

Special School Board Meeting  
Wednesday, October 9, 2019  
ESC Boardroom  
5:30 P.M.

AGENDA

- I. Pledge of Allegiance
- II. Roll Call of Members
- III. Views and Comments by the Public
- IV. Continued Discussion:
  - School Board Policy 5110.1 - Student Equal Opportunity and Nondiscrimination in Education
  - School Board Policy 5110.2 – Nondiscrimination Guidelines Related to Students Who are Transgender and Students Nonconforming to Gender Role Stereotypes
  - School Board Policy 5111 – Bullying
  - School Board Policy 4111 – Employee Anti-Harassment
- V. Adjournment

sma 10-9-19

## **POLICY 5110.1**

### **STUDENT EQUAL OPPORTUNITY AND NON DISCRIMINATION IN EDUCATION**

No student may be denied admission to, be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, student services, recreational or other program or activity because of the student's sex, race, national origin, ancestry, creed, religion, color, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap in accordance with Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 and Sections 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Harassment on any of these bases is also prohibited. Decisions relative to classes or activities based on a student's individual performance or needs is not considered to be discriminatory.

Pursuant to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, students with disabilities may not be discriminated against on the basis of their disability and they shall be provided with a free appropriate public education regardless of the nature or severity of their disability. Students may be considered disabled under this policy even if they are not covered under the District's special education policies and procedures.

Students with disabilities may also require reasonable accommodations. Requests for accommodations shall be made in writing and approved by the building principal after consultation with Administration. Accommodations may include, but not necessarily be limited to, exclusion from participation in an activity, alternative assignments, and make up opportunities for coursework missed due to religious observances. Any accommodations granted under this policy shall be provided to students without prejudicial effect.

The District encourages informal resolution of complaints under this policy. A formal complaint procedure shall also be available to address allegations of violations that cannot be solved informally.

Annually, the District shall provide public notice of this policy, the name and address of the designated employee to receive complaints and the complaint procedures. Student nondiscrimination statements shall also be included on staff and student handbooks, course selection handbooks and other published materials distributed to the public describing school activities and opportunities. This policy and its complaint procedure shall be published annually through the student information system or through direct email publication.

Any complaint regarding the interpretation or application of the District's student nondiscrimination- related policies shall be processed in accordance with the following procedures (For Section 504 complaints, please see policy xxxx).

#### **PLEASE NOTE:**

**Discrimination complaints involving federal law violations (sex, race, color, national origin, handicap or disability) may be made directly at any time to the U.S. Office for Civil Rights - Region V, 401 South State Street, Chicago IL 60605-1292 and a student is not obligated to follow this informal complaint procedure for such complaints.**

## INFORMAL PROCEDURE

The District promotes the voluntary resolution of problems at the level of government closest to their source and, as such, encourages informal resolution of student discrimination complaints. Any request to informally resolve a complaint should be directed to the student's building principal. Upon receipt of a request to informally resolve a complaint the building principal shall notify the Chief of School Leadership within three (3) school days. If a complaint cannot be solved informally, the complainant may initiate a formal complaint as outlined below. An informal resolution of a complaint does not prohibit the filing of a formal complaint at any time.

## FORMAL COMPLAINT PROCEDURE

The timelines governing the resolution of the formal complaint do not go into effect until the written complaint is received.

Step 1: Except as outlined in (a) and (b) below, a written statement of the complaint shall be signed and submitted by the complainant to the Chief of School Leadership. The statement shall specify the nature of the alleged discrimination, the facts (including specific details and corresponding dates), the relief sought and the name, address and phone number of the complainant.

The Chief of School Leadership shall thoroughly investigate the complaint, notify the employees who have been accused of discrimination or harassment and permit them to respond to the allegation. Thereafter, the Chief of School Leadership shall arrange a meeting to discuss the complaint with the Complainant. The Chief of School Leadership shall, by certified mail, give a written answer to the complaint within 20 school days after receipt of the written complaint unless the parties agree in writing to extend the timeline.

a. Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a student with a disability under the Individuals with Disabilities Act shall be processed in accordance with established appeal procedures outlined in the District's *Special Education Program and Procedure Manual*.

b. Discrimination complaints relating to programs specifically governed by federal law or regulation (e.g., Title 34, Code of Federal Regulations (CFR), Parts 75-79, 81 to 86 and 97-99, "EDGAR complaints" or 20 USC § 1400 et. seq., "IDEA complaints") may be referred directly to the State Superintendent of Public Instruction.

Step 2: If the complainant is not satisfied with the answer of the Chief of School Leadership, a written appeal to the Superintendent may be submitted indicating with particularity the nature of disagreement with the answer. The appeal must be filed within 10 calendar days after receipt of the Chief of School Leadership's answer. The Superintendent or designee shall arrange a meeting with the complainant at a mutually agreeable time to discuss the appeal. The Superintendent or designee shall, by certified mail, give a written answer to the complainant's appeal within 20 working days.

Step 3: If the complainant is not satisfied with the answer of the Superintendent or designee, an appeal may be filed with the School Board by submitting a written appeal to the Superintendent

within 10 calendar days after receipt of the Superintendent or designee's answer. The Board shall, within 20 calendar days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall give, by certified mail, a written answer to the complaint within 10 working days following the completion of the hearing. The determination of the Board shall be based upon a reasonable consideration of the facts allegedly constituting a violation as presented in the complaint. If it is determined that a violation has occurred, the Board shall take appropriate steps to ensure compliance with state and federal laws and Board policy. If the Board denies the appeal, the complainant will be notified of his/her right to appeal the decision to the State Superintendent.

Step 4: If a complainant wishes to appeal the Board's denial of an appeal, there is the right to appeal the decision to the State Superintendent within 30 calendar days of the written notification of the Board's decision. The appeal must specify the grounds upon which the action was brought, the facts and the relief sought, and must be signed by the complainant. If the complainant is a minor, the appeal shall also be signed by his/her parent or guardian. Appeals should be addressed to: State Superintendent, Wisconsin Department of Public Instruction, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841.

### NON-RETALIAITON

The District prohibits retaliation against individuals who report or participate in an investigation of discrimination. Individuals engaging in prohibited retaliatory behavior are subject to disciplinary action.

If it is determined that retaliatory conduct occurred, the school district administration may take disciplinary action, including but not limited to: counseling, detention, suspension, expulsion and/or referral to law enforcement officials for possible legal action as appropriate. Student support staff will provide support services for all students involved in the incident as deemed necessary and appropriate.

### MAINTENANCE OF COMPLAINT RECORDS

Records shall be kept of all student discrimination complaints for the purpose of documenting compliance. The records shall include information on all levels of the complaint and any appeals. The records should include:

1. The name of the complainant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made, and any corrective action requested by the complaint.
4. The name(s) of the respondents.
5. The levels of processing followed, and the resolution, date and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A statement of the final resolution and the nature and date(s) of any corrective or remedial action taken.

LEGAL REF.: Wisconsin Statutes

Section 118.13 [Student discrimination prohibited]

Wisconsin Administrative Code

PI 9 [Student nondiscrimination policies/discrimination complaint procedures required]

PI 41 [Accommodating a student's religious beliefs policy required]

Title IX, Education Amendments of 1972 [Sex discrimination prohibited]

Title VI, Civil Rights Act of 1964 [Race, color and national origin discrimination prohibited]

Section 504 of the Rehabilitation Act of 1973 [Handicap discrimination prohibited]

Americans with Disabilities Act of 1990 [Disability discrimination prohibited]

Individuals with Disabilities Education Act [Accommodating needs of disabled children]

CROSS REF.: 3280, Student Fees, Fines and Charges (currently 3250, 3411, 6120.1 — paragraph two)

5111, Bullying

5341, Released Time for Religious Instruction

5440, Married Students and School-Age Parents

6233, Holiday/Religious Observances

6330, Privacy Rights in District Programs

6421, Programs for Students with Disabilities

6810, Teaching about Controversial Issues

Section 504 Educational Program Plan

*Special Education Program and Procedure Manual*

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: September 24, 1991

REVISED: March 22, 1994

November 28, 1995

July 10, 2001

## Policy 5110.2

### **NONDISCRIMINATION GUIDELINES RELATED TO STUDENTS WHO ARE TRANSGENDER AND STUDENTS NONCONFORMING TO GENDER ROLE STEREOTYPES**

The following guidelines relate to students who are transgender and students who do not conform to gender role stereotypes. This guideline serves two important purposes. First, significant portions of the guidelines facilitate compliance with the District's legal obligations. Under many circumstances, an individual's transgender or gender nonconforming status serves as a basis for legal rights and protections. Second, even where specific actions may not be required by applicable law, these guidelines are intended to further the District's local goals concerning the creation and maintenance of positive and supportive environments that appropriately provide for the education, safety, and welfare of all students.

#### SCOPE

These guidelines are intended to apply to students on all District grounds, in all District buildings, and in all District educational environments, including any property or vehicle owned, leased or used by the school district. This includes public transportation used by District students to go to or from school. Educational environments include, but are not limited to, non-District buildings or grounds used in connection with school-sponsored activities.

While the guidelines established in this rule provide important direction to District employees, students, school families, and other persons, the guidelines do not anticipate every situation that might occur with respect to students who are transgender or gender nonconforming. When an issue or concern arises that is not adequately addressed by these guidelines, the needs and concerns of each student will be assessed in a timely manner on an individualized basis with consultation with parents/guardians where appropriate.

#### GUIDELINES

##### 1. Definitions.

The definitions below are not intended to label students but rather to assist in understanding these guidelines and the expectations of staff in complying with District policies and legal requirements. Students might or might not use these terms to describe themselves.

a. **“Transgender”** describes people whose gender identity is different than their biological sex assigned at birth.

b. **“Gender identity”** is a person’s deeply held sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth. Everyone has a gender identity.

c. **“Gender nonconforming”** describes people whose gender expression differs from stereotypical or prevailing social expectations, such as “feminine” boys or “masculine” girls, or those who are perceived as androgynous.

d. **“Gender expression”** refers to the way a person expresses gender, such as clothing, hairstyles, activities or mannerisms.

## **2. Discrimination, Harassment and Bullying.**

The District prohibits all forms of discrimination against any transgender student or any student who does not conform to gender role stereotypes. Further, existing District policies that prohibit the harassment and bullying of students apply to any such actions that are based on a student’s actual or perceived transgender status or gender nonconformity. This includes ensuring that any incident or complaint of discrimination, harassment, or bullying is given prompt attention, including taking appropriate corrective and/or disciplinary action. Complaints alleging discrimination, harassment or bullying based on a person’s actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination, harassment, or bullying complaints. See Policy 5110.1 and Policy 5111.

## **3. Student Privacy, Names and Pronouns, and Official School Records.**

Certain records and personally-identifiable information related to the student’s gender status or biological sex may be protected not only as an education record, but also as a confidential medical or patient health care record. The District further recognizes that a student may have a strong individual interest in maintaining the privacy of his/her transgender status or his/her gender nonconforming presentation at school. Accordingly, in addition to adhering to all legal standards of confidentiality, school personnel with knowledge of any student’s transgender status or gender nonconforming presentation are expected to treat that information as being particularly sensitive, even internally among school staff and school officials. District employees are expected to refer any questions they may have about student privacy and possible disclosures of a student’s transgender or gender nonconforming status to the Chief of School Leadership. The District strongly encourages transgender and gender nonconforming students and their families to maintain ongoing communication with the school employees who are working directly with the student in order to address, among other issues, relevant privacy concerns and privacy preferences.

When referring to students at school and in connection with school activities, school personnel will normally use the student's legal name and the pronouns that correspond to the student's biological sex assigned at birth. However, an adult student or the parent/guardian of a minor student may determine the name and gender pronouns that school employees should use to address the student at school and in connection with school-related activities. A court-ordered name change or medical treatment or medical procedure is not required to initiate such a request. Upon being informed that a student (an adult student or a minor student's parents who have consented to the minor's choice) intends to regularly use a particular name and/or prefers to be addressed using particular pronouns that correspond to the student's gender identity, school personnel are expected to respect that decision.

The District's approach of respecting a student's decision to regularly use a name and the pronouns that correspond to the student's gender identity is not a commitment to change all existing school records in order to reflect those preferences. Further, there may be situations where the District is required to use or report the legal name or biological sex of the student as that data is reflected in the District's official records. The extent to which official records of the District are modified will depend on a case-by-case evaluation of the information that the District receives, and the type(s) of school records affected by the information that is received. For example, when a student legally changes his/her name and that change is sufficiently substantiated, the District will issue a high school transcript under the student's new legal name.

#### **4. Restroom and Locker Room Accessibility.**

In most cases, a student who is transgender will be permitted to access the men's/women's segregated restrooms that correspond to the gender identity that the student consistently asserts at school and in other social environments. Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided with access to a single-access restroom where such a facility is reasonably available, but no student shall be required to use such a restroom because of the student's transgender or gender nonconforming status.

If a transgender student makes any request regarding the use of locker rooms or any similar type of changing area, the request shall be assessed on a case-by-case basis with the goals of: (a) facilitating the transgender student's access to the District's physical education curriculum and other relevant programs; (b) ensuring adequate student privacy and safety; and (c) minimizing stigmatization of the transgender student. The physical layout of the facility and the degree of undress required when changing for the applicable activity are examples of factors that will be considered in making the arrangements. There is no absolute rule that, in all cases, will require a transgender student to access and use only the locker rooms and other changing areas that correspond to the biological sex that the student was assigned at birth. Requests regarding the use of locker rooms or any similar type of changing area should be addressed to the building principal. The building principal shall inform the Title IX coordinator of the request and the principal and Title IX coordinator shall consult with the Superintendent to develop a response



that addresses how the use of locker rooms or any similar type of changing area will be established for that student in that building. The response shall be provided in a timely fashion without any undue delay.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided (to the extent reasonably available) with a reasonable alternative changing area (for example, a nearby restroom stall with a door, an area separated by a curtain, a physical education teacher's office in the locker room, or a nearby single-access restroom) or provided with an alternative changing schedule. Any alternative arrangement should be provided in a way that gives adequate consideration to relevant privacy concerns.

These guidelines related to restrooms and changing areas generally assume that a student has a special concern or is in some way uncomfortable with consistently using the facilities that correspond to the biological sex that the student was assigned at birth. However, all students have the option of consistently accessing the facilities that correspond to the biological sex that the student was assigned at birth. Accordingly, the District's willingness to address individualized concerns and requests that relate to restroom and changing area access does not mean that any student is required to establish an individualized arrangement or plan with the school.

**5. Participation in Physical Education Classes and Sports Activities.**

A student who is transgender shall be permitted to participate in physical education classes and intramural sports in a manner consistent with the gender identity that the student regularly asserts at school and in other social environments.

Students who are transgender shall be permitted to participate in interscholastic athletics in a manner consistent with the requirements and policies of the Wisconsin Interscholastic Athletics Association (WIAA).

**6. Dress Codes.**

Within the constraints of the District's dress code policy and dress codes adopted by the school, students may dress in accordance with their gender identity. School personnel shall not enforce a dress code more strictly against transgender and gender nonconforming students than other students.

**7. Overnight Accommodations.**

Occasionally school-sponsored activities include overnight trips that require lodging in hotels or other overnight accommodations. ~~Generally r~~Room assignments for such accommodations will require that students of one gender are not permitted to room with students of another gender. Room assignments will be made based upon the

biological sex of the student as that data is reflected in the District's official records. Requests regarding alternative lodging arrangements should be addressed to the building principal. The building principal shall inform the Title IX coordinator of the request and the principal and Title IX coordinator shall consult with the Superintendent to develop a response to the request. Anyone making such a request must be aware that the District is limited in regard to information that it can disclose about a student, and that such limitations may affect the ability to provide alternative arrangements. The District will give consideration to parental input from all students' parents. The response shall be provided in a timely fashion without any undue delay.

REVIEWED:

## **POLICY 5111 BULLYING**

The Kenosha Unified School District strives to provide a safe, secure and respectful learning environment for all students and employees in District buildings, on District grounds, on vehicles transporting students to or from school, and at school-sponsored activities on or off school grounds. Bullying has a harmful social, physical, psychological, and academic impact on bullies, victims and witnesses, and is prohibited by the District.

Bullying is prohibited on all District grounds, in all District buildings, and in all District educational environments, including any property or vehicle owned, leased or used by the school district. This includes public transportation used by District students to go to or from school. Educational environments include, but are not limited to, non-District buildings or grounds used in connection with school-sponsored activities.

“Bullying” is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation or harm. Bullying involves an imbalance of power – the person bullying has more social or physical power than the person being bullied. Bullying also most often -and may involve repeated behaviors -repeated over time toward the same person or group of people. Bullying may be motivated by an actual or perceived distinguishing characteristic, including, but not limited to: age, sex, race, religion, national origin or immigration status (including limited English proficiency), ancestry, creed, color, pregnancy, marital or parental status, sexual orientation, transgender status (including gender expression, gender identity and gender nonconformity), or physical, mental, emotional or learning disability and social, economic or family status.

Bullying can manifest itself in conduct that is:

- Physical (e.g., hitting, punching, or kicking);
- Verbal (e.g., threatening or intimidating language, teasing, or name-calling);
- Indirect (e.g., spreading rumors, intimidation through gestures, or social exclusion; and
- Cyber. Cyber bullying can occur through technology like email, chat rooms, instant messaging, websites, text messages, digital applications or social media. Cyber bullying can take place at school or outside of school if it impacts student learning while at school or under school supervision.

The conduct identified above is not intended and should not be construed as an exhaustive or comprehensive listing of conduct/behavior that may be deemed

bullying by the District. If any student or employee believes that bullying is occurring on any basis they should seek to invoke the protections of this policy.

All District employees who observe or are informed of bullying must report it in writing to the building principal or assistant principal. All other persons who are aware of bullying in the District are encouraged to report the conduct to the building principal or assistant principal. Upon receipt of a bullying report, the building principal or assistant principal will investigate the allegations. All reports of bullying shall be taken seriously, properly investigated and documented.

The District prohibits retaliation against individuals who report or participate in an investigation of bullying. Individuals engaging in prohibited retaliatory behavior are subject to disciplinary action.

If it is determined that bullying or retaliatory conduct occurred, the school district administration may take disciplinary action, including but not limited to: counseling, detention, suspension, expulsion and/or referral to law enforcement officials for possible legal action as appropriate. Student support staff will provide support services for all students involved in the incident as deemed necessary and appropriate.

This policy shall be distributed annually to all students enrolled in the District, their parents and/or guardians and District employees through the student information system or direct emails. The policy will also be distributed to organizations having cooperative agreements with the District and will be available to anyone upon request.

LEGA

L

REF.:

Wisconsin Statutes Sections

118.01(2)(d)8	Instructional Programs
118.02 (9t)	Special observance days
118.13	Student discrimination, including harassment,
118.46 (2)	prohibited

Wisconsin Administrative Code  
PI 9, Wisconsin Administrative Code (Rules implementing student  
nondiscrimination

l  
a  
w

CROSS REF.: )

Title IX, Educational Amendments of 1972 (Sex discrimination,  
including sexual  
harassment,  
prohibited)

2810, Incident Reporting

4111, Employee Harassment

5473, Student Suspensions

5474, Student Expulsions

5475, Students with Disabilities

5540, Abused/Neglect

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: January 11, 1994

REVISED:     October 8, 1996  
              January 29, 2002  
              February 22, 2011  
              July 22, 2014

POLICY 4111  
EMPLOYEE ANTI- HARASSMENT

The Kenosha Unified School District seeks to provide fair and equal employment opportunities and to maintain a professional work and academic environment comprised of people who respect one another and who believe in the district's high ideals. Harassment is a form of misconduct that undermines the integrity of the district's employment and academic relationships. All employees and students must be allowed to work and learn in an environment that is free from intimidation and harassment.

All new employees will receive a copy of the employee anti- harassment policy and other anti- harassment educational information as a part of the initial employment process and at other times as appropriate and necessary.

Harassment or similar unacceptable activities based on a person's membership in a protected class that could become a condition of employment or a basis for personnel decisions, or which create a hostile, intimidating or offensive environment are specifically prohibited by the district. The District will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, pregnancy, creed or religion, age, sex, genetic information or disability. Intimidation and harassment can arise from a broad range of physical, or verbal or non-verbal behaviors for the purpose of creating an intimidating, hostile or offensive work or educational environment. This may occur employee-to-employee, student-to-employee, employee-to-student, male-to-female, female-to-male, male-to-male or female-to-female. This may also include non-employees, such as school board members, outside contractors or members of the community (e.g. speakers/presenters, participants on opposing athletic teams, parents/guardians, etc.).

Behaviors may include but are not limited to the following:

- physical, sexual or mental abuse;
- offensive or derogatory comments to any person, either directly or indirectly, based on the person's membership in any protected class;
- racial, ethnic or religious insults or slurs;
- unwelcome sexual advances, propositions, invitations, solicitations and flirtations;,
- kissing, patting, pinching, touching, or other unwelcome physical contact; or
- harassing behavior toward a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- demands for sexual favors, accompanied by implied or overt promises of preferential treatment and/or threats that concerning an individual's employment or academic status may be adversely affected;
- consensual sexual relationships that lead to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- sexual comments about a person's body/dress/appearance, jokes or innuendos, sexually degrading language, unwelcome suggestive or insulting sounds or whistles; or
- display of sexually offensive materials, objects, literature, audio recordings or videos in the work or educational environment that are not curriculum related;
- sex-oriented name-calling or bullying;
- inappropriate staring at another individual or touching of his/her clothing, hair, or body;

- asking personal questions about another individual's sex life or sharing remarks about one's own sexual activities or sexual history; and
- repeatedly asking out an employee any person who has stated that he/she is not interested.;
- obscene telephone calls, text messages, or social media postings;
- communicating with students and/or parents/guardians via email, text message, websites, social media, or visiting their home for non-educational purposes
- giving gifts, money, or showing preferential treatment to students for no legitimate educational purpose;
- showing or watching pornography in the work or educational environment; and
- inappropriate boundary invasions of personal space or personal life.

Romantic or sexual relationships between staff members and students are prohibited. Any staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement.

Sexual relationships between staff members, where one has supervisory responsibilities over the other, are discouraged. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding consequences of non-compliance.

These activities are offensive and are inappropriate in a school atmosphere and in the workplace. This is a serious issue not just for the district but also for each individual in the district. It is the responsibility of the administration and all employees to ensure that these prohibited activities do not occur. An employee or supervisor may be held individually liable as a harasser and subject to the same penalties that may be imposed upon employers under state or federal law.

Any employee who engages in harassment or similar unacceptable behavior, or retaliates against another individual because the individual made a report of such behavior or participated in an investigation of a claim of harassment or similar unacceptable behavior, is subject to immediate discipline, up to and including termination. Any employee who witnesses or otherwise becomes aware of harassment or similar unacceptable behavior has an affirmative duty to report said conduct to his or her supervisor, or to the administration.

Any person who believes that he or she has been the subject of prohibited harassment or similar unacceptable behavior or retaliation should report the matter immediately to the Office of Human Resources or the superintendent or his/her designee. All such reports will be investigated promptly and will be kept confidential within the bounds of the investigation and the law.

LEGAL REF: Wisconsin Statutes

Sections 111.31-111.395 (Fair employment standards - employment discrimination)

118.195 (Handicapped teacher discrimination)

118.20 (Teacher discrimination, including sexual harassment).

|

Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 (Race, color, national origin discrimination; general employment discrimination)  
Title IX, Education Amendments of 1972 (Sex discrimination)  
Section 504, Rehabilitation Act of 1973 (Handicap discrimination)  
Age Discrimination Act of 1975 (Age discrimination)  
Age Discrimination in Employment Act of 1967 (Age discrimination)  
Pregnancy Discrimination Act (Pregnancy, childbirth or related medical conditions discrimination)  
Immigration Control and Reform Act of 1986 (Citizenship discrimination)  
Americans with Disabilities Act of 1990, as amended by the ADAAA (Disability discrimination)  
Civil Rights Act of 1991 (Penalties for discrimination law violations)  
Equal Employment Opportunities Commission Guidelines (29 C.F.R. - Part 1604.11)  
(Employee sexual harassment)

CROSS REF.: 4110 Equal Employment Opportunity and Affirmative Action  
Employee Handbook

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: April 22, 1991

REVISED: March 11, 1997  
March 9, 1999  
June 27, 2000  
September 23, 2014  
October 28, 2014  
August 28, 2018

RULE 4111  
ANTI-HARASSMENT

|



## Complaints

Formatted: Underline

Staff who believe they have been unlawfully harassed by another member of the district or a non-employee are entitled to use the informal and/or formal complaint processes outlined below. Initiating a complaint will not adversely affect employment unless the complainant does so maliciously or with knowledge that it is false. The Chief Human Resource Officer (CHRO) or his/her designee is designated as the complaint officer and is responsible for responding to harassment complaints not resolved on an informal basis. If the complaint involves the CHRO, the Superintendent shall be designated as the complaint officer and will be responsible for responding to the harassment claim. Due to the sensitivity surrounding a complaint of harassment, timelines are flexible; however, every effort should be made to file the complaint within 30 calendar days of the conduct occurring.

The district will allow a complainant the opportunity to resolve discrimination or harassment complaint on an informal basis, if the complainant asks to do so. Upon such request by the complainant, the supervisor (or person designated by the superintendent if no supervisor is available) will facilitate a meeting between the complainant and the alleged harasser/discriminator. If the parties resolve the matter, the supervisor shall prepare a written statement outlining the resolution. If the complainant is not satisfied with the outcome of the meeting, the supervisor must notify the CHRO of the informal review so the CHRO may formally investigate the complaint.

To begin the formal complaint process, the complainant shall present in writing the specific nature of the harassment and corresponding date; names of those who may have witnessed the alleged harassment, ; and the name, address and phone number of the complainant. The complaint may be dictated to the complaint officer and signed by the complainant upon review of the written complaint. The complaint officer shall acknowledge in writing the receipt of the complaint.

The complaint officer shall consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation, including a change of work assignment or schedule for the complainant and/or harasser. No temporary changes shall be disciplinary to either the complainant or harasser.

The complaint officer shall notify the alleged harasser, hereinafter referred to as the respondent, that a complaint has been received. The respondent will be informed about the nature of the allegations and copy of this policy shall be provided to the respondent at that time. The respondent also will be notified of the opportunity to submit a written statement.

The complaint officer, within a reasonable period of time, shall thoroughly investigate the complaint and take all reasonable steps necessary to ensure that any allegations of harassment are promptly remedied and that no district employees are subject to workplace harassment in violation of this policy. This will include an interview with the complainant, respondent, any witnesses who may reasonably be expected to have relevant information, and consideration of documentation or other evidence presented by the

---

complainant, respondent or witnesses. The district will respect the privacy of all involved in a manner consistent with legal obligations under state and federal law but cannot guarantee confidentiality.

All complaints shall be investigated and resolved in a timely manner without any undue delay. If a complainant believes that there is undue delay, he/she may notify the Superintendent's office and ask for clarification as to when the investigation will be completed.

Anyone interviewed as part of the investigation is expected to maintain confidentiality and is expected not to disclose any information he/she learns during the course of the investigation.

All information shall be compiled and provided along with a recommendation to the Superintendent for review. This shall include whether the findings substantiate harassment based on this policy and state and federal laws. The Superintendent may consult with legal counsel prior to issuing a final decision. The complainant will be advised of the outcome in writing. Any remedial action should be aimed at stopping the alleged harassment and may include discipline of the accused individual, up to and including termination of his/ her employment.

The decision of the Superintendent is final. If it results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to Policy 4271.

Nothing in these procedures shall preclude persons from filing a complaint directly, or on appeal, with designated agencies as authorized by state and federal laws (e.g., U.S. Office of Civil Rights, Equal Rights Division of the Department of Workforce Development) and/or with courts having proper jurisdiction.