

## **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. 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.: 411.5 – Bullying  
411 Exhibit 1 – Complaint Form

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