

STUDENT NONDISCRIMINATION

[To be published annually in student and staff handbooks]

I. POLICY

It is the policy of the School District of West De Pere that no person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's sex, race, color, gender identity, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or homelessness.

II. DESCRIPTION

The School District of West De Pere shall strive to remove any vestige of discrimination in: admission to any school, class, program, or activity; standards and rules of behavior, including student harassment; disciplinary actions, including suspensions and expulsions; acceptance and administration of gifts, bequests, scholarships and other aids, benefits, or services to pupils from private agencies, organizations, or persons; selection of instructional and library media materials; methods, practices, and materials used for testing, evaluating, and counseling pupils; facilities; opportunity for participation in athletic programs or activities; and school sponsored food service programs.

The School District of West De Pere acknowledges gender identity of a student that has held the belief deeply, followed the belief consistently over a period of time, is supported by the student's parents or guardian, and for which the student has sought guidance or counseling in coming to the decision will be permitted to access the restrooms that correspond to the gender identity that the student consistently asserts at school and elsewhere. A student who does not wish to use the binary restrooms may be given access to unisex restrooms if such a facility is reasonably available. When an issue or concerns arises, the Administration will work to address the needs and concerns of each student with consultation from parents/guardians where appropriate.

Individuals who upon investigation are determined to have engaged in discriminatory behavior shall be subjected to disciplinary action. In the case of students, discipline may include, but is not limited to reprimand, suspension or expulsion. In the case of others engaged in such conduct while participating in district programs and activities, discipline may include removal and prohibition from participation in such activities or programs.

III. HARASSMENT

Harassment is considered a form of discrimination.

<u>Student harassment is...any behavior directed toward a student</u>	<u>based in whole or part, on membership in a protected class</u>	<u>which substantially interferes with a student's school performance, or creates an intimidating, hostile, or offensive environment.</u>
Can include: name-calling, making threats, spreading rumors, telling jokes, making fun of someone, gestures, physical intimidation, hitting, touching, pranks or hazing, vandalism or destruction of property.	sex, race, color, gender identity, religion, national origin, ancestry, creed, pregnancy, material or parental status, sexual orientation or physical, mental, emotional or learning disability, or homelessness.	the behavior is so severe (can be one incident of a more serious nature) or pervasive (occurs frequently, is part of a pattern of behaviors, permeates the atmosphere) that it has a strong negative effect.

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Sexual harassment is often rationalized as a part of normal adolescent development, and so socially prevalent that it is acceptable. The School District of West De Pere does not tolerate sexual harassment or any other form of discrimination. The law protects both male and female students from sexual harassment, regardless of who the harasser is (another student, staff person, visitor) or their actual or perceived gender. Sexual harassment can be student-to-student, staff-to-student, or student-to-staff; and can be inter- or intra-gender.

Examples of inappropriate conduct that would be considered sexual harassment are:

- A. Unwelcome or unwanted sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact which is considered unacceptable by another individual.
- B. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment (e.g. better grade) or negative consequence concerning one's organizational, academic, or educational status.
- C. Verbal abuse or joking that is sexually oriented and considered unacceptable by another individual. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy; telling "dirty jokes" that are clearly unwanted and considered offensive by others; or any other tasteless, sexually oriented comments, innuendos or actions that offend others.
- D. Engaging in any type of sexually oriented conduct that would unreasonably interfere with a student's learning environment. This includes extending unwanted sexual attention to someone such that the student's participation in any program or activity is negatively affected.
- E. Creating an environment that is intimidating, hostile or offensive because of unwelcome or unwanted sexually oriented conversations, suggestions, requests, demands, physical contacts or attention.
- F. Creating an environment that is intimidating, hostile or offensive because of the existence on school premises or during school activities of sexually oriented materials including, but not limited to, photographs, or other offensive sexually graphic materials.

When similar behaviors to those above are based upon any of the other protected classes (e.g. race, religion, etc.), this would constitute discriminatory behavior in violation of this policy.

IV. COMPLAINT PROCEDURES

Any person who believes he or she has been discriminated against (including harassment) in violation of the terms of this policy, or is witness to discriminatory actions against another shall report it and is encouraged to follow the complaint procedures below.

A. INFORMAL COMPLAINT PROCEDURES

1. The person who believes they are being subjected to discrimination is encouraged, but not required, to advise the person who is engaging in such conduct of their objection to the physical or verbal acts of discrimination.
2. If the person being discriminated against is unable or unwilling to discuss the matter of their objections with the person committing the discrimination, or the discrimination continues after completion of step 1, the person shall advise their principal or counselor of the allegations. A parent or legal guardian is able to register a complaint on a student's behalf. If the person is not

comfortable with making a complaint to the principal or counselor, the complaint may be made to any staff person. That staff person must then report the complaint to the building principal. The principal or counselor shall conduct an initial investigation, and discuss the allegations with the complainant and accused to attempt to affect relief. This initial investigation and follow-up will occur within ten (10) days of the complaint. If a staff person observes behavior that they believe meets the policy definition of student discrimination (including harassment), they are obligated to report it to the building principal, even if no student complaint is brought forth.

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 principal or counselor, or the results of step 2 are unsuccessful, a complaint shall be filed according to the formal complaint procedures within fifteen (15) days of the original complaint.

B. FORMAL COMPLAINT PROCEDURES

The District Administrator or designee shall be responsible for processing formal discrimination complaints and shall be further responsible for coordinating state and federal regulations concerning discrimination.

1. The person who believes they are being subjected to discrimination is encouraged, but not required, to advise the person who is engaging in such conduct of their objection to the acts of discrimination.

If the person being discriminated against is unable or unwilling to discuss the matter of their objections with the person committing the discrimination, or the discrimination continues after completion of this step, the person shall submit a formal complaint.

2. The formal complaint shall be submitted in writing to the District Administrator or their designee in such matters. The complaint report shall include the name, address, and phone number of the complainant, the name of the victim (if different), the name(s) of the person(s) who engaged in the alleged discrimination, and others who may be a witness or have knowledge. The complaint shall also include the specific nature of the discrimination and should detail, in so far as possible, the times, dates, locations and other details of the alleged discrimination, and a description of any relief sought. The complaint shall be signed and dated by the complainant. If the complainant is a minor, the complaint shall be co-signed by a legal guardian. Complaint forms are available in each school office, from a school counselor, or the district office.
3. The complaint will be acknowledged in writing within a reasonable timeframe (maximum is 45 days of receipt). This acknowledgement will typically include a requested day and time to meet with the district-appointed investigator.
4. The complaint shall be thoroughly investigated. This will occur in an expeditious yet methodical manner so as not to compromise the integrity of the investigative process. In doing so, he/she will notify the person accused of the complaint and the specifics thereof.

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The accused individual shall be permitted to respond to the allegations either verbally or in a signed statement at his/her discretion. If in the judgment of the investigator a meeting of involved parties is necessary or appropriate to clarify or resolve the matter, a meeting will be conducted.

5. The investigator shall notify, in writing, the complainant and accused of the final determination of the investigation. This must occur within 90 days of receipt of the formal complaint. This final determination must also include a list of actions taken, if any, to resolve the matter and an explanation of the complainant's appeal rights. A copy of the final determination will be maintained in the district office.
6. If the complainant is not satisfied with the final determination, he/she may submit a written appeal to the Superintendent. The appeal shall be filed with the Superintendent within ten (10) working days of receipt of the final determination. The appeal shall include the nature of the disagreement with the final determination and the complainant's underlying reason for disagreement. The individual accused of discrimination shall be notified of the consideration of appeal. The Superintendent shall respond, in writing, to the complainant and accused within twenty (20) working days of the hearing with respect to the findings and determination in the matter of the appeal. A copy of the Superintendent's findings will be maintained in the district office.
7. If the complainant is not satisfied with the Superintendent's appeal determination, he/she may submit a written appeal to the Board of Education. The appeal shall be filed within ten (10) working days of receipt of the Superintendent's determination.
 - a. The appeal shall be filed with the Superintendent who shall transmit the appeal to the Board of Education for placement on a closed session agenda at the next regularly scheduled board meeting. If the appeal is filed less than five (5) working days before a regularly scheduled meeting, the matter will be considered at the next successive regular board meeting.
 - b. The appeal shall include the nature of the disagreement with the most recent determination and the complainant's underlying reason for disagreement. The complainant may request and shall be granted the right to be present during discussion of the appeal and shall be permitted to present their reasons for disagreement. The individual accused of discrimination shall be notified of the consideration of appeal and may be present and shall be permitted to present their response.
 - c. Both the complainant and the accused may be represented during the Board's informal appeal consideration.
8. The Board shall respond, in writing, to the complainant and accused within twenty (20) working days of the hearing with respect to the Board's findings and determination in the matter of the appeal. A copy of the Board's findings will be maintained in the district office.

The District Administrator and/or the Board of Education reserves the right or may have the legal duty to refer matters of discrimination to appropriate legal authorities in such cases where child abuse may be a factor or in such cases where reasonable belief exists that a criminal act may have occurred.

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9. If the complainant is not satisfied with the Board's determination, he/she may submit a written appeal within thirty (30) days to the State Superintendent of Public Instruction [State Superintendent, Wisconsin Department of Public Instruction, 125 S. Webster St., P.O. Box 7841 Madison, WI 53707]. This appeal must contain the same components as the original complaint (the district's complaint form may be used for this appeal).

C. EXCEPTIONS

1. Discrimination complaints relating to the identification, evaluation, educational placement, or the provision of free appropriate public education of a child with disability shall be processed in accordance with established appeal procedures outlined in the district's special education handbook and special education rights pamphlet.
2. Discrimination complaints relating to programs specifically governed by federal law or regulation (e.g., EDGAR complaints) shall be referred directly to the State Superintendent of Public Instruction.
3. Nothing in these procedures shall preclude individuals who feel they have been discriminated against on the basis of the protected classes of sex, disability, race, creed, or national origin from filing a complaint directly with the Office of Civil Rights as authorized by federal law. Such complaints shall be made to: Office of Civil Rights, U.S. Department of Education, 300 South Wacker Drive, 8th Floor, Chicago, IL 60606.

V. RETALIATION

- A. Retaliation against an individual for filing a discrimination complaint or for participating in a discrimination investigation will not be tolerated, and will be grounds for disciplinary action.

LEGAL REFERENCE: Wisconsin Statute 118.13

Wisconsin Administrative Code Chapter PI9

Title VI of the Civil Rights Act of 1964

Title IX of the Educational Amendments of 1972 Section 504 of the Rehabilitation Act of 1973 McKinney-Vento Homeless Assistance Act

CROSS REFERENCE: 1113 - Nondiscrimination, 4117 - Staff Nondiscrimination

ADOPTED: 5/19/94

REVISED: 3/14/00, 3/15/04, 3/20/13, 5/20/15, 7/16/15, 12/11/19, 1/27/2020, 4/12/2021

SCHOOL DISTRICT OF WEST DE PERE
TITLE IX DISCTIMINATION COMPLAINT FORM

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Title IX Discrimination Complaint Form

*Title IX of the Education Amendments of 1972 (20 U.S.C § 1681) is an all-encompassing federal law that prohibits discrimination based on the gender of students and employees of educational institutions which receive federal financial assistance. **When the form has been completed and signed by you, and then signed by the Title IX Coordinator, your complaint has been properly received and noted by the district.** We will provide you with a copy of this form as well as complete information about the Title IX complaint process.*

The Title IX Coordinator and/or designee investigate complaints by parent, staff and students who believe themselves to be harmed by sexual harassment or discrimination and harassment related to gender.

I am filing this complaint as a: check one (✓)

Parent Staff Student

Name: _____ **Phone:** _____

Address: _____

Complainant: Individual who is alleged to be the victim of conduct that could constitute sexual harassment (*if different from person completing form*).

Name: _____ **Phone:** _____

Address: _____

If student, grade: _____ **School:** _____

Respondent: person or persons you believe committed the offense against you and how you have contact with them, e.g., supervisor, co-worker, peer, teacher.

Name: _____

Complaint: Describe your complaint related to the complainant's participation or attempt to participate in the school's educational program or activity. Please summarize below and attach additional pages describing your complaint if necessary.

Date(s): _____ **Time:** _____

