



Ripon Area School District
Responding to Reports of Sexual and Other Harassment
Addendum to Bullying Policies & Procedures

July 2018

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PART I:

INTRODUCTION TO SEXUAL AND OTHER FORMS OF HARASSMENT (Policy 0145)

The Board of Education believes that sexual or other forms of offensive speech and conduct are wholly inappropriate to the harmonious relationships necessary to the operation of the District and intolerable in an environment in which students and staff members of this District function.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment. Other forms of harassment include verbal or non-verbal expression related to race, gender, age, religion, disability, pregnancy, or sexual orientation.

Substantial interference with a person/employee's work performance or creation of an intimidating, hostile, or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the person/employee would consider the conduct sufficiently severe or pervasive so as to interfere substantially with the person's work performance or create an intimidating, hostile, or offensive work environment.

The harassment of a District staff, student or another Board member is strictly prohibited. Any member who is found to have harassed a member of the staff, student or another Board member, will be subject to discipline by the Board and may be reported to law enforcement authorities.

STUDENT ANTI-HARASSMENT (Policy 5517)

Prohibited Harassment

The Board of Education is committed to an educational environment that is free of harassment of any form. The Board will not tolerate any form of harassment and will take all necessary and appropriate actions to eliminate it, including suspension or expulsion of students and disciplinary action against any other individual in the School District community. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our students.

For purposes of this policy, "School District community" means individuals subject to the control and supervision of the Board including, but not limited to, students, teachers, staff, volunteers, and Board members. "Third party" means individuals outside the School District community who participate in school activities and events authorized by the Board including, but not limited to, visiting speakers, participants on opposing athletic teams, and vendors doing business with, or seeking to do business with, the District.

Harassment means behavior toward a student or group of students based, in whole or in part, on their sex, race, color, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or any other characteristic protected under State, Federal, or local law, which substantially interferes with the student's school or academic performance or creates an intimidating, hostile, or offensive school environment. Harassment may occur student- to-student, student-to-staff, staff-to-student, male-to-female, female-to-male, male-to-male, or female-to-female. Examples of conduct that may constitute harassment include:

- A. graffiti containing offensive language;
- B. name calling, jokes, or rumors;
- C. threatening or intimidating conduct directed at another because of the other's protected characteristic (e.g., sex, race, learning disability);
- D. notes or cartoons;
- E. slurs, negative stereotypes, and hostile acts which are based upon another's protected characteristic;
- F. written or graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
- G. a physical act of aggression or assault upon another because of, or in a manner reasonably related to, the individual's protected characteristic;
- H. other kinds of aggressive conduct such as theft or damage to property, which is motivated by a protected characteristic.

Gender Based Harassment

In 2010, OCR stated: Title IX prohibits harassment of both male and female students regardless of the sex of the harasser – *i.e.*, even if the harasser and target are members of the same sex. It also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping. Thus, it can be sex discrimination if students are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or failing to conform to stereotypical notions of masculinity and femininity. Title IX also prohibits sexual harassment and gender-based harassment of all students, regardless of the actual or perceived sexual orientation or gender identity of the harasser or target.

Although Title IX does not prohibit discrimination based solely on sexual orientation, Title IX does protect all students, including lesbian, gay, bisexual, and transgender (LGBT) students, from sex discrimination. When students are subjected to harassment on the basis of their LGBT status, they may also be subjected to forms of sex discrimination prohibited under Title IX. The fact that the harassment includes anti-LGBT comments or is partly based on the target's actual or perceived sexual orientation

does not relieve a school of its obligation under Title IX to investigate and remedy overlapping sexual harassment or gender-based harassment.

Sexual Harassment

Sexual harassment deserves special mention. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- A. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education;
- B. submission or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education;
- C. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may include, but is not limited to:

- A. unwelcome verbal harassment or abuse;
- B. unwelcome pressure for sexual activity;
- C. unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact, other than necessary restraint of students by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
- D. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status;
- E. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational status;
- F. unwelcome behavior or words directed at an individual because of gender.

Examples are:

- 1. repeatedly asking a person for dates or sexual behavior after the person has indicated no interest;
- 2. rating a person's sexuality or attractiveness;
- 3. staring or leering at various parts of another person's body;
- 4. spreading rumors about a person's sexuality;

5. letters, notes, telephones calls, or materials of a sexual nature;
 6. displaying pictures, calendars, cartoons, or other materials with sexual content;
- G. inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history; and
- I. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

It is further the policy of the Board that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the work place, in that it interferes with the educational process and may involve elements of coercion by reason of the relative status of a staff member to a student.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering

with the individual's educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's physical, mental, emotional or learning disability and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Reporting Procedures

Students who believe they have been unlawfully harassed are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying and Harassment, the principal that the reported misconduct may have created a hostile learning environment and may have constituted unlawful harassment on the basis of the Protected Classes, the principal will report the act of bullying and/or harassment to one of the Compliance Officers (hereinafter referred to as the "COs"). who shall assume responsibility to investigate the allegation in accordance with this policy.

Protected Classes include:

- A. Race;
- B. Color;
- C. National origin;
- D. Age;
- E. Sex (including transgender status, change of sex, sexual orientation, or gender identity);
- F. Pregnancy;
- G. Creed or religion;
- H. Genetic information;

- I. Handicap or disability (in accordance with Policy 1623, AG 1623A, and AG 1623B);
- J. Marital status;
- K. Citizenship status;
- L. Veteran status;
- M. Military service (as defined in 111.32, Wis. Stats.);
- N. National origin;
- O. Ancestry;
- P. Arrest record;
- Q. Conviction record (In accordance with Policy 4121);
- R. Use or non-use of lawful products off the District's premises during non- working hours;
- S. Declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters; or
- T. Any other characteristic protected by law in its employment practices.

Reporting procedures are as follows:

- A. Any student who believes s/he has been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to an appropriate official as designated under administrative guidelines developed by the Superintendent.
- B. Any parent of a student who believes the student has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to an appropriate school official as designated under administrative guidelines developed by the Superintendent.
- C. Teachers, administrators, and other school officials who have knowledge or received notice that a student has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to an appropriate school official as designated under administrative guidelines developed by the Superintendent.
- D. Any other person with knowledge or belief that a student has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as designated under administrative guidelines developed by the Superintendent.

- E. The reporting party or complainant shall be encouraged to use a report form available from the principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing.
- F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the District will designate both a male and a female CO for receiving reports of harassment prohibited by this policy. At least one (1) CO or other individual shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

District Compliance Officers

The Board designates the following individuals to serve as the District's Compliance Officers (COs):

Jonah Adams, Business Manager
1120 Metomen Street
Ripon, WI 54971
(920) 748-4600
adamsj@ripon.k12.wi.us

Julie Krackow, Student Services Director
100 Ringstad Drive
Ripon, WI 54971
(920)-748-1550
krackowj@ripon.k12.wi.us

The names, titles, and contact information of these individuals will be published annually in the staff handbooks, on the School District's web site, and/or in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address and telephone number of the Complaint COs, the name, mailing address and telephone number of the State agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

A CO will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Thereafter, the COs must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Board's intent to investigate the

alleged misconduct, including the obligation of the compliance officer to conduct an investigation following all the procedures outlined in the complaint procedures.

The COs are assigned to accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin a review or investigation or the CO will designate a specific individual to conduct such a process. The COs will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the CO as soon as possible, but always within no more than two (2) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any student who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through the procedures described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of unlawful harassment was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

Complaint Procedure

A student who believes she/he has been subjected to harassment hereinafter referred to as the "complainant", may file a complaint, either orally or in writing with a teacher, principal, or other District employee at the student's school, the CO, Superintendent, or other District employee who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a complainant informs a teacher, principal, or other District employee at the student's school, the CO, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process as described herein, the CO should keep the parties informed of the status of the investigation and the decision making process.

All complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or to be actively engaging in, harassment; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter the CO

will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of class schedule for the complainant or the alleged harasser, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the Principal prior to any action being taken. The Complainant should be notified of any proposed action prior to such action being taken.

As soon as appropriate in the investigation process, the CO will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be provided an opportunity to respond to the complaint.

Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment. A principal will not conduct an investigation unless directed to do so by the CO.

Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the complainant has been subject to unlawful harassment. In determining if unlawful harassment occurred, a preponderance of evidence standard will be used. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The CO may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the CO, the Superintendent must either issue a final decision regarding whether or not the complaint of harassment

has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final. If the complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the unlawful harassment pursues the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

Appeal Provision

The Superintendent may also develop written procedures for the complainant and alleged harasser to appeal the Superintendent's answer. These procedures may include a means for these individuals to appeal the answer to the Superintendent and the Board.

Formal Complaint Investigation

The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy and administrative guidelines or in such other manner as deemed appropriate by the Board or its designee.

Reprisal

Submission of a good faith complaint or report of harassment will not affect the complainant's or reporter's grades or learning environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

Additional School District Action

If the evidence suggests that the harassment at issue is a crime or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.), the CO or Superintendent shall report the harassment to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations and crimes.

Any reports made to the local child protection service or to local law enforcement shall not terminate the CO's obligation and responsibility to continue to investigate a complaint of harassment. While the CO's may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the

harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Confidentiality

The District will make all reasonable efforts to protect the rights of the complainant and the respondent. The District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All complainants proceeding through the investigation process should be advised that as a result of the investigation, the respondent may become aware of the complainant's identity.

During the course of an investigation, the CO will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the CO in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the state or Federal law will be maintained in a manner consistent with the provisions of the law.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited. The Board will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Board will develop a method of discussing this policy with the School District community. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to the School District community at such times as the Board in consultation with the Superintendent determines is necessary or appropriate.

This policy shall be reviewed at least annually for compliance with local, State, and Federal law.

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address and telephone number of the Complaint Coordinators, the name, mailing address and telephone number of the State agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

A summary of this policy shall appear in the student handbook and shall be made available upon request of parents, students, and other interested parties.

PART II:

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY (Policy 2260)

The Board is also committed to equal employment opportunity in its employment policies and practices as they relate to students. The Board's policies pertaining to employment practices can be found in Policy 1422, Policy 3122, and Policy 4122 – Nondiscrimination and Equal Employment Opportunity.

It is not the Board's intention to limit the discussion of controversial issues in the classroom (see Policy 2240, Controversial Issues) however, in order to achieve the aforesaid goal, with regards to:

❖ Curriculum Content

- The Superintendent shall review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both sexes, various races, ethnic groups, etc. toward the development of human society;
- The Superintendent shall provide that necessary programs are available for students with limited use of the English language;

❖ **Staff Training**

- The Superintendent shall develop an ongoing program of staff training and in-service training for school personnel designed to identify and solve problems associated with bias based upon the Protected Classes in all aspects of the program;

❖ **Student Access**

- The Superintendent shall review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
- The Superintendent shall verify that facilities are made available in a non-discriminatory fashion, in accordance with Board Policy 7510 - Use of District Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

❖ **District Support**

- The Superintendent shall require that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters; and

❖ **Student Evaluation**

- The Superintendent shall verify that tests, procedures, or guidance and counseling materials designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the Protected Classes.

The Superintendent shall appoint and publicize the name of the compliance officer(s) responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or equal access. The Compliance Officer(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI, and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public.

The Superintendent shall attempt annually to identify children with disabilities, ages 3-21, who reside in the District but do not receive public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient, including immigrant children and youth, to assess their

ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing, on an annual basis (see AG 2260F).

PART III: REPORTING (Policy 2260)

Reporting Procedures

Students, parents and all other members of the School District community are encouraged to promptly report suspected violations of this policy to a teacher or administrator. Any teacher or administrator who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity.

Students who believe they have been denied equal access to District educational opportunities in a manner inconsistent with this policy may initiate a complaint and the investigation process. Initiating a complaint will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. (See Administrative Guidelines 2260 for complaint and investigation procedures.)

Confidentiality

The District will make reasonable efforts to protect the privacy of any individuals involved in the investigation process. Confidentiality cannot be guaranteed however. All complainants proceeding through the investigation process should be advised that as a result of the investigation, allegations against individuals may become known to those individuals, including the complainant's identity. (See Board Policy 2260)

PART IV: COMPLAINT PROCEDURES AND INVESTIGATIVE FORM (Administrative Guideline 2260B)

Nondiscrimination and Access to Equal Educational Opportunity

This administrative guideline is established to assist in the proper implementation of Policy 2260. The District will follow the complaint procedures under Section 118.13, Wisconsin Statutes, unless the complaint relates to the provisions of a free appropriate public education (FAPE) under Part 104 of Section 504.

That policy states:

The Board of Education does not discriminate in the employment of administrative staff on the basis of the Protected Classes. Any other characteristic protected by law in its employment practices.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

The District's Compliance Officers identified in Policy 2260 shall handle inquiries regarding the Board's nondiscrimination policies and address any complaint of discrimination.

The District will identify, evaluate, and provide a free appropriate public education to students with disabilities (i.e., students who have a physical or mental impairment that substantially limits one or more major life activity).

Gender-Based Harassment

The United States Department of Education, Office for Civil Rights ("OCR") considers gender-based harassment to be a form of sex discrimination.

Administrators and professional staff are directed to thoroughly investigate any allegations of gender-based harassment.

Any questions concerning whether alleged conduct might involve gender-based harassment/sex discrimination should be promptly brought to the Superintendent's attention.

Facilities

The educational program of this District shall be accessible to all students. All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise-qualified disabled student with a disability the opportunity to participate in the academic or other school programs on the same basis as a nondisabled student.

Service animals for students who require this type of assistance shall be permitted access to all facilities, programs, and all events of the District.(See Policy 8390-Animals on District Property

and AG 8390 - Use of Service Animals.)

Program

The educational program includes the academic and nonacademic setting. Each qualified, disabled student shall be educated with nondisabled students to the maximum extent appropriate. In the nonacademic setting, the disabled student shall participate with the nondisabled students to the maximum extent appropriate.

Each principal shall verify that the procedures used with students and parents for selection of and participation in any part of the District's academic, co-curricular, or extra-curricular program do not discriminate on the basis of the Protected Classes
(See AG **2411** - Guidance and Counsel)

Reporting Procedures

Students, parents and all other members of the School District community are encouraged to promptly report suspected violations of this policy to a teacher or administrator. Any teacher or administrator who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity, and the Complaint Procedure detailed in Administrative Guideline 22608 - Complaint Procedures for Nondiscrimination and Access to Equal Educational Opportunity, shall be followed.

Due Process Procedures Under Section 504

The due process hearing is an administrative hearing held to resolve disagreements between the parent or guardian and the District. The District is required to establish and implement procedural safeguards that include notice, an opportunity for parents to review relevant records, an impartial hearing with opportunity for parents to review relevant records, an impartial hearing with opportunity for participation by the student's parent or guardian, representation by counsel and a review procedure. The parent or guardian has the right to request a due process hearing regarding the District's proposal to or refusal to identify, evaluate, educationally place, or deliver services in any aspect to a student pursuant to the Section 504 regulations. In addition, the District may request a due process hearing to obtain parental consent of an initial evaluation, prove that the District's evaluation was appropriate, and secure parental consent for initial special educational placement.

Finally, the District is required to request a due process hearing when a parent or guardian refuses to provide written consent for a re-evaluation and to move a student to an interim alternative educational setting for up to forty-five (45) days for behavior believed to be dangerous to the student or to others.

Requesting a Due Process Hearing

- A. If a parent or guardian requests a due process hearing, the request will be forwarded to the Director of Pupil Services;

- B. The Director will acknowledge the request in writing within five (5) school days and request the parent to complete a written request, if not already provided, which includes the following information:
 - a. name of the parties requesting the hearing;

 - b. relationship to the child;

 - c. address of parties requesting the hearing;

 - d. name of the child;
 - e. address of the child;

 - f. school district of the child's residence;

 - g. school district where child is attending;

 - h. description of the nature of the problem the child is experiencing related to the action proposed, including facts relating to the problem and the specific reasons for requesting a hearing; and

 - i. description of the proposed resolution of the problem (to the extent known and available to the parent(s));

- C. The Director will forward the information provided

by the parent or guardian to a neutral third party hearing officer knowledgeable in the Section 504 regulations and request that the hearing officer schedule a pre-hearing conference within *five* (5) school days of the request for purposes of scheduling a due process hearing; and

- D. The hearing officer will comply with the due process procedures under Federal law (IDEA where Section 504 is silent), and utilize the due process procedures set forth under Chapter 115, Wisconsin Statutes.

Reference Administrative Guideline 2260

Incident Reporting and Investigation Form Ripon Area School District

This form is to be used to report incidents of alleged bullying/harassment, and other unsafe behavior. It should be turned into the school principal, school counselor, or dropped into the incident reporting box in the school office. It is also to be used by investigators to document the investigation of the incident, and to determine how to record the incident in Infinite Campus.

Date of Incident: _____ **Time of Incident:** _____ **AM/PM**

Location of Incident (circle all that apply):

School – Circle One
Barlow Park
Journey
Murray Park
Quest
Middle School
Catalyst
High School
Lumen

Specific Place – Circle all that apply
Classroom
Hallway
Gym/Locker Room
Playground
Bus
Cafeteria
Internet/Social
Rest Room
School Sponsored Event
After School Program

Person Reporting Incident is a: Student Parent/Guardian School Staff Member Other: _____

Name and Contact Info of person reporting the incident(optional) _____

Name of person(s) being targeted _____

Name of person(s) causing harm): _____

Were there any witnesses? Yes No Name(s) of witness(es): _____

What happened? (Record the event) Note: Investigator - Collect any evidence (notes, texts, photos, etc.) if available

How long has this been happening? Has it been reported previously? _____

What steps were taken to try to make the unsafe behavior stop?

Do the students involved have any ideas on how we might solve or reduce the problem? Record them here.

Incident Investigated by: _____ Date: _____

Investigation Results:

Was this incident determined to be bullying? **N** (If NO, what was the determination?)

- ❖ Teasing/non-bullying
- ❖ Transient threat
- ❖ Unsubstantiated
- ❖ Physical altercation – not bullying

Y (If Y, What type of Bullying?)

Type of Event (Check all that apply):

_____ **Physical Bullying** - hitting, kicking, spitting, pushing, pulling, taking and/or other physical aggression, taking and/or damaging personal belongings or extorting money, blocking or impeding movement, unwelcome physical contact

_____ **Verbal Bullying** - malicious teasing, taunting, insulting, name calling, making threats

_____ **Psychological Bullying** - spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation

_____ **Cyberbullying** - using an electronic medium to engage in any previously mentioned bullying (e.g. e-mail, text, Facebook, Instagram, Snapchat, Twitter, Blog, etc.)

_____ **Harassment – due to:**

- _____ **Race**
- _____ **Color**
- _____ **Sex**
- _____ **Sexuality**
- _____ **Religion**
- _____ **National Origin**
- _____ **Other** _____

Action taken, if applicable:

Additional Investigation Notes:

- ❖ Social skills instruction
- ❖ Restorative justice
- ❖ Monitor and provide student support
- ❖ Reprimand
- ❖ Phone call home
- ❖ Suspension/expulsion
- ❖ Law enforcement (explain below)
- ❖ Other disciplinary act