

**EQUAL EDUCATIONAL OPPORTUNITIES
PUPIL NONDISCRIMINATION
PUPIL HARASSMENT**

The District is firmly committed to maintaining an education environment that is free of discrimination and harassment of any form. The right of a student to be admitted to school and to participate fully in curricular, extra-curricular, student services, recreational or other programs or activities will not be abridged or impaired because of sex, race, color, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability of the student. If any person, including a student, feels that there has been a discriminatory situation in regard to any of the above named classes or in violation of Title IV, Title IX, Section 504, or Wis. Stat. §118.13, please contact:

The building administrator or Director of Student Support Services, Mr. Dan Halvorsen, at District Office located at W156 N8480 Pilgrim Road, Menomonee Falls, WI 53051, by phone at 262-255-8440, or by email at halvdan@sdmfschools.org

Nondiscrimination statements will be included on all program materials and documents related to student opportunities and discipline. This includes, but is not limited to, eligibility notification letters; home page of the District website; parent and student handbooks; notifications of participation in curricular and extra-curricular opportunities; school nutrition menus; policies and practices related to curricular and extra-curricular opportunities; recognition programs and awards, including scholarships; rules of behavior; suspension/expulsion; testing and assessment; and pupil harassment and discrimination; admissions or access to school related events, programs and activities; student applications; access to facilities; grading; promotion; and graduation. In addition, agencies and businesses that partner with the school for students' benefit and education will operate with non-discriminatory policies and practices.

DEFINITIONS

1. Discrimination:

- a. 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 part, on sex, race, religion, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, which perpetuates the effects of past discrimination.

2. Bias
 - a. An inclination for or against a person or group of persons based, in whole or part, on sex, race, religion, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, that inhibits impartial or objective judgment affecting pupils.
3. School's Education Program or Activity
 - a. Includes all situations over which the school exercises substantial control.
4. Complainant:
 - a. Per Title IX, a complainant is defined as an individual who is alleged to be the victim of conduct that could constitute sexual harassment. The District further defines the complainant as an individual who is alleged to be the victim of conduct that could constitute any pupil discrimination or harassment as defined by federal and state law.
5. Respondent:
 - a. Per Title IX, a respondent is defined as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. The District further defines the respondent as an individual who has been reported to be the perpetrator of conduct that could constitute pupil discrimination or harassment as defined by federal and state law.
6. Formal Complaint:
 - a. Per Title IX, a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. The District further defines a formal complaint as a document filed by a complainant alleging pupil discrimination and/or harassment against a respondent and requesting that the school investigate the allegations.
 - i. 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 school with which the formal complaint is filed.
 - ii. A formal complaint may be filed with the Director of Student Support Services in person, by mail, or by electronic mail, or by any other method available.
7. Document filed by a complainant
 - a. Any document or electronic submission (i.e., e-mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
8. Support Measures
 - a. Individualized services reasonably available that are non-punitive, non-disciplinary and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety or deter sexual harassment, or any other pupil discrimination and/or harassment.

STEPS IN THE COMPLAINT PROCEDURE RELATED TO PUPIL DISCRIMINATION AND/OR HARASSMENT, INCLUDING SEXUAL DISCRIMINATION AND/OR HARRASMENT

Any student, parent, guardian, or other citizen who believes a student has been subject to discrimination and/or harassment shall file a complaint following the outlined procedure. A complainant's request as to whether the District will investigate shall be honored unless it is determined that initiating a formal complaint is not clearly unreasonable in light of the known circumstances.

INFORMAL COMPLAINT PROCEDURE

Any student, employee, parent, guardian, or other citizen who has a complaint of student discrimination and/or harassment as outlined above and prohibited by state and federal statutes, including Title IV of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 and final rules of 2020, Section 504 of the Rehabilitation Act of 1973 and Wis. Stats. 118.3 shall promptly discuss the complaint with the principal. If the complaint involves the principal, the student, employee, parent, guardian, or citizen shall discuss it with the Director of Student Support Services/designee.

Written consent will be obtained from all parties prior to entering into a voluntary informal resolution process. At any time prior to agreeing to the resolution, any party has the right to withdraw from the informal resolution process and enter into the formal complaint process. An informal process will not be utilized in the event where an employee allegedly sexually harassed a student.

If the complainant is not comfortable with entering into an informal procedure, he/she may enter into the formal complaint procedure following the steps outlined below.

FORMAL COMPLAINT PROCEDURE

Step 1

If the individual complainant is not satisfied with the outcome of the informal procedure, a written complaint shall be submitted to the same principal or Director of Student Support Services with whom the complaint was originally discussed, within five (5) school days. *Or, if the complainant wishes to bypass the informal complaint procedure, he/she will follow the formal complaint procedure as outlined.*

The complaint should describe the facts of the situation in as much detail as possible. All parties involved in the allegations of discrimination shall receive written notification of such allegations. Both parties shall have an equal opportunity to select an advisor, of their choice and at their cost as applicable, who may be, but does not need to be, an attorney, and an equal opportunity to submit and review evidence throughout the investigation.

All relevant evidence will be objectively evaluated without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party. In order to protect parties' privacy, written consent will be obtained prior to releasing any information protected under the Family Educational Rights and Privacy Act. See Board policy and procedure 347: Family Educational Rights and Privacy Act for additional information.

During the investigation, a presumption that the respondent is not responsible during the complaint process (often called a ‘presumption of innocence’) will be applied. The District bears the burden of proof and the preponderance of evidence standard will be applied. The evaluation of all relevant evidence will be void of credibility determinations based on a person’s status. The investigator shall be free from conflict of interest or bias for or against the complainant or respondent.

Once the investigation is completed, a determination will be made and a written report created. In the case of a sexual harassment allegation, a third party will review the evidence and make a decision about the outcome. Both parties will receive a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for each result s to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The written documentation will be sent simultaneously to the parties along with information on how to file an appeal.

Timeline

The principal or Director of Student Support Services/designee will deliver a written answer to complainant and respondent in a prompt and timely manner, within 30 school days after reviewing the complaint unless both parties agree to an extension of time.

Step 2

If the complainant or respondent is not satisfied with the disposition made in Step 1, a written complaint will be submitted to the Superintendent/designee within five (5) school days after the receipt of the written answer provided in Step 1. The Superintendent/designee shall arrange a meeting to discuss the complaint in a prompt and timely manner. The meeting will be conducted with the complainant or respondent and an impartial third party who may be the Superintendent/designee. All parties involved in allegations of discrimination shall be notified in writing of the date and procedure for hearing the complaint. The meeting procedure will provide for the orderly presentation of evidence related to all points of view involved in the allegations of discrimination. The Superintendent/designee shall give a written answer to the complainant or respondent in a prompt and timely manner after the meeting.

Timeline

The District shall provide a written acknowledgement within-15 business days of receipt of written complaint in Step 2 and a determination of the complaint within 30 school days of receipt of the complaint unless the parties agree to an extension of time.

Step 3

If the complainant is not satisfied with the disposition made in Step 2, the complainant shall file a written complaint, by certified mail, return receipt requested, to the Clerk of the Board within five (5) school days after the written answer is provided in Step 2. The Board of Education shall

consider the complaint at the soonest appropriate meeting at which time the complaint originator shall have the right to present his/her position to the Board.

The Board shall advise the complainant in writing by certified mail, return receipt requested, of the action taken with regard to the complaint in a prompt and timely manner. The written response will include the action(s) decided upon by the Board ranging from denial of the complaint to the possible initiation of corrective and/or remedial measures taken on the discrimination identified through the complaint procedure.

Step 4

Should the complainant be dissatisfied with the Board's decision, he/she may within thirty (30) days appeal the decision in writing to the State Superintendent of Public Instruction, Equal Educational Opportunity Office, P.O. Box 7841, Madison, WI 53707.

OTHER EQUAL EDUCATIONAL OPPORTUNITIES DISCRIMINATION AND/OR HARASSMENT COMPLAINT PROCEDURES

Complaint Procedure-Special Education

Discrimination complaints relating to the identification, evaluation, education placement or the provision of a free appropriate public education of a child with a disability will be processed in accordance with established appeal procedures outlined by Department of Public Instruction and Individuals with Disabilities Education Act.

Complaint Procedure-Federal Program

Discrimination complaints relating to programs specifically governed by federal law or regulation will be referred directly to the:

State Superintendent
PO Box 7841
Madison, WI 53707-7841
608-266-1771

Or

Office of Civil Rights/Chicago
US Department of Education
Citigroup Center
500 W. Madison St.
Suite 1475
Chicago, IL 60661
312-730-1560

Dissemination of Discrimination Complaint Procedure

The adopted discrimination complaint procedures will be available to students, parents, employees, and others to inform them about the proper process for making a complaint. The

information will be published in student, parent, and staff handbooks, before the start of the school year.

Created: April 13, 1992
Revised: January 22, 2001
Revised: October 10, 2016
Revised: June 12, 2017
Revised: May 11, 2020
Revised: August 24, 2020

References:

Wis. Stats. 111.32(13)
Wis. Stats. 118.13
Wis. Admin. Code §PI9
Wis. Admin. Code §PI41
American Disability Act of 1990
Civil Rights Act of 1991
Title IX of the Educational Amendments of 1972
Title VI Civil Rights Act of 1964;
Section 504 Rehabilitation Act of 1973
Title IX Regulations 34 C.F.R. ch. 106, as amended

Cross Reference:

Board Policy and Procedure 347: Family Educational Rights and Privacy Act
Board Policy 411: Equal Educational Opportunities, Pupil Nondiscrimination, Pupil Harassment