

Policy 411 - Rule
Discrimination Complaint Procedure: Including Harassment and Bullying,
and Sexual Harassment

INTRODUCTION:

The following procedures were developed to assure compliance with State and Federal laws, along with District policies, pertaining to discrimination, including harassment and bullying, and sexual harassment. These procedures are intended to provide information and guidance for administrators, staff, students, and the public.

COMPLAINT PROCEDURES:

Any person who believes that he or she has been discriminated against or harassed or bullied, including sexual harassment, in violation of District policy should follow the complaint procedures as follows:

Informal Complaint Procedure:

- Step 1: The person who believes he or she is being subjected to discrimination, including harassment or bullying, or sexual harassment, is encouraged to advise the person who is engaging in such conduct of his or her objection to the acts of discrimination.
- Step 2: Student: If a student being discriminated against, including harassment or bullying, or sexual harassment, is unable or unwilling to discuss the matter of his or her objections with the person committing the discrimination, or the discrimination continues after completion of Step 1, the student should report this information to a District employee, the building principal or the District Administrator/Section 504 Coordinator. If the report is made to any District employee other than the principal of the school which the student attends, it shall be the duty of the District employee receiving the report to inform the principal of the school the student attends within 3 business days following receipt of the complaint from the student. If the report involves the principal, the District employee shall inform the District Administrator.

The District employee or administrator, at his or her sole discretion, may allow the complaining student and the accused, if a student, to be accompanied by an adult for support and guidance when making or responding to a discrimination, bullying, or harassment, including sexual harassment, complaint.

If a complaining student or the accused student is a student under the age of 18, the staff member receiving the report will notify the parent(s) or guardian(s) of either or both student(s) under the age of 18, if, after an initial consultation with

the complaining student, notification is determined by the staff member or administration to be in the best interest of the complaining student.

Employee: If a District employee is being discriminated against or harassed or bullied, including sexual harassment, he or she should advise his or her immediate supervisor of the allegations. The supervisor shall discuss the allegations with the other person to attempt to affect relief. If the person who is alleged to be engaged in the acts of discrimination is the supervisor, the person to be advised is the person who is responsible for the oversight of the supervisor. In the case of principals and other central office administrators, this person would be the District Administrator. In the case of the District Administrator or Board of Education Members, complaints should be made to the Board President; or in the case of the Board President, the complaint should be made to a Board of Education member.

Step 3: If, in the judgment of the complainant, Step 2 would be ineffective or the complainant does not wish to discuss the matter with the supervisor or the principal, or the results of Step 2 are unsuccessful, the person may report the complaint directly to the District Administrator/Section 504 Coordinator. The complaint may be transmitted verbally or in writing, at the discretion of the complainant, but shall be reduced to writing. The District Administrator/Section 504 Coordinator or his/her designee shall meet with the complainant within five (5) business days if an employee or volunteer, or five (5) school days if a student, to discuss the complaint. The District Administrator/Section 504 Coordinator or his/her designee shall then investigate the complaint and reply to the complainant in writing within five (5) business days after completion of the investigation and indicate whether the complaint has been resolved. If in the judgment of the District Administrator/Section 504 Coordinator or his/her designee and/or the complainant, the matter warrants formal action, the complaint shall be filed according to the formal complaint procedure. The formal complaint procedure shall be processed in a timely and orderly manner according to the complaint procedure outlined below.

Formal Complaint Procedure

The District Administrator/Section 504 Coordinator or his/her designee shall be responsible for processing formal discrimination complaints, including harassment and bullying complaints, and sexual harassment, and shall be further responsible for coordinating District obligations under state and federal laws concerning discrimination, including harassment and bullying, and sexual harassment.

Step 1: The formal complaint shall be submitted in writing to the District Administrator/Section 504 Coordinator using the Discrimination, Harassment and Bullying, and Sexual Harassment Complaint form within five (5) business days of receipt of the written reply to the informal complaint. Upon receipt of the complaint, the District Administrator/Section 504 Coordinator shall assign it to a designee. If a formal complaint is not submitted within five (5) business days the

complaint shall be deemed resolved and no further action shall be taken. The formal complaint should describe the specific nature of the discrimination, including harassment or bullying, or sexual harassment, and should include the times, dates, locations and other details of the alleged discrimination. The written complaint shall also include the name of the person allegedly engaged in the alleged discrimination. The complaint shall be signed and dated by the complainant. If the complaining student or the accused is a student under the age of 18, the District Administrator/Section 504 Coordinator designee should notify the parent(s) or guardian(s) of either or both student(s) under the age of 18, if, after an initial consultation with the complaining student, notification is determined to be in the best interest of the complaining student at the sole discretion of school officials.

The District Administrator/Section 504 Coordinator designee shall thoroughly investigate the complaint. In doing so, he or she will notify the person accused of the complaint and the specifics thereof. The accused individual shall be interviewed and permitted to respond to the allegations, including verbally and in a signed statement. If in the judgment of the District Administrator/Section 504 Coordinator designee a meeting of involved parties is necessary or appropriate to clarify or resolve the matter, a meeting will be conducted within ten (10) business days, or ten (10) school days if a student complaint, of the completion of the investigation.

The District Administrator/Section 504 Coordinator designee shall respond in writing to the complainant and shall advise him or her of the findings of the investigation and the resolution of the complaint. The accused shall also be informed of the outcome of the complaint, including any disciplinary actions that shall be taken.

Step 2: If the complainant wishes to appeal the decision of the District Administrator/Section 504 Coordinator designee, he or she may submit a signed statement of appeal to the District Administrator within five (5) business days after receipt of the District Administrator/Section 504 Coordinator designee response to the complaint. The District Administrator shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within fifteen (15) business days. If the complainant is not a student who is a member of a protected category identified in Board policy 151.2, the decision of the District Administrator is final. If the complainant in a protected category does not appeal the decision at this step, the matter shall be deemed resolved and no further action shall be taken.

Step 3: The results of student discrimination and harassment, including sexual harassment, complaints that are based on membership in a protected category, may be formally reviewed by the Board of Education if the complainant appeals through a signed, written statement to the school board president within five (5) business days of his or her receipt of the District Administrator's response in Step

2. In an attempt to resolve the complaint, the school board shall meet with the concerned parties and their representatives within thirty (30) business days of the receipt of such an appeal. The board secretary shall send a written copy of the board's disposition of the appeal to each concerned party within ten (10) business days of the meeting.

Timelines:

Every effort will be made to resolve complaints as quickly as possible. The administration shall comply with the following timeline for student discrimination and harassment complaints that are based on membership in a protected category, as identified in Board policy 151.2, as follows:

1. Acknowledgement that a written complaint has been received shall be provided to the complainant within 45 calendar days of receipt of the written complaint.
2. A final determination of the complaint, inclusive of Board review and final disposition, shall be made within 90 calendar days of the receipt of the written complaint.
3. The parties may agree to an extension of time, and it will be documented in writing.
4. An appeal from a Board determination may be made by the complainant within 30 days of the Board's decision.

Step 4: If, at this point, the complaint has not been satisfactorily settled, the complainant may file a complaint with proper legal authorities or may file an appeal with the applicable state or federal agency pursuant to state and federal nondiscrimination laws and regulations.

For pupil nondiscrimination complaints, Wis. Stat. § 118.13, appeals can be made to the state superintendent within thirty (30) days of the Board's decision.

For Title VI, Title IX, or Section 504 complaints, appeals can be made to the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, Illinois 60661.

The District Administrator/Section 504 Coordinator and/or the Board reserve the right to refer matters of discrimination, or harassment or bullying, or sexual harassment to appropriate legal authorities in such cases where a reasonable belief exists that a criminal act may have occurred.

MAINTENANCE OF COMPLAINT RECORDS:

The maintenance of complaint records is recommended for the purpose of documenting compliance with the District's discrimination, harassment and bullying, and sexual harassment

policies and complaint procedure. Confidential records should be kept for each complaint filed and, at a minimum, should include:

1. The name and address of the complainant and his or her title or status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action requested by the complainant.
4. The name and address of the respondents.
5. The levels of processing followed, the date and decision-making authority at each level.
6. A copy of written reports completed.
7. A determination of the fact, statement of the final resolution, and the nature and date(s) of any corrective or remedial action taken.