org](http://www.wrps.org) or by calling the District main office.)

In his/her capacity as a Title IX Coordinator, the above-identified individual is authorized to coordinate the District's efforts to comply with the District's responsibilities under Title IX and the federal Title IX regulations.

**Any Person May Submit a Complaint or Report of Discrimination to the District**

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, except as otherwise required by law, any person (including a witness or other person who has not been harmed/victimized by the alleged conduct or challenged policy) may report a concern or allegation of prohibited discrimination or prohibited retaliation to the Director of Human Resources / Title IX Coordinator, using the contact information provided above and any of the following methods:

- 1) By U.S. mail, by electronic mail, or by telephone, at any time; or
- 2) By any other means that results in the Director of Human Resources / Title IX Coordinator actually receiving the person's verbal or written report, including by submitting the report to the Director of Human Resources / Title IX Coordinator in person (e.g., at an arranged meeting or when the coordinator is otherwise reasonably available during normal working hours).

As an exception to the above reporting procedure, if the report or complaint identifies the Director of Human Resources/ Title IX Coordinator as a person responsible for the alleged prohibited conduct, or if the Director of Human Resources / Title IX Coordinator is affected by a conflict of interest or otherwise unavailable, then the person making the report may submit it to the Director of Pupil Services either in person, by mail, by telephone, or by electronic mail. The contact information for the Director of Pupil Services is as follows:

Director of Pupil Services\*  
School District of Wisconsin Rapids  
510 Peach Street  
Wisconsin Rapids, WI 54494

\*(Note that a staff directory is available on the WRPS webpage at [www.wrps.org](http://www.wrps.org) or by calling the District main office.)

Individuals submitting a report or complaint of prohibited discrimination under this policy are strongly encouraged to contact the District to confirm that their report was received as intended. Except as provided below regarding formal complaints of Title IX sexual harassment or as otherwise required by any law, a report or complaint received under this policy will be processed according to the discrimination complaint procedures that the District has established under its student nondiscrimination policies or under its equal employment opportunities policies, as applicable to the facts and circumstances. For reports or complaints of alleged discrimination that are neither student matters nor employment matters, the District will normally process the matter under the complaint procedures that apply to students.

### **Filing a Formal Complaint of Title IX Sexual Harassment**

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX (i.e., a Title IX “complainant”), or a parent or guardian who has a legal right to act on behalf of such an individual, may file a “formal complaint” of “sexual harassment,” as those terms are defined above and in the Title IX regulations.

No Title IX complainant is obligated to file a formal complaint, but a qualifying formal complaint is necessary for the District to start an investigation of Title IX sexual harassment allegations using the District’s formal Title IX grievance process. Even in the absence of a formal complaint that initiates the formal grievance process, the District still has legal obligations to respond to allegations of Title IX sexual harassment whenever the District has sufficient notice of the allegations (i.e., from any source). Whether a complaint is formalized, the District will promptly respond, in a manner not deliberately indifferent, when it has actual knowledge of real or alleged sexual harassment in one of its educational programs or activities.

All of the following apply to a formal complaint of Title IX sexual harassment:

- 1) At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of the District (including through employment).
- 2) The formal complaint must be in the form of a document or an electronic submission (e.g., an electronic mail message or a file attached to an email) that:
  - a. Alleges sexual harassment against a respondent (if the identity of the respondent is not known, it is not necessary to identify the respondent by name);
  - b. Requests that the District investigate the allegation(s) of sexual harassment; and
  - c. Contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

The formal complaint must normally be filed with the District's Title IX Coordinator by submitting the document or electronic submission either in person, by U.S. mail, or by electronic mail, using the District-designated contact information listed above in this policy. However, if the formal complaint identifies the Title IX Coordinator as a respondent (i.e., a person reported as a perpetrator of the alleged sexual harassment), or if the Title IX Coordinator is affected by a conflict of interest or is otherwise unavailable, then the complainant may file the document or electronic submission directly with the Director of Pupil Services, either in person, by mail, or by electronic mail using the contact information provided above.

When a formal complaint is not filed in person, complainants are strongly encouraged to contact the District to confirm that their complaint was actually received as intended.

If a complainant files a formal complaint of Title IX sexual harassment, or if a Title IX Coordinator signs such a formal complaint on behalf of the District, then:

- 1) The formal complaint must be resolved according to the federal regulations and District processes that specifically apply to such formal complaints; and
- 2) Unless otherwise directed by the School Board or this policy, the District Superintendent or his/her administrative-level designee is expected to designate and assign qualified individuals to perform the roles that are defined for District agents within the District's grievance process for formal complaints of Title IX sexual harassment. In addition:
  - a. The District Superintendent may assign one or more of the roles to a qualified individual who is not an employee of the District, including an outside attorney or other contracted service provider with notice to the Board.
  - b. The Title IX Coordinator and the District Superintendent shall ensure that the individual(s) assigned to perform such roles have completed any training required by the federal Title IX regulations.
  - c. If the District determines that a person assigned to such a role is unavailable, disqualified by a conflict of interest or bias, or otherwise unable to perform the responsibilities of the role, the administration shall assign another qualified individual to perform the role.
  - d. The Board or a person designated by the Board shall assign such roles with respect to any formal complaint in which the District Superintendent is alleged to be the perpetrator of conduct that could constitute Title IX sexual harassment. The Title IX Coordinator and the District Superintendent shall inform the Board of any such need to assign the roles.

Filing a formal complaint of Title IX sexual harassment is one way to report such harassment. However, if a Title IX complainant or other person is not eligible to file a qualifying formal complaint, or if they choose not to do so, the person may still submit a report of the allegations to the District as further described above within this policy (i.e., a report that is not a formal complaint for purposes of Title IX). Moreover, any report of conduct that could constitute sexual harassment under Title IX that causes the District to have actual knowledge of the relevant conduct/allegations requires an appropriate response by the District, even if the reporting procedures defined in this policy were not followed and even if no formal complaint has been or ever is filed.

### **Deadline for Filing an Initial Report or Complaint**

There is no absolute deadline for the initial filing of a report or complaint of discrimination under this policy. The District always has an interest in being made aware of potential concerns with prohibited discrimination, harassment, or retaliation. However, any person who has a complaint or concern involving such a matter is 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 ability to thoroughly investigate the matter, and a delay may also limit the range of remedies and resolutions that are reasonably available.

The following apply to any report or complaint of discrimination that has been filed under this policy, except for formal complaints of Title IX sexual harassment (which are instead subject to the dismissal and appeal provisions of the grievance process that the District has adopted for such complaints):

- 1) At least one of the following administrators, acting in consultation as needed with District legal counsel, must authorize the dismissal or other alternative disposition of a report or complaint due to a lack of timeliness: District Superintendent; Director of Human Resources; Director of Pupil Services; or Director of Curriculum.
- 2) Any actual party in interest to the allegations raised by the report or complaint (i.e., any alleged victim or any person alleged to be responsible for the discrimination) may appeal a decision authorized under the previous paragraph to the District Superintendent. Or, if the District Superintendent authorized the initial decision, the party may request reconsideration.

### **Confidentiality of Reports and Complaints**

Although absolute confidentiality cannot be assured, the District will maintain the confidentiality of discrimination reports and complaints to the extent required by any applicable law, and the District will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint. Nonetheless, investigating a matter often involves disclosing (directly or indirectly) the identity of persons involved in the particular events/issues. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with the District as early as possible in the process.

### **Retaliation Prohibited**

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 the this policy or any other District nondiscrimination policy.

### **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 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 in the course of any proceeding that is conducted under this

policy or any other District nondiscrimination policy. Examples of abuse of process include, but are not limited to, the pursuit of allegations that the complaining party knows to be wholly frivolous or the use of dilatory tactics that have the purpose or reasonably foreseeable result of unreasonably interfering with a prompt and equitable resolution of alleged discrimination or retaliation.

### **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 his/her 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. The District may establish specific guidelines and expectations for employees and other authorized agents of the District to take appropriate action with respect to such knowledge through rules adopted as written administrative procedures, provisions within the employee handbook, and/or through other means.

### **Nondiscrimination Notices; Dissemination of Policy and Complaint/Reporting Procedures**

The District Superintendent and the District's designated nondiscrimination coordinators share joint responsibility for ensuring that the District prepares and issues, on a timely basis, all legally-required general notices of (1) the rights of students, employees, and other persons 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; Report Preparation**

The District Superintendent 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. The District Superintendent and the applicable coordinators shall also direct and oversee the timely preparation of all annual or other reports and evaluations regarding nondiscrimination initiatives/compliance that the District is required to provide to the Department of Public Instruction or to any other oversight entity.

LEGAL REF.:       Wis. Stat. Subch. III of Ch. 106  
                      Wis. Stat. Subch. II of Ch. 111  
                      Wis. Stat. § 118.13  
                      Wis. Stat. § 118.134  
                      Wis. Admin. Code P.I. 9, 41  
Federal Laws:  
                      8 U.S.C. § 1324b(a)  
                      20 U.S.C. § 1400 et seq.

20 U.S.C. § 1681 et seq.  
20 U.S.C. § 6312(e)(3)(D)  
29 U.S.C. § 621 et seq.  
29 U.S.C. § 794 et seq.  
42 U.S.C. § 2000d et seq.  
42 U.S.C. § 2000e et seq.  
42 U.S.C. § 12111 et seq.  
42 U.S.C. § 12131 et seq.

CROSS REF.: 411 – Student Non-Discrimination and Anti-Harassment  
411 Exhibit 1 – Complaint Form  
411.11 Rule (1) – Procedure for District Response to Alleged Sexual Harassment Under Title IX  
411.11 Rule (2) – Expectations for Employees to Report Discrimination and Harassment  
511 – Non-Discrimination and Equal Employment Opportunity  
511.5 – Employee Anti-Harassment  
511.5 Exhibit – Employee Anti-Harassment Complaint Form

APPROVED: **TBD**



**411.11 RULE (1) PROCEDURE FOR DISTRICT RESPONSE TO ALLEGED SEXUAL HARASSMENT UNDER TITLE IX**

This procedure has been established to facilitate the District’s compliance with requirements of the federal regulations issued under Title IX of the Education Amendments Act of 1972 (“Title IX”). Specifically, this rule establishes expectations and procedures for the prompt and equitable resolution of reports and complaints that allege unlawful sexual harassment, as defined by the Title IX regulations, within the District’s education program and activities. The existence of this procedure, as a reflection of federal regulatory mandates, is not intended to suggest that sexual harassment is any more or any less serious, or any more or any less of a concern to the District, than harassment that is based on any other legally-protected status (e.g., race, national origin, disability, religion, etc.).

All District officials, District employees, and other persons acting as agents of the District must keep confidential the identity of (1) any individual who has made a report or complaint of sex discrimination that would be prohibited by Title IX, including any individual who has made a report or filed a formal complaint alleging Title IX sexual harassment; (2) any complainant (i.e., any individual who is alleged to be the victim of conduct that could constitute Title IX sexual harassment); (3) any individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination under Title IX; (4) any respondent (i.e., any individual who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment); and (5) any witness, except as may be required by law, permitted by the Family Educational Rights and Privacy Act, its implementing regulations, and Wis. Stat. § 118.125, and, or reasonably necessary to carry out the purposes of the federal Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under the federal Title IX regulations. It is important to note that, despite these requirements, Title IX requires disclosure of the accuser’s identity to the accused.

**Responding to Reports or Other Notice to the District of Title IX Sexual Harassment  
When No Formal Complaint Has Been Filed**

1. The following procedures apply any time that a District Title IX Coordinator determines that the District has actual notice of Title IX sexual harassment or allegations of Title IX sexual harassment, but no formal complaint of Title IX sexual harassment has been filed by a complainant or signed by a Title IX Coordinator:
2. A District Title IX Coordinator must promptly contact the complainant (i.e., the individual who is alleged to be the victim of conduct that could constitute sexual harassment) regarding supportive measures (see below) and regarding the process for filing a formal complaint. In consultation with other District officials as needed, a Title IX Coordinator will coordinate the identification, offering, and implementation of appropriate supportive measures for the complainant (see below).
3. A Title IX Coordinator or any administrator with knowledge of the relevant circumstances relating to the allegations of sexual harassment may, at any time, contact the District Superintendent or his/her administrative-level designee for the purpose of evaluating whether the District will initiate the removal of the respondent from the District’s education program or activity on an emergency basis, under the limited circumstances, procedures, and standards identified in the federal Title IX regulations. Notwithstanding the foregoing, the Title IX Coordinator should not consult in this regard with the District’s decision-maker. Procedures and standards established under other laws or District policies may also need to be satisfied in connection with any such emergency removal.

4. If an eligible complainant elects to file a formal complaint of Title IX sexual harassment at any point, the formal complaint shall be processed as provided, below, within this rule.
5. If a complainant is not eligible to file a formal complaint of sexual harassment under Title IX, or chooses not to do so, a Title IX Coordinator is authorized to sign a formal complaint regarding the alleged conduct. The following apply to the discretionary decision to sign a formal complaint on behalf of the District:
  - a. The Title IX Coordinator may not delegate the determination in full to another agent or employee of the District. However, prior to making the determination, the Title IX Coordinator may consult, as needed, with appropriate persons, such as the District Superintendent, a District Director, or District legal counsel; provided, however, that the Title IX Coordinator should not consult in this regard with the District's decision-maker.
  - b. The primary reasons that a Title IX Coordinator would sign a Title IX complaint and initiate an investigation would be a determination, on behalf of the District, that the District's interests in safety and/or in potential sanctions for any respondent(s) make an investigation and determination of responsibility pursuant to a formal complaint reasonably necessary under the circumstances.
  - c. A Title IX Coordinator shall not sign a formal complaint against the wishes of a complainant if involving an unwilling complainant in the grievance process would be clearly unreasonable in light of the known circumstances.
  - d. If a Title IX Coordinator signs a formal complaint alleging Title IX sexual harassment, the complaint shall be processed as provided, below, within this rule.
  - e. Upon signing a formal complaint, the Title IX Coordinator does not become a complainant or a party to the complaint, and any complainant who is identified in relation to the allegations retains his/her status as a complainant in connection with the grievance process.
6. Nothing in this rule diminishes the District's obligations to respond to Title IX sexual harassment or allegations of Title IX sexual harassment in a prompt manner that is not deliberately indifferent in all circumstances in which the federal Title IX regulations deem the District to have actual knowledge of such harassment.

**Supportive Measures in Connection With Any Report, Formal Complaint,  
or Other Notice to the District of Title IX Sexual Harassment**

1. "Supportive measures" are expressly defined and further described in the definitions section of this rule (see below).
2. The District will provide supportive measures to complainants pursuant to the Title IX regulations. The District may provide supportive measures to a respondent, but it is not required to do so.
3. Any time a Title IX Coordinator becomes aware that the District has actual knowledge of Title IX sexual harassment or allegations of Title IX sexual harassment, the Title IX Coordinator shall:
  - a. Promptly contact the complainant, if known, to:

- i. Discuss the availability of supportive measures;
  - ii. Consider the complainant's wishes with respect to supportive measures;
  - iii. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
  - iv. Explain to the complainant the process for filing a formal complaint (if the complainant has not already filed a formal complaint about the conduct).
- b. Coordinate the identification, offering, and implementation of supportive measures that the District provides to a complainant or respondent, including appropriate monitoring of the implementation process, coordinating potential modifications to the measures, and, as applicable, determining the appropriate time to end specific supportive measures.
4. All District officials, employees, and other persons acting as agents of the District must maintain as confidential any supportive measures provided to a complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.
  5. The District is required to document any supportive measures that the District provides in response to a report or formal complaint of Title IX sexual harassment. Conversely, if the District does not provide a complainant with supportive measures for any reason, then the District is required to document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

### **Grievance Process for Handling Formal Complaints of Sexual Harassment Under Title IX**

This grievance process applies to formal complaints of Title IX sexual harassment. Except to the extent a formal complaint is dismissed (in whole or in part), the District is obligated to investigate a formal complaint of Title IX sexual harassment pursuant to this process. The District is further obligated to treat complainants and respondents equitably by:

1. Offering supportive measures to a complainant (see above).
2. Following this grievance process before imposing disciplinary sanctions or other punitive actions against a respondent for any alleged Title IX sexual harassment, subject to the allowances made in the federal Title IX regulations for implementing supportive measures, implementing an emergency removal, and placing an employee, while a formal complaint is pending, on administrative leave.
3. Providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent.
4. Requiring its agents to adhere to the additional requirements and standards set forth below.

### **Standards Applicable to District Agents Involved in the Grievance Process**

At the point that the Title IX Coordinator determines that a formal complaint involving allegations Title IX sexual harassment is pending, the Title IX Coordinator shall ensure that the District assigns the roles of complaint investigator, responsibility decision-maker, and appeal decision-maker on a timely basis, whether

at the outset the process or during the process. All such individuals, whether or not District employees, must be appropriately trained to perform their role. The assigned roles shall be performed by different persons to the extent required by the federal Title IX regulations. The District may re-assign the roles or assign multiple qualified individuals to perform specific roles if deemed appropriate in a particular case.

All persons who are authorized to act as agents of the District in connection with the grievance process, including but not limited to any Title IX Coordinator, complaint investigator, decision-maker, or facilitator of an informal resolution process, are required to:

1. Engage in an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence.
2. Avoid making any credibility determinations based on a person's status as a complainant, respondent, or witness.
3. Be free from any conflict of interest that impermissibly inhibits the person's objectivity, impartiality, or independent and good-faith judgment.
4. Avoid exhibiting or applying any bias for or against complainants or respondents generally, or for or against an individual complainant or respondent.
5. Self-report any known pre-existing relationships (familial, social, etc.) to parties or material witnesses and any other known circumstances that relate to a formal complaint and that may reasonably cause the District to disqualify the person from performing a particular role as an agent of the District in the grievance process due to concerns with a conflict of interest or bias. Such a report may be made to a Title IX Coordinator or to the District Superintendent. Previous interactions with a complainant, respondent, or material witness in a professional capacity, standing alone and in the absence of other specific circumstances, would normally be insufficient to raise a material concern about a conflict of interest or bias.
6. Apply a presumption, throughout the course of performing their designated role(s), that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client privilege), unless the person holding such privilege has waived the privilege.
8. Refrain from accessing, considering, disclosing, or otherwise using a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for purposes of the grievance process (if a party is under 18 years old, then the District must obtain the voluntary, written consent of a parent or guardian).
9. Maintain confidentiality with respect to the identities of persons involved in the grievance process to the extent required by 34 C.F.R. §106.71(a) (except as required to inform the respondent of the identity of the complainant or by any other applicable exception).

10. Avoid restricting the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, except to the extent permitted or required by applicable law. This provision does not restrict the District or its agents from requiring the parties to a formal complaint (including their advisors) to refrain from disseminating certain evidence or other records to others, provided that any such requirement(s) must be lawful and must not unreasonably interfere with the purposes of this grievance process. In some situations, established law may independently prohibit any such dissemination of particular evidence/records.

### **The Main Procedural Steps of the Grievance Process**

Subject to the provisions, below, regarding (1) voluntary informal resolution processes, and (2) the dismissal of complaints or any individual allegations within a complaint, the following steps outline the main procedures of the grievance process.

#### **I. Notice of the Allegations, the Grievance Process, and Certain Rights**

Normally within 20 business days of receiving a formal complaint, and always at least 5 calendar days before a party will be required to appear for an initial investigative interview, a Title IX Coordinator or his/her designee shall provide all known parties (i.e., complainant(s) and respondent(s)) with written notice of the following:

1. The District's grievance process for formal complaints of Title IX sexual harassment, including a description of any informal resolution process.
2. Notice of the allegations potentially constituting sexual harassment as defined under the Title IX regulations, including sufficient details known at the time. Sufficient details include:
  - a. The identities of the parties involved in the incident(s), if known;
  - b. The conduct allegedly constituting sexual harassment under Title IX; and
  - c. The date and location of the alleged incident(s), if known.
3. The written notice must also:
  - a. Include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
  - b. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, who may accompany the party when the party attends any District meeting or proceeding that is part of the grievance process (including investigative interviews).
  - c. Inform the parties that they will have the right to inspect and review the evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, as further provided under the Title IX regulations.
  - d. Inform the parties that, by policy, the District prohibits a person from knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that were not included in the initial notice of allegations, the Title IX Coordinator or the complaint investigator, or a designee acting on their behalf, must provide written notice of the additional allegations to all parties whose identities are known.

## **II. Investigation of the Allegations**

An investigator assigned by the District will conduct an investigation of the allegations of which the parties have been notified (as provided in the previous step). The purpose of the investigation is to gather evidence.

The District has the burden of gathering evidence, both inculpatory and exculpatory, sufficient to reach a determination regarding responsibility. In addition, because the District has the burden of proof, the District bears the burden of conducting a balanced and sufficiently comprehensive investigation such that the burden of proof is not shifted to either of the parties to affirmatively put forth the evidence that would be necessary to either prove or defeat the allegations.

When conducting the investigation, an investigator will:

1. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of any investigative interview or other meeting held as part of the investigation, with sufficient time for the party to prepare to participate.
2. Allow any party to be accompanied to any investigative interview or other meeting held as part of the investigation by one advisor of their choice. Under any circumstances where a parent or guardian has a legal right to act on behalf of a party (e.g., because the party is a minor), the party's parent or guardian may also accompany the party to any such meeting.
3. Conduct one or more investigative interviews of the complainant(s), the respondent(s), and such witnesses as the investigator determines may provide relevant evidence that is able to be considered and that is not unduly duplicative.
4. Offer each party an opportunity to identify fact and expert witnesses who the party believes should be interviewed as part of the investigation, along with the nature of the evidence that the party believes the witness may be able to provide. If the investigator declines to interview a witness identified by a party or is unable to interview a witness (e.g., because the witness is not willing to participate or is not reasonably available), the investigator shall document the reason for such decision or unavailability and, unless prohibited by law from doing so, provide the parties with such explanation upon request.
5. Consider such documentary and other evidence as a party may wish to proffer, except that no party or his/her advisor will be permitted to conduct direct, in-person questioning of another party or of any third-party witness at any interview or investigative meeting called by the District. If the investigator rules that any proffered evidence will not be accepted into the record of the investigation, the investigator shall document the reason for such ruling; return the evidence to the party that offered it (in the case of physical evidence); and, unless prohibited by law from doing so, provide the parties with the reason the evidence was rejected upon request.

6. Accept such other evidence into the record as the investigator deems to be relevant and directly related to the pending allegations, recognizing that nothing prohibits an investigator from initially accepting evidence that may not be relevant.

After the investigator completes the process of gathering evidence:

1. An investigator, or a designee acting on his/her behalf, must send to each party and the party's advisor, if any, the evidence obtained from the investigation that is subject to inspection and review. Such evidence may be provided in an electronic format or as a hard copy, and consists of the evidence obtained as part of the investigation that is directly related to the pending allegations, including:
  - a. Both inculpatory or exculpatory evidence, whether obtained from a party or other source; and
  - b. Any such evidence upon which the District does not intend to rely in reaching a determination regarding responsibility.
2. Beginning from the date that the evidence is delivered to the parties, the investigator(s) must give the parties at least 10 calendar days to submit a written response to the evidence. Providing such a response is optional.
3. After receiving and giving due consideration to any timely written responses received from the parties, the investigator(s) shall complete an investigative report that fairly summarizes the relevant evidence.
  - a. In the report, the investigator may convey facts, observations, or impressions that address the credibility of particular persons or other evidence, but any such credibility assessments conveyed in the report are not binding on the decision-maker(s).
  - b. The report shall not advocate for a specific determination or outcome.
4. An investigator or his/her designee shall send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy.
5. Beginning from the date that the investigative report is delivered to the parties, the parties will be given at least 10 calendar days to provide a written response to the report, which response (if any) will become part of the record to be reviewed by the decision-maker. Providing such a response is optional.
6. If the investigator provides any additional opportunities to submit additional evidence, or to further respond to any statements, questions, or additional evidence, such additional opportunities must apply equally to both parties. At the discretion of the investigator, the investigative report may be amended or supplemented.
7. The investigator will forward the final investigative report and the complete investigative record to the District-designated decision-maker for a determination of responsibility.

### **III. Determinations of Responsibility**

A decision-maker assigned by the District will make a determination of responsibility with respect to the allegations of which the parties have been notified and that have been subject to investigation (as provided in the previous steps), based on an analysis of the relevant evidence. During this stage of the proceedings:

1. As early as the point at which the District provides the final investigative report to the parties, or shortly thereafter, an investigator, decision-maker, or designee acting on their behalf shall inform each party that they have the opportunity to submit written, relevant questions that the party wants asked of any party or witness prior to the determination of responsibility, subject to the following:
  - a. The notice of the opportunity to submit such questions shall identify a submission deadline and the allowable method(s) of submission. Beginning from the date that the notice is delivered, the District shall allow the parties at least 5 calendar days to submit any questions.
  - b. If any questions are submitted by the parties, the decision-maker shall either:
    - i. Pose the submitted questions to the relevant person(s) and provide each party with the answers; or
    - ii. Explain to the party proposing the questions any decision to exclude a question as not relevant or as otherwise impermissible in the context of this grievance process.
  - c. If any questions were submitted, posed, and answered as provided immediately above, then the decision-maker shall permit a limited opportunity for the parties to submit follow-up questions. Any such follow-up questions must be reasonably related to the initial question and answers and must not be unduly duplicative of other evidence that is already in the record.
    - i. The decision-maker shall identify a submission deadline for such follow-up questions, which shall be a minimum of 3 calendar days from the date that the parties are provided with the answers to the initial questions.
    - ii. The decision-maker shall either pose the follow-up questions and provide each party with the answers or explain any decision to exclude a question, in the same manner that applied to the initial questions.
2. In making determinations of responsibility with respect to the allegations addressed in the relevant investigative report, the decision-maker shall, in all cases, evaluate the available evidence and apply the “preponderance of the evidence” standard to determine whether any allegation has been substantiated and whether a party has committed any misconduct with respect to such allegation(s).
3. The decision-maker must issue a written determination regarding responsibility that includes all of the following:
  - a. Identification of the allegations potentially constituting sexual harassment under Title IX;



- b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and any other methods used to gather evidence;
  - c. Findings of fact supporting the determination;
  - d. Conclusions regarding the application of the relevant legal standards and the District's code of conduct (i.e., any District policies or rules that apply to the party in question);
  - e. A statement of, and rationale for, the result as to each allegation, including all of the following:
    - i. A determination regarding responsibility;
    - ii. Any disciplinary sanctions the District imposes on the respondent or, in cases where a particular disciplinary sanction is beyond the direct authority of the decision-maker, a statement of the disciplinary sanction(s) that the decision-maker is recommending as an appropriate consequence;
    - iii. Whether the District will provide the complainant with any remedies designed to restore or preserve the complainant's equal access to the District's education program or activity; and
    - iv. The District's procedures and permissible bases for the complainant and respondent to file an appeal under this grievance process. If a formal complaint of Title IX sexual harassment also constitutes a complaint of pupil discrimination under Chapter PI 9 of the Wisconsin Administrative Code, the District may also use this notice to inform the complainant of their right to appeal any adverse final determination of their complaint under state law to the State Superintendent of Public Instruction, as well as the procedures for making such an appeal to DPI.
4. The decision-maker or a designee acting on his/her behalf must provide the written determination to the parties simultaneously.
5. To the extent required by the Title IX regulations, disciplinary sanctions for Title IX sexual harassment and any remedies that could not be offered as supportive measures shall not be enforced until the determination of the complaint becomes final. The determination regarding responsibility becomes final, for District purposes, either:
- a. If no appeal is filed, on the date on which an appeal would no longer be considered timely; or
  - b. If an appeal is filed, on the date that the District provides the parties with the written determination of the result of the appeal (see below).

***IV. Appeals Following a Determination of Responsibility***

- 1. A complainant or respondent may file an appeal following:
  - a. Receipt of the written determination regarding responsibility; and

- b. Receipt of notice of dismissal of a formal complaint or of any allegations within a complaint.
2. Any appeal filed by a party is strictly limited to one or more the following bases:
  - a. A procedural irregularity that affected the outcome of the matter.
  - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
  - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest in the case or a bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
  - d. A finding of fact that affected the outcome of the matter was clearly erroneous. If an appeal is raised on this basis, an appeal decision-maker will not overturn a finding of fact if the appeal-decision maker concludes that the responsibility decision-maker's account of the evidence is plausible in light of the entire record, even if the appeal decision-maker would have viewed or weighed the evidence differently.
3. An appeal must be filed in writing and submitted either in person, via U.S. mail, or via email to the Title IX Coordinator with a copy provided to the initial decision-maker. An appeal must be delivered to the District within 10 business days from the date the written determination or notice of dismissal is delivered to the party.
4. The notice of appeal submitted by a party must do all of the following:
  - a. Clearly identify the specific bases, from those listed above, on which the party is appealing; and
  - b. With reasonable specificity, state the factual basis for the appeal and the reasoning as to why the decision or dismissal being appealed from should be reversed or modified.
5. In connection with an appeal, a party may not introduce new evidence that is outside of the existing record of the complaint proceedings except as an offer of proof to support or refute a claimed conflict of interest or bias, or except in support of or in direct response to an appeal that is premised on a claim that the certain new evidence was not reasonably available at an earlier time.
6. Upon receiving a notice of appeal from a party, the Title IX Coordinator, District-designated appeal decision-maker, or a designee acting on their behalf shall promptly notify the other party (or parties), if known, that an appeal has been filed and provide a copy of the appeal to such other party (or parties).
7. The appeal decision maker will establish and inform all parties of a deadline for submitting any additional written statement the party may wish to submit in support of, or challenging, the original outcome on the grounds raised by any pending appeal. The deadline for such submissions shall be at least 5 calendar days following the date such notice is delivered to the parties.

8. An appeal decision maker shall deny an appeal that merely asserts that the District's decision is wrong (i.e., without identifying the applicable grounds for the assertion) or that fails to present a reasonably-developed argument in support of the appeal.
9. If the appeal decision-maker determines that there is a need to open the record to obtain and consider any additional evidence in order to resolve an appeal, the appeal decision-maker may offer additional equal opportunities for the parties to address and respond to any such new evidence if doing so is necessary to preserve the fairness of the proceedings.
10. The District may continue an ongoing investigation into a formal complaint during an appeal with respect to the dismissal of a complaint in part (i.e., dismissal of specific allegations). However, the investigation shall not be concluded until the appeal over the dismissed allegation(s) is decided.
11. The appeal decision-maker shall:
  - a. Issue a written decision describing the result of the appeal and the rationale for the result; and
  - b. Provide the written decision simultaneously to both parties.
12. The appeal decision-maker shall render the written decision within 10 business days of the deadline that he/she established for the receipt of the parties' written statements on appeal unless he/she communicates an extension of such timeframe, as further described below.

#### **Other Elements, Requirements, and Limitations of the Grievance Process**

**Supportive Measures During the Grievance Process.** The range of supportive measures potentially available to complainants and respondents during and in connection with this grievance process does not materially change based on the fact that a formal complaint of sexual harassment under Title IX is pending. Supportive measures, as described and defined elsewhere in this procedure, are available based on the District's actual knowledge of Title IX sexual harassment or allegations of Title IX sexual harassment, and the receipt of a formal complaint is one source of such knowledge. At the same time, supportive measures are intended to be individualized and context-sensitive. If the proceedings related to this grievance process create any changed circumstances or any special needs for a party, the party may contact a District Title IX Coordinator for the purpose of discussing potential modifications to supportive measures.

**Dismissals of Formal Complaints.** Upon receipt of a formal complaint that alleges or purports to allege Title IX sexual harassment and at other points in the grievance process while a formal complaint is pending, the District is responsible for evaluating whether, pursuant to the federal Title IX regulations, the complaint (1) must be dismissed (whether in whole or in part); or (2) may be dismissed (whether in whole or in part) as an exercise of District discretion. The District expects its Title IX Coordinator(s), complaint investigators, and decision-makers to promptly raise the issue of dismissal as needed.

1. **Mandatory Dismissal:** The District must dismiss a formal complaint (or specific allegations within the complaint), for purposes of Title IX and the District's Title IX grievance process, to the extent the conduct alleged in the complaint:
  - a. Even if proved, would not constitute sexual harassment as defined in the federal Title IX regulations; or

- b. Did not occur within the scope of the District’s education program or activity; or
  - c. Did not occur against a person in the United States.
2. **Discretionary Dismissal**: At any time during the investigation of a formal complaint and prior to the determination of responsibility, the District may dismiss a formal complaint, or any allegations therein, if:
- a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein and the Title IX Coordinator does not otherwise determine that the District’s interests in safety and/or in potentially sanctions for any respondent make continuing the investigation and making a determination of responsibility reasonably necessary under the circumstances;
  - b. The respondent is no longer enrolled in the District or employed by the District; or
  - c. The District determines that specific circumstances prevent the District from gathering evidence that is sufficient to reach a determination as to the formal complaint or any allegations therein.
3. **Dismissal Procedures**:
- a. At least one of the following administrators, acting in consultation as needed with District legal counsel, must authorize the dismissal of a formal complaint of Title IX sexual harassment or any individual allegations within such a complaint: District Superintendent, Director of Human Resources, Director of Pupil Services or the Director of Curriculum.
  - b. The Title IX Coordinator or a designee must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties (to the extent known).
  - c. A dismissal is an appealable decision to the extent identified elsewhere in this grievance process.

If a formal complaint or any allegation within a complaint is dismissed for purposes of Title IX, the District retains discretion to take action with the respect to the dismissed allegations under other District policies and procedures (e.g., if the alleged conduct could constitute discrimination other than Title IX sexual harassment or if the conduct could constitute a violation of any District policy or rule of conduct).

**Voluntary Informal Resolution of Formal Complaints**. To the extent permitted by the Title IX regulations, the District may offer and facilitate a strictly voluntary informal resolution process which attempts to resolve the allegations of a formal complaint of Title IX sexual harassment, in whole or in part, without a full investigation and adjudication. An informal resolution process may not be used in connection with allegations that a District employee sexually harassed a student.

In order to offer and attempt an informal resolution process, a formal complaint must have been filed. In addition, before conducting any informal resolution process, the District must:

- 1. Provide both parties with a written disclosure notice regarding the informal process, as further outlined in the federal Title IX regulations (see 34 C.F.R. §106.45(b)(9)(i)); and

2. Obtain each party's voluntary, written consent to participate in the informal resolution process.

As examples of informal processes that may be appropriate in some circumstances, the District's agents may: (1) offer to mediate a resolution between the parties identified in a formal complaint; or (2) explore the parties' willingness to voluntarily proceed without a full investigation and/or adjudication when the facts may be undisputed or where there may be an opportunity to reach stipulated facts.

If a voluntary informal resolution has not reached a conclusion within 10 business days of the date that the District received the consent of the parties, the District and the parties may mutually and voluntarily agree to extend the timeframe for attempting an informal resolution. In the absence of a mutual agreement to extend the timeframe, the District will provide reasonably prompt written notice to the parties that the informal process is being abandoned and that the District will resume the formal process.

**Disciplinary Sanctions.** After a determination that a party is responsible for Title IX sexual harassment through following this grievance process, the disciplinary sanctions that the District may impose will depend on the nature of the misconduct and the individual's then-current status as a student, employee, or other person connected to the District's education program or activity. Disciplinary sanctions that are issued or recommended as a result of a determination of responsibility for Title IX sexual harassment are intended as consequences for past misconduct and/or as a deterrent against any future sexual harassment. To the extent the District reaches a determination using this grievance process that a party engaged in conduct that was not Title IX sexual harassment but that did violate some other law or District policy or rule, this grievance process does not directly address the disciplinary consequences for such conduct, even though the District may impose disciplinary consequences for such conduct.

1. **Students:** The range of possible disciplinary sanctions or recommended sanctions for students includes but is not limited to suspension from school, expulsion from school, and disciplinary suspension of eligibility to participate in District-sponsored extracurricular activities. The District may also prohibit the student from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures. This provision does not modify any student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.
2. **Employees:** The range of possible disciplinary sanctions or recommended sanctions for employees includes but is not limited to a formal reprimand, an indefinite demotion or salary reduction, a disciplinary reassignment exceeding what may be allowed as a supportive measure, an unpaid suspension, contract nonrenewal, and termination of employment. At the District's discretion, such sanctions may be structured with or without special conditions, such as notice of a zero-tolerance policy for any prospective related violations, or a directive prohibiting the employee from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures.
3. **Other Persons:** The range of possible disciplinary sanctions or recommended sanctions for other persons includes but is not limited to suspension from or the termination of a District-authorized role (e.g., volunteer), termination or nonrenewal of contracts, and a directive prohibiting the individual from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures.

**Remedies to Benefit Complainants.** After a determination that a party to the grievance process was responsible for Title IX sexual harassment, the District may provide the complainant with remedies designed to restore or preserve equal access to the District's education program or activity, including

providing for a safe educational or working environment. Such remedies may include the continuation or addition of individualized accommodations, services, and interventions that could have been provided as “supportive measures” prior to the determination of responsibility. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

**Timeframes and Extensions.** The District normally intends to conclude the grievance process within 90 calendar days of the date that a formal complaint is filed or signed by a Title IX Coordinator, recognizing that in certain circumstances it may be practical to complete the process in less time, and in other circumstances the process may reasonably require more time.

Any party or witness may, for good cause, request (1) a temporary delay in the grievance process; (2) the rescheduling of an investigative interview or other meeting; or (3) a limited extension of a deadline that applies to the party. Any such request shall be submitted in writing to the investigator, decision-maker, or appeal decision-maker, given the applicable stage of the proceedings.

The investigator, decision-maker, or appeal decision-maker (as applicable) may grant such a request, and may also self-initiate such a delay, rescheduling, or extension, upon determining that there is good cause and that approving the request would not be unduly prejudicial to any of the parties or unreasonably extend the conclusion of the grievance process.

Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the complexity of the allegations; or the need for language assistance or accommodation of disabilities. In evaluating whether good cause exists with respect to a party's request, the District may take into account the party's history of requesting delays or extensions and the reasons for any such prior requests.

Although the agents of the District are expected to make reasonable efforts to accommodate the schedules of parties and witnesses, the District also may not, without good cause, deviate from its own designated timeframe for the grievance process.

Accordingly, the District retains discretion to grant a shorter delay or extension than was requested. Further, in some cases, the District may deny a scheduling request and, if necessary, proceed with the grievance process in the absence of a party, a party's advisor, a party's filing/response, or a witness.

If a formal complaint of Title IX sexual harassment also constitutes a complaint of pupil discrimination under Chapter PI 9 of the Wisconsin Administrative Code, and if a requested or contemplated delay/extension would prevent the District from reaching a determination of the complaint within 90 calendar days, the District's agents shall evaluate whether it is necessary or appropriate to request the parties' consent to the delay/extension.

The appropriate agent of the District or a designee shall provide the complainant and respondent with prompt written notice of any decision to delay the grievance process or grant an extension of a deadline. Such notice shall include the reason(s) for the action. To the extent a given deadline applies to multiple parties, any extension of the deadline automatically applies to all such parties.

**Voluntary Waivers of Timeframes.** In instances where this grievance process gives the parties a minimum period of time to prepare and submit a response or prepare for an interview or meeting, a party may voluntarily waive all or part of such period of time if the party communicates their voluntary waiver to the investigator or decision-maker (as applicable) in writing.

**Consolidation of Formal Complaints.** The District may consolidate formal complaints of Title IX sexual harassment where the allegations of sexual harassment in the different complaints arise out of the same facts or circumstances.

**Concurrent Investigation and Consideration of Multiple Potential Grounds for a Determination of Responsibility/Misconduct.** If the allegations set forth in a formal complaint of Title IX sexual harassment also constitute or fairly encompass allegations of conduct that could constitute (1) discrimination under a different law, or (2) a violation of a District policy or rule (including any District code of conduct that may be applicable to the respondent), or (3) any other established grounds for the imposition of possible disciplinary sanctions, then the District may, at its discretion, investigate the facts and circumstances related to such other legal or policy standards using this grievance process and apply the facts, as found through the investigation, to all potential grounds for a finding of responsibility/misconduct and possible discipline. Unless otherwise required by law, the investigation and determinations reached through this grievance process shall constitute sufficient processing of any such related, overlapping, or intertwined complaint(s), allegations, or charges that may arise out of the same facts or circumstances as the allegation(s) of Title IX sexual harassment.

In all cases involving such concurrent investigation and concurrent consideration of such additional complaint(s), allegations, or charges, the District's agents in the grievance process are responsible for giving the parties adequate notice of the scope of the allegations to be investigated and of the different grounds for a potential finding of liability/responsibility (e.g., federal law, state law, or a local policy or rule). The District's agents are also responsible for adequately identifying the specific basis for any determination of responsibility or finding of misconduct. For example, a decision-maker might conclude in a given case that the facts as found do not rise to the level of Title IX sexual harassment, but that the complaint is substantiated with respect to prohibited harassment as defined under Chapter PI 9 of the Wisconsin Administrative Code and under District policy.

**Restrictions on the Participation of Parties' Advisors.** An advisor of the party's choosing shall be permitted to accompany the party to any investigative interview or other meeting held in connection with this grievance process. However, no person who accompanies a party to a meeting or otherwise serves as an advisor to the party may unreasonably interfere with or unreasonably delay the District's investigation. Unreasonable interference by an advisor includes, for example:

Answering the District's questions on behalf of the party during an investigative interview, such that the District is denied the party's own, direct response.

Interrupting District questioning with the goal of prompting or suggesting responses for the party.

Interrupting District questioning in an attempt to conduct his/her own questioning of the party.

The District's agents in the grievance process may place further reasonable restrictions on the extent to which an advisor may participate in the proceedings, provided that such restrictions apply equally to both parties.

**Prohibition on Retaliation.** No official, employee, or agent of the District or any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or any proceeding conducted under the auspices of the District's Title IX obligations.

Complaints alleging retaliation in violation of this provision may be filed according to the reporting and grievance procedures that the District has established for general complaints of unlawful discrimination based on sex and other legally-protected classifications.

**Prohibition on Bad Faith Conduct.** To the extent permitted by law, the District reserves authority to appropriately address and impose consequences for bad-faith conduct by individuals who make a report or complaint, testify, assist, or participate in any manner in a Title IX investigation or other Title IX proceeding. For example, the District may impose lawful consequences for making a materially false statement in bad faith in the course of any proceeding that is conducted under the auspices of the District's Title IX obligations.

### **Definitions**

Within the Title IX grievance process set forth in this rule:

- *Business days* means days that the main administrative office of the District is staffed, in person or virtually, for responding to regular business and public contacts. Business days never include Saturday or Sunday.
- The terms “*written*” or “*in writing*” include a notice or communication provided in hard copy format via hand delivery or via U.S. Mail to the address of record or in an electronic format via an email sent to an email address that has been issued by the District or that has been provided by the intended recipient.
- With respect to a communication sent by electronic mail, an email is deemed to be *delivered* when it was first electronically available to be accessed by the recipient, and delivery presumptively occurs on the same day as the email was sent. With respect to a communication sent by U.S. Mail, the communication is deemed *delivered* on (1) the date reflected on any confirmation of delivery or delivery receipt; or (2) three business days after the communication was sent by First Class Mail if no delivery confirmation was requested.

The following terms within this rule have the definitions specified in the federal Title IX regulations, including all applicable exclusions, exceptions, and clarifications of scope found in the federal regulations. Paraphrasing the applicable regulatory provisions:

- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment, regardless of how the District gained actual knowledge of the alleged sexual harassment. Therefore, not every person who reports an allegation of Title IX sexual harassment is a complainant.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- *Actual knowledge* means notice of sexual harassment or allegations of sexual harassment to (1) the District's Title IX Coordinator; (2) any District official who has authority to institute corrective measures on behalf of the District; or (3) any employee of the District other than a respondent (i.e., in circumstances where the respondent is a District employee). “*Notice*” as used in this definition includes, but is not limited to, a report of sexual harassment to the District's Title IX Coordinator.



- *Education program or activity* includes any locations, events, or circumstances over which the District exercised substantial control over both (1) the respondent, and (2) the context in which the sexual harassment or alleged sexual harassment occurred.
- *Formal complaint* means a document filed by an eligible complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment under Title IX. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District. As used in this definition, the phrase “*document filed by an eligible complainant*” means a document or electronic submission (such as by electronic mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- “*Supportive measures*” or “*supportive measures under Title IX*” means non- disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint of sexual harassment under Title IX or where no such formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to (1) protect the safety of all parties or the District’s educational environment, or (2) deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, additional supervision or planned accompaniment, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security, supervision, or monitoring of certain areas of school grounds, and other similar measures.
- “*Sexual harassment under Title IX*” and “*Title IX sexual harassment*” mean conduct on the basis of sex in any District education program or activity, occurring in the United States, that satisfies one or more of the following:
  1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
  2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
  3. Any of the following, as defined under the Title IX regulations by reference to other federal statutes:
    - a. “sexual assault,” as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#), to mean an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including but not limited to rape, sexual assault with an object, and groping.
    - b. “stalking,” as defined in [34 U.S.C. 12291\(a\)\(30\)](#).

- c. “dating violence,” as defined in [34 U.S.C. 12291\(a\)\(10\)](#).
  - d. “domestic violence,” as defined in [34 U.S.C. 12291\(a\)\(8\)](#).
- *Stalking*, as defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    1. fear for his or her safety or the safety of others; or
    2. suffer substantial emotional distress.
  - *Dating violence* as defined in 34 U.S.C. 12291(a)(10), means violence committed by a person-
    1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
    2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
      - a. The length of the relationship;
      - b. The type of relationship; and
      - c. The frequency of interaction between the persons involved in the relationship.
  - *Domestic violence*, as defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the state’s domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the state’s domestic or family violence laws.

LEGAL REF.: Wis. Stat. Subch. III of Ch. 106  
 Wis. Stat. Subch. II of Ch. 111  
 Wis. Stat. § 118.13  
 Wis. Stat. § 118.134  
 Wis. Admin. Code P.I. 9, 41

Federal Laws:

- 8 U.S.C. § 1324b(a)
- 20 U.S.C. § 1400 et seq.
- 20 U.S.C. § 1681 et seq.
- 20 U.S.C. § 6312(e)(3)(D)
- 29 U.S.C. § 621 et seq.
- 29 U.S.C. § 794 et seq.
- 42 U.S.C. § 2000d et seq.
- 42 U.S.C. § 2000e et seq.
- 42 U.S.C. § 12111 et seq.
- 42 U.S.C. § 12131 et seq.

CROSS REF.: 411 – Student Non-Discrimination and Anti-Harassment  
411 Exhibit 1 – Complaint Form  
411.11 Sexual Harassment and Non-Discrimination in District Programs, Activities,  
and Operations  
411.11 Rule (2) – Expectations for Employees to Report Discrimination and  
Harassment  
511 – Non-Discrimination and Equal Employment Opportunity  
511.5 – Employee Anti-Harassment  
511.5 Exhibit – Employee Anti-Harassment Complaint Form

APPROVED: **TBD**

**411.11 RULE (2) EXPECTATIONS FOR EMPLOYEES TO REPORT DISCRIMINATION AND HARASSMENT**

The guidelines and expectations established in this procedure apply to all District employees and to all non-employee authorized agents of the District who perform a compensated role for the District that requires a DPI license (e.g., licensed professionals working for the District in the capacity of contracted service provider). The District may further apply this rule to other non-employees who provide services to the District by including appropriate provisions in any applicable contract, memorandum of understanding, or other agreement, or by issuing any other sufficient notice or directives to such persons.

In the remainder of this rule:

1. “Agent” means any non-employee agent, contractor, or service-provider to whom the guidelines and expectations established in this procedure apply.
2. “District nondiscrimination policy” includes the following School Board policies:
  - 411 – Student Non-Discrimination and Anti-Harassment
  - 411 Exhibit 1 – Complaint Form
  - 411.11 – Sexual Harassment and Non-Discrimination in District Programs, Activities, and Operations
  - 411.11 Rule (1) – Procedure for District Response to Alleged Sexual Harassment Under Title IX
  - 511 – Non-Discrimination and Equal Employment Opportunity
  - 511.5 – Employee Anti-Harassment
  - 511.5 Exhibit 1 – Employee Harassment Complaint Form

**Reporting Responsibilities**

Any employee or agent of the District who has knowledge of conduct by any other person that constitutes, or is reasonably suspected to constitute, discrimination in violation of law, a legal obligation of the District, or any District nondiscrimination policy, is responsible for promptly reporting such conduct. Similarly, an employee or agent who reasonably suspects that any District policy or District operating procedure discriminates against any person in violation of law, a legal obligation of the District, or any District nondiscrimination policy, is also responsible for promptly reporting that knowledge, claim, or concern.

The District’s established procedures for making a report or complaint of prohibited discrimination, or alleged discrimination, are found in the policies referenced above. Employees and agents of the District may, and generally should, use those established methods to satisfy the reporting obligations established in this rule. However, an employee or agent may also satisfy the reporting obligations established in this rule if they submit the relevant report directly to the: District Superintendent; Director of Human Resources; Director of Pupil Services; or Director of Curriculum & Instruction, 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. Particularly if such a report was not submitted in person (e.g., it was submitted via mail or electronic mail), employees and agents are strongly encouraged to personally contact the intended recipient to confirm that the report was received as intended.

The obligation established in this Rule to report conduct by any other person that constitutes, or that is reasonably suspected to constitute, unlawful discrimination (including unlawful harassment) applies to such conduct occurring within any aspect of the District’s programs, activities, or operations and also applies regardless of:

Whether the person alleged to be responsible for the conduct is a student, an employee, a supervisor/administrator, a School Board member, or other person over whom the District exercises relevant authority, control, or responsibility;

1. Whether the person alleged to be the victim of the conduct is a student, an employee, or other person who is legally protected from the alleged discrimination;
2. How the employee or agent obtained their knowledge of the conduct or alleged conduct (e.g., as a direct witness to the conduct/incident, as a victim or target of the conduct, or after receiving a report or other relevant information from a third-party); and

Whether the employee or agent making the report considers (or does not consider) themselves to be an alleged victim or target of the conduct, or to have been otherwise harmed in some way by the conduct, except that an employee or agent who is an alleged victim of conduct that could constitute sexual harassment, as defined under [section 106.30](#) of the federal Title IX regulations, must report the complaint to the Title IX Coordinator. This report may or may not constitute a “formal complaint” of sexual harassment, as defined in section 106.30 of the federal Title IX regulations.

As further established in the Board’s nondiscrimination policies, an employee or agent is protected from any form of unlawful retaliation for making a good-faith report of known, alleged, or reasonably suspected discrimination under this rule.

The reporting obligations established in this Rule do not apply when the employee or agent has direct and certain knowledge that the relevant conduct or other allegations of unlawful discrimination have already been reported to at least the District Superintendent, Director of Human Resources, Director of Pupil Services, or Director of Curriculum & Instruction. For example, an employee or agent is not required to submit another report of the same conduct, incident, or allegation when they have knowledge that the District has already started an investigation into (or otherwise initiated an appropriate response to) the same matter.

To the extent applicable to the employee’s or agent’s position/role and to the facts of a specific situation, employees and agents of the District remain responsible for adhering to any other mandatory reporting requirements established under a District policy and/or under state or federal law (e.g., reports of child abuse or neglect, threats of school violence, or educator misconduct).

Due to the continuum of potentially problematic incidents and conduct that employees and agents may encounter, the District recognizes that there will be borderline situations where employees and agents will need to exercise reasonable professional judgment when deciding whether the situation should be further reported as possible discrimination under this rule.

APPROVED: TBD

**ADMINISTRATIVE GUIDELINE**  
**Initial District Screening of Reports or Complaints of Sexual Harassment**

Any time a District Title IX Coordinator has actual notice of sexual harassment or allegations of sexual harassment that, if substantiated, would be prohibited by any law or by any applicable District policy, guideline, or code of conduct, including as a result of receiving any report or complaint, the Title IX Coordinator is expected to promptly screen the information provided by the person(s) who originated the report or complaint and make the following determinations:

1. Whether the report, complaint, or other information, taken at face value, either alleges conduct that could plausibly constitute unlawful sexual harassment under Title IX; or (2) reasonably purports to be, or appears to qualify as, a formal complaint of unlawful sexual harassment under Title IX.
  - a. If so, the District shall process the report or complaint under District Policy 411.11 and affiliated rules that establishes the “District Response to Alleged Sexual Harassment under Title IX.” In addition, the Title IX Coordinator is expected to make reasonable efforts to coordinate with other appropriate District officials regarding:
    - i. Any related disciplinary processes that may have been (or may soon be) initiated, including determining whether it may be necessary or appropriate to delay such related processes;
    - ii. Any potential decisions regarding administrative leave (for an employee) or emergency removals, as further provided under the Title IX regulations; and
    - iii. Whether any of the circumstances or allegations known by the District raise any issues or concerns that are sufficiently independent of the Title IX sexual harassment allegations such that the District may or must pursue a separate response or intervention.
  - b. If not, continue with the subsequent determinations in this list.
2. Whether the report, complaint, or other information, taken at face value, alleges conduct or circumstances that could plausibly constitute some form of unlawful discrimination (including unlawful harassment) other than sexual harassment under Title IX.
  - a. If so, the District shall process the report or complaint under the appropriate discrimination complaint procedures and/or other procedures, as established separately from this guideline. In addition, the Title IX Coordinator is expected to make reasonable efforts to coordinate with other appropriate District officials regarding:
    - i. Any related disciplinary processes that may have been (or may soon be) initiated, including determining whether it may be necessary or appropriate to delay such related processes; and
    - ii. Whether any of the circumstances or allegations known by the District raise any issues or concerns that are sufficiently independent of the alleged discrimination such that the District may or must pursue a separate response or intervention.
  - b. If not, continue with the subsequent determinations in this list.

3. Whether the report, complaint, or other information, taken at face value, alleges (1) conduct or circumstances that could plausibly constitute a violation of District policy or District guidelines, including but not limited to any guidelines, directives, or expectations set forth for students or employees; or (2) conduct that may be inappropriate and that would be a legitimate subject of supervisory/administrative inquiry and possible intervention.
  - a. If so, the District shall either inform the person(s) who originated the report or complaint of their options for proceeding or directly route the report or complaint for appropriate further processing, which may or may not relate to any established complaint/grievance procedure.
  - b. If not, the District shall inform the person(s) who originated the report or complaint that (1) the District was not able to discern a basis for proceeding or has determined that the person has attempted to report an issue or raise a concern that does not appear to be amenable to resolution through established District procedures; and (2) the District was not able to discern another basis for proceeding on the report or complaint.

The determinations called for in this initial screening procedure may be made acting in consultation as needed with the: District Superintendent; Director of Human Resources; Director of Pupil Services; Assistant Director of Pupil Services; Director of Curriculum, or District legal counsel. If a designated Title IX Coordinator (Director of Human Resources) is unavailable, or if a report or complaint alleges that the Title IX Coordinator engaged in or was responsible for the conduct/action, then the alternate Title IX Coordinator (Director of Pupil Services) or his/her appropriately-qualified designee shall conduct the initial screening called for in this guideline.

When determining if a written or electronic submission reasonably purports to be, or appears to qualify as, a formal complaint of sexual harassment under Title IX, the Title IX Coordinator may contact the filing party to correct any minor technical deficiencies in the filing, or to confirm that the filing party is currently participating in or attempting to participate in the education program or activity of the District. The Title IX Coordinator may also request sufficient clarification of the basic allegations so that the District is able to (1) make any initial determinations with respect to the Title IX standards for dismissal of allegations in a formal complaint; and (2) if applicable, provide adequate notice to the respondent of the allegations presented in a formal complaint. However, the purpose of any such initial contact with the filing party shall not be to conduct an investigation into the merits of the allegations or to evaluate the strength or weakness of the filing party's evidence.

This guideline is intended to provide general guidance in connection with the initial screening of reports or complaints of possible sexual harassment. The guideline reflects a typical analysis, yet still involves the application of professional judgment. It is not a rigid workflow that can be applied without sensitivity to potentially overriding facts or circumstances or in a manner that necessarily yields only one reasonable analysis.

Nothing in this guideline diminishes the District's obligations to respond to Title IX sexual harassment or allegations of Title IX sexual harassment in a prompt manner that is not deliberately indifferent under all circumstances in which the federal regulations deem the District to have actual knowledge of such harassment. Further, after the initial screening expressly contemplated by this guideline, the District retains obligations to (1) continue to evaluate the known and alleged circumstances as they develop or change; and (2) appropriately adjust the District's response pursuant to applicable legal and/or policy-based standard(s).

## 411 STUDENT NON-DISCRIMINATION AND ANTI-HARASSMENT

The School District of Wisconsin Rapids is committed to equal educational opportunity for all District students. The District will not deny any person admission to, participation in, or the benefits of any curricular, extra-curricular, pupil services, recreational or other program or activity because of a person's gender, race, national origin, ancestry, creed, religion, pregnancy, marital or parental status, sexual orientation, transgender status, gender identity, or physical, mental, emotional or learning disability, or any other characteristic protected under State or Federal civil rights laws. This policy does not, however, prohibit the District from placing a student in a school, class, program or activity based on objective standards of individual performance or need.

The District strives to provide a safe, secure and respectful learning environment for all students in school buildings, on school grounds, and school buses and at school-sponsored activities. The District prohibits all forms of discrimination and harassment. The District consistently and vigorously addresses discrimination and harassment so that there is no disruption to the learning environment and learning process.

Discrimination is any action, policy or practice, including bias, stereotyping and pupil harassment, which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or which limits or denies a person or group of persons opportunities, privileges, roles or rewards based, in whole or in part, on gender, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, transgender status, gender identity, physical, mental, emotional or learning disability, or any other characteristic protected under State or Federal civil rights laws, or which perpetuates the effects of past discrimination.

Harassment is unwanted, abusive behavior of a physical, verbal, non-verbal or written nature, directed towards a student or group of students based, in whole or in part, on gender, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, transgender status, gender identity, physical, mental, emotional or learning disability, or any other characteristic protected under State or Federal civil rights laws which substantially interferes with a student's school performance or creates an intimidating, hostile or offensive school environment. Sexual harassment is a form of harassment and consists of unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. It includes conduct directed by a person at another person of the same or opposite gender.

Any student who engages in harassment or discrimination, or retaliates against another person because of reporting harassment or discrimination or participating in an investigation, is subject to immediate discipline, up to and including suspension and expulsion from the District.

This policy applies to the acceptance and administration of gifts, bequests, scholarships and other aids, benefits, or services to students from private agencies, organizations or persons. It also applies to school sponsored food service programs, the selection of instructional and library media materials, and the methods, practices and materials used for testing, evaluating and counseling students.

This policy does not, however, prohibit the use of special testing or counseling materials or techniques to meet the individual needs of students. Furthermore, this policy does not prohibit separate locker rooms, showers and toilets for males and females, although the District will maintain comparable separate facilities. Finally, this policy does not prohibit separate programs in interscholastic athletics for males and females, although the District will provide programs that are comparable in type, scope and District support.



## **Reporting**

Students, administrators, teachers, staff, and all other school personnel are responsible for reporting any form of discrimination or harassment. The District encourages all students, as well as third parties, to promptly report incidents of discrimination or harassment to a teacher, administrator, supervisor, or other District employee or official so that the District may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall forward the complaint to the District's designated Compliance Officer without undue delay, but not later than two (2) business days. The District's designated Compliance Officer is the Director of Human Resources. ***The Director of Human Resources is also designated as the District Title IX Coordinator as outlined in Policy 411.11. Complaints concerning sexual harassment will be processed in accordance with the procedures outlined in Policy 411.11.*** Complaints should be submitted to:

Director of Human Resources\*  
School District of Wisconsin Rapids  
510 Peach Street  
Wisconsin Rapids, WI 54494

\*(Note that a staff directory is available on the WRPS webpage at [www.wrps.org](http://www.wrps.org) or by calling the District main office.)

If the Director of Human Resources is unavailable, or if there is a perceived conflict of interest involving the Director of Human Resources, or if reporting to the Director of Human Resources would not be appropriate under the circumstances, the Director of Curriculum & Instruction will act as the District Compliance Officer. Complaints should be addressed to:

Director of Curriculum & Instruction\*  
School District of Wisconsin Rapids  
510 Peach Street  
Wisconsin Rapids, WI 54494

\*(Note that a staff directory is available on the WRPS webpage at [www.wrps.org](http://www.wrps.org) or by calling the District main office.)

## **Investigation and Complaint Procedure**

Complaints regarding harassment or discrimination may be submitted either orally or in writing, in accordance with the reporting procedure above. A complainant should identify the individual(s) involved in the alleged harassment or discrimination, provide a description of the incident(s), and any potential witnesses. If the complainant is unwilling to provide a written complaint containing this information, the Compliance Officer shall attempt to interview the complainant and prepare a summary. The complainant will then be asked to review the summary for accuracy and sign it.

The District will first allow a complainant the opportunity to resolve the complaint on an informal basis, if the complainant requests to do so. If the parties resolve the matter, the Compliance Officer will prepare a written statement outlining the resolution. However, if the complainant is not satisfied with the outcome, the District will proceed with formally investigating the complaint.

The District's Compliance Officer, after receipt of a complaint, will begin review and investigation of the complaint, or will designate a specific individual to perform the investigation. The Compliance Officer will also determine whether any immediate action needs to be taken to protect the complainant from further harassment or discrimination pending the outcome of the investigation. The District's Compliance Officer

will send the complainant written acknowledgement of the complaint within forty-five (45) days after receipt. If the Compliance Officer, or his or her designee, determines that the complaint meets the definition of “bullying,” under the District’s bullying policy, because the allegations are not based on a student’s protected characteristics, the complaint should be transferred for investigation under that policy.

The Compliance Officer, or his/her designee, will investigate harassment and discrimination complaints promptly, thoroughly, and impartially. The investigation may include interviews with the complainant and potential witnesses, as well as a review of any documents or evidence. In addition, the Compliance Officer will contact the individual(s) subject to the complaint regarding the allegations and provide an opportunity to submit a response. The Compliance Officer should keep the parties informed of the status of his or her investigation. At the conclusion of his or her investigation, the Compliance Officer, or his/her designee, will prepare a written report regarding the investigation, including a description of his or her conclusions and any action taken, within ninety (90) days after receipt of the complaint, unless additional time is required to conduct a complete investigation and the involved parties agree to an extension. The Compliance Officer, or his/her designee, shall send a copy of the report to the complainant, the alleged harasser, and the Superintendent.

If any party is not satisfied with the results of the investigation or the Compliance Officer’s decision, he or she may appeal the decision to the Board of Education. To appeal the decision, a party must submit a written appeal to the Board within ten (10) days after the District sends the investigation report to the parties. The Board of Education will hold a private conference with the parties within thirty (30) days after the Board receives the written appeal. In response to the appeal, the Board will send a written decision to the parties and the Compliance Officer and Superintendent within ten (10) days after the private conference.

Either party may appeal the Board of Education’s decision to the State Superintendent of Public Instruction. Parties should send appeals to the following address:

State Superintendent  
Wisconsin Department of Public Instruction  
P.O. Box 7841  
Madison WI 53707-7841

Students with a disability under Section 504 of the Rehabilitation Act may also request a Section 504 due process hearing.

At any time, students may also file a complaint with the U.S. Department of Education’s Office for Civil Rights at the following address:

Chicago Office  
Office for Civil Rights  
U.S. Department of Education  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544

Copies of the complaint procedures shall be kept in each building office. Reference to policies and procedures for filing a complaint are included in student handbooks and sent home to all parents annually.

In the event that the alleged harassment constitutes a crime or requires mandatory reporting under Wis. Stat. § 48.981, the Compliance Officer or Superintendent must report the alleged conduct to the appropriate social service and/or law enforcement agency. In conjunction with this report, the Compliance Officer will continue his or her investigation.

LEGAL REF.: Wis. Stat. § 48.981  
Wis. Stat. § 118.13  
Wis. Admin. Code P.I. 9, 41  
Fourteenth Amendment, U.S. Constitution  
20 U.S.C. § 1415  
20 U.S.C. § 1681 et seq., Title IX of Education Amendments Act  
20 U.S.C. § 1701 et seq., Equal Educational Opportunities Act of 1974  
29 U.S.C. § 794, Rehabilitation Act of 1973  
42 U.S.C. § 1983  
42 U.S.C. § 2000 et seq., Civil Rights Act of 1964  
42 U.S.C. § 2000d et seq.  
42 U.S.C. § 12101 et seq., The Americans with Disabilities Act of 1990  
34 C.F.R. § 300.600-300.662

CROSS REF.: 411 Exhibit 1 – Complaint Form  
**411.11 – Sexual Harassment and Non-Discrimination in District Programs, Activities, and Operations**  
**411.11 Rule (1) – Procedure for District Response to Alleged Sexual Harassment Under Title IX**  
**411.11 Rule (2) – Expectations for Employees to Report Discrimination and Harassment**  
411.5 – Bullying

APPROVED: September, 1985

REVISED: August, 1987  
September 12, 1988  
December, 1992  
August 13, 2001  
January 8, 2007  
February 11, 2008  
August 9, 2010  
August 10, 2015  
October 14, 2019  
**TBD**

## 511 NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The School District of Wisconsin Rapids offers equal employment opportunities and prohibits discrimination based on an employee's or applicant's age, race, color, creed, religion, genetic information, handicap or disability, marital or parental status, gender, sexual orientation, transgender status, gender identity, national origin, ancestry, citizenship, arrest record, conviction record, pregnancy, veteran status, military service, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or Wisconsin, use or nonuse of lawful products off District premises during non-working hours and away from District-sponsored activities, or other protected group status, as required by State or Federal law.

The Superintendent shall appoint a Compliance Officer to coordinate the District's compliance with applicable Federal and State laws and regulations, including addressing inquiries or complaints regarding discrimination or denial of equal access.

LEGAL REF.: Wis. Stat. § 111.13 et seq., Wis. Stat. § 118.195, Wis. Stat. § 118.20  
20 U.S.C. § 1681 et seq., Title IX  
29 U.S.C. § 701 et seq., Rehabilitation Act of 1973, as amended  
42 U.S.C. § 2000e et seq., Civil Rights Act of 1964  
42 U.S.C. § 12112, Americans with Disabilities Act of 1990, as amended  
42 U.S.C. § 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 C.F.R. Part 1635

CROSS REF.: *411.11 – Sexual Harassment and Non-Discrimination in District Programs, Activities, and Operations*  
*411.11 Rule (1) – Procedure for District Response to Alleged Sexual Harassment Under Title IX*  
*411.11 Rule (2) – Expectations for Employees to Report Discrimination and Harassment*  
511.5 – Employee Anti-Harassment  
511.5 Exhibit – Employee Harassment Complaint Form

APPROVED: November 11, 1974

REVISED: January 14, 2002  
January 8, 2007  
February 11, 2008  
August 9, 2010  
August 10, 2015  
*TBD*

## 511.5 EMPLOYEE ANTI-HARASSMENT

The School District of Wisconsin Rapids prohibits all forms of harassment. Any person subject to the control and supervision of the District who engages in harassment, or retaliates against another person because of a harassment report or participation in an investigation, will be subject to immediate discipline, up to and including discharge. Persons subject to the control and supervision of the District include, but are not limited to, students, teachers, employees, administrators, and volunteers. In addition, the District will take appropriate action to address reported harassment of District employees by third parties, including vendors, and persons who participate in school activities or events authorized by the District.

Harassment consists of unwanted, abusive behavior of a physical, verbal, non-verbal or written nature, directed towards an individual or group of individuals based, in whole or in part, on age, race, color, creed, religion, genetic information, handicap or disability, marital or parental status, gender, sexual orientation, transgender status, gender identity, national origin, ancestry, citizenship, arrest record, conviction record, pregnancy, veteran status, military service, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or Wisconsin, or other protected group status, which substantially interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment. Sexual harassment is a form of harassment and consists of unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. It includes conduct directed by a person at another person of the same or opposite gender.

### **Reporting/Complaint Procedure**

Any employee that believes he or she has been subjected to harassment prohibited by this policy is encouraged to promptly report the alleged harassment so that the District may address the conduct before it becomes severe, pervasive, or persistent. Administrators, teachers, staff, and all other school personnel who become aware of alleged harassment must immediately report the alleged incident(s). In addition, any other person who becomes aware of alleged harassment prohibited by this policy is encouraged to report it in accordance with the procedures outlined below.

The reporting party is encouraged to submit a written complaint using the District's form, available in the District office and from the principal of each building. Any oral complaint shall be reduced to writing by the person receiving the complaint. Any complaint concerning a violation of this policy shall be submitted to the Director of Human Resources at the following address:

Director of Human Resources\*  
Wisconsin Rapids School District  
510 Peach Street  
Wisconsin Rapids, WI 54494

*\*(Note that a staff directory is available on the WRPS webpage at [www.wrps.org](http://www.wrps.org) or by calling the District main office.)*

**The Director of Human Resources is also designated as the District Title IX Coordinator as outlined in Policy 411.11. Complaints concerning sexual harassment will be processed in accordance with the procedures outlined in Policy 411.11.**

If reporting to this person would not be appropriate under the circumstances, the reporting party may submit a report directly to the Superintendent at the following address:

Superintendent\*  
Wisconsin Rapids School District  
510 Peach Street  
Wisconsin Rapids, WI 54494

*\*(Note that a staff directory is available on the WRPS webpage at [www.wrps.org](http://www.wrps.org) or by calling the District main office.)*

The Director of Human Resources (or another appropriate administrator) will send the reporting party written acknowledgement of the complaint within forty-five (45) days after receipt of the complaint.

The District will allow complainants the opportunity to resolve harassment complaints on an informal basis, if the complainant requests to do so. Upon a complainant's request, the building principal (or if the building principal would not be appropriate under the circumstances, the complainant may contact the Superintendent directly) will facilitate a meeting between the complainant and the alleged harasser. If the parties resolve the matter, the building principal (or Superintendent) will prepare a written statement outlining the resolution. If the complainant is not satisfied with the outcome of the meeting, the District will proceed with its investigation of the complaint.

The District will investigate harassment complaints promptly, thoroughly, and impartially. The Director of Human Resources shall conduct the investigation or appoint a designee or outside consultant to do so. The Director of Human Resources will prepare a written report regarding the investigation, including a description of the District's conclusions and any action taken, within ninety (90) days after the District receives the complaint, unless additional time is necessary in order to conduct a complete investigation. However, additional time may be necessary depending on the nature of the allegations. The Director of Human Resources shall send a copy of the report to the complainant, the alleged harasser, and the Superintendent.

If either party is not satisfied with the results of the investigation report or the District's decision, he or she may appeal the decision to the Board of Education. To appeal the decision, a party must submit a written appeal to the Board within ten (10) days after the District sends the investigation report to the parties. The Board of Education will hold a private conference with the parties within thirty (30) days after the Board receives the written appeal. In response to the appeal, the Board will send a written decision to the parties and the Superintendent within ten (10) days after the private conference.

At any time, a complainant may also file a complaint with the U.S. Department of Education's Office for Civil Rights at the following address:

Chicago Office  
Office for Civil Rights  
U.S. Department of Education  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544

Every employee will receive a copy of this policy upon hire. A copy of this policy will be kept in each building office and maintained on the District webpage. Every employee will receive/review this policy on an annual basis through the District's in-service.

LEGAL REF.: Wis. Stat. § 111.13  
Wis. Stat. § 118.195  
Wis. Stat. § 118.20  
20 U.S.C. § 1681 et seq., Title IX  
29 U.S.C. § 701 et seq., Rehabilitation Act 1973  
29 U.S.C. § 794  
29 C.F.R. Part 1635  
42 U.S.C. § 1983  
42 U.S.C. § 2000d et seq.  
42 U.S.C. § 2000e et seq.  
42 U.S.C. § 2000ff et seq., The Genetic Information Nondiscrimination Act  
42 U.S.C. § 12101 et seq.  
42 U.S.C. § 12112, Americans with Disabilities Act of 1990

CROSS REF.: **411.11 – Sexual Harassment and Non-Discrimination in District Programs, Activities, and Operations**  
**411.11 Rule (1) – Procedure for District Response to Alleged Sexual Harassment Under Title IX**  
**411.11 Rule (2) – Expectations for Employees to Report Discrimination and Harassment**  
511 – Non-Discrimination and Equal Employment Opportunity  
511.5 Exhibit 1 – Employee Harassment Complaint Form  
Employee Handbooks

APPROVED: November 11, 1974

REVISED: January 14, 2002  
January 8, 2007  
February 11, 2008  
August 9, 2010  
August 10, 2015  
December 11, 2017  
**TBD**