

STUDENT NON-DISCRIMINATION (EQUAL EDUCATIONAL OPPORTUNITY)

The right of the student to be admitted to school and to participate fully in curricular, co-curricular, student services, recreational or other programs or activities shall not be unlawfully abridged or impaired because of a student's religion, sex, race, color, national origin, age, ancestry, creed, political affiliation, membership in the National Guard, state defense force or any reserve component of the United States Military or state military forces, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap or other basis prohibited under state or federal law.

Accordingly, the Platteville School District specifically prohibits discriminatory or harassing conduct, condoning such conduct by allowing it to go on, and prejudging harassment or discrimination complaint. The Platteville School District will take immediate action to stop, remedy, and prevent recurrence of discrimination and discriminatory harassment and bullying.

Definitions

Discrimination: For purposes of this policy, “discrimination” means any action, policy, rule or practice, including bias, stereotyping and pupil harassment, that is detrimental to a person or group of persons and differentiates or distinguishes among persons, or that limits or denies a person or group of persons opportunities, privileges, roles or rewards based, in whole or in part, on religion, sex, race, color, national origin, age, ancestry, creed, political affiliation, membership in the National Guard, state defense force or any reserve component of the United States Military or state military forces, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap or other basis prohibited under state or federal law.

Discriminatory Harassment/Bullying: For purposes of this policy, “harassment” means behavior towards students or staff members based, in whole or in part, on religion, sex, race, national origin, age, ancestry, creed, color, political affiliation, membership in the National Guard, state defense force or any reserve component of the United States military or state military forces, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability or handicap or other bases prohibited under state or federal law, or any other characteristic identified above, that substantially interferes with a student’s school performance or a staff member’s work performance or creates an intimidating, hostile or offensive school and/or work environment.

Examples of Discrimination and Discriminatory Harassment/Bullying

Discrimination and harassment can arise from a broad range of physical or verbal behavior which can include, but is not limited to, the following:

- a. The denial of admission to any public school;
- b. The denial of participation in, access to, or the benefits of any curricular, extracurricular, student services, recreational or other program or activity;
- c. The discriminatory and inequitable provision of resources among comparable curricular or extracurricular programs;
- d. Physical or mental abuse;
- e. Racial, ethnic or religious insults or slurs;
- f. Unwelcome sexual advances or touching;
- g. Sexual comments, jokes, stories or innuendos;
- h. Display of sexually explicit or otherwise offensive posters, calendars or materials;
- i. Making sexual gestures with hands or body movements;

- j. Intentionally standing close or brushing up against a student or employee;
- k. Inappropriately staring at a student or employee or touching his or her clothing, hair or body;
- l. Asking personal questions about a student or employee's sexual life.

Discrimination and Discriminatory Harassment/Bullying Prohibited

The district's rule prohibiting discriminatory harassment/bullying applies to all students, staff members and volunteers whether at school, at school sponsored co-curricular, extracurricular or social functions, or otherwise.

- A. Any district staff member who engages in discrimination or discriminatory harassment/bullying, or retaliates against another person because of a discrimination or discriminatory harassment/bullying report or participation in an investigation, is subject to immediate discipline, up to and including discharge.
- B. Any student who engages in discrimination or discriminatory harassment/bullying harassment, or retaliates against another person because of a discrimination or discriminatory harassment/bullying report or participation in an investigation, is also subject to immediate discipline, up to and including suspension and expulsion from the district.
- C. Any volunteer who engages in discrimination or discriminatory harassment/bullying, or retaliates against another person because of a discrimination or discriminatory harassment/bullying report or participation in an investigation, may be prohibited from volunteering for the district in any capacity.

District staff members may be held individually liable for harassment or for allowing students to harass each other, and may be subject to the penalties imposed upon employers under state or federal law. In particular, staff members should understand that they are "on duty" whenever they are with students, even if they are not at school or not at a school sponsored event.

This rule prohibiting discrimination and harassment applies to the acceptance and administration of gifts, bequests, scholarships and other aids, benefits, or services to students from private agencies, organizations or persons. It also applies to school sponsored food service programs, the selection of instructional and library media materials, and the methods, practices and materials used for testing, evaluating and counseling students. In addition, it applies to any district staff member's enforcement of the district's Code of Conduct or discipline procedures and the provision of access to the district's facilities.

Procedures for Responding to Discriminatory Harassment or Bullying

Any student who is the target of discrimination or discriminatory harassment/bullying; who observes/witnesses any incident involving discrimination or discriminatory harassment/bullying; or obtains knowledge of possible discrimination or discriminatory harassment/bullying is strongly encouraged to report the incident(s) following the complaint procedures outlined below. **Parents and guardians** and others with relevant knowledge/information/ concerns related to incidents involving students are similarly encouraged to report such concerns/incidents.

Any district employee who, in connection with his/her duties, witnesses or obtains credible knowledge of any incident of discrimination or discriminatory harassment/bullying of a student is expected to:

- A. immediately intervene to attempt to stop harmful or inappropriate behavior in any incident that is presently taking place;
- B. take steps to address concerns regarding any imminent threats or imminent harm;
- C. make a timely (usually within 24 hours) written report using the District's "Report of Discrimination or Discriminatory Harassment/Bullying" to the District Director of Student Achievement or to the

Superintendent if the complaint is directed towards or involves actions of an employee of the Platteville School District.

It is important that students, staff members and volunteers inform designated administrators about inappropriate conduct as soon as possible, because the district cannot do anything to remedy the problem if the district does not know that the problem exists.

Complaint Procedure

Step 1: The complainant may file either a formal written complaint utilizing the District's Discrimination and Discriminatory Harassment/Bullying Complaint Form or request that the District's Director of Student Achievement who is the designated Title IX Coordinator, Section 504 Coordinator and designated nondiscrimination and equal opportunities compliance officer file a complaint. Complaint forms are available in all guidance counselors' offices, the main office of each school, and in the district office.

The Director of Student Achievement's contact information is as follows:

Brad Brogley, Director of Student Achievement
Platteville School District
780 North Second Street
Platteville, WI 53818
(608) 342-4027, brogley@platteville.k12.wi.us

If the complaint is directed towards or involves actions of the Director of Student Achievement or any other employee of the Platteville School District, the complaint shall be filed directly with the Superintendent. The Superintendent's contact information is as follows:

Connie Valenza, Superintendent
Platteville School District
780 N. Second St.
Platteville, WI 53818
(608) 342-4000, valenza@platteville.k12.wi.us

Upon receiving such a complaint, the Director of Student Achievement or Superintendent shall initially issue an acknowledgement of receipt and undertake or arrange for an investigation of the issues raised by the complaint within ten (10) calendar days of the District's receipt of the complaint.

- a. In cases where harassment or bullying is alleged, the administrator in charge of processing the complaint shall implement a pre-investigation safety plan within 24 hours of receiving the complaint.
- b. The district will investigate harassment and discrimination complaints promptly, thoroughly, and impartially. The Director of Student Achievement or Superintendent shall conduct the investigation or appoint an independent trained consultant to do so. Any investigation shall be conducted by a person who the District determines is not identified within the complaint as a party who is allegedly responsible for, or who was directly involved in, the underlying issue or incident.
- c. The District uses a preponderance of the evidence standard (i.e., it is more likely than not that harassment occurred) to resolve complaints of discrimination or discriminatory harassment/bullying.
- d. In all cases, the investigator shall conduct interviews with the complainant and all relevant parties

during the investigative process.

- e. Following the investigation, the Director of Student Achievement or the Superintendent shall determine the administrative resolution of the complaint and determine the action to be taken in connection with the resolution.
- f. As part of the administrative resolution, the District will offer counseling services to any person found to have been subjected to or to have engaged in Discriminatory harassment/bullying.
- g. The Director of Student Achievement, Superintendent, or independent trained consultant will prepare a written investigative report including the persons interviewed, the key factual findings, a determination as to whether a violation of District policies or school rules has been substantiated, and any action to be taken, within thirty (30) calendar days of the District's receipt of the complaint. Every effort will be made to complete the investigation within the thirty (30) calendar days; however, if the complaint investigation is complex and a thorough investigation requires time beyond the 30 days, the administrator who is managing the complaint process shall keep the complaining party apprised of the status of the complaint in ten-day increments, not to exceed sixty (60) days unless the District and the complainant mutually agree to a further extension of the 60-day time period.
- h. A copy of the report shall be sent to the complainant, the person(s) alleged to be responsible for the discrimination if individuals have been named in the complaint, and the Superintendent.

Step 2: If the complainant is dissatisfied with the administrative resolution of the complaint, he/she may file a written request within ten (10) days of receipt of the administrative resolution asking the Superintendent to review the file and reconsider the resolution.

If the complainant requests reconsideration, he/she shall identify the basis for the request with reasonable specificity. The Superintendent shall issue a written decision on reconsideration within twenty (20) days of the Superintendent's receipt of the request. Step Two would be bypassed and the complaint would go directly to Step 3 if the administrator who is managing the complaint process is the Superintendent.

Step 3: If the complainant remains unsatisfied, he/she may appeal through a signed, written statement to the School Board. In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives at the next regular Board meeting or within 30 school/business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent by the Board Clerk to each concerned party within 10 school/business days of this meeting. The decision of the Board shall include a notice to the complainant of his/her right to appeal the determination to the State Superintendent of Public Instruction.

Appeals to DPI may be mailed to the Department of Public Instruction, Equal Educational Opportunity Office, P.O. Box 7841, Madison, WI 53707. Any appeal to DPI must be filed within thirty (30) days of the date of the School District's final action on the complaint.

Deadlines identified in the above complaint processing procedures, excluding the deadlines applicable to appeals to DPI, may be extended by mutual agreement between the District and the complainant.

Deadline for the Initial Filing of Complaint

The District always has an interest in being made aware of potential concerns with student discrimination and other student issues permitted to be raised through these complaint procedures, however, all formal

complaints using the District's Discrimination and Discriminatory Harassment/Bullying Complaint procedure must be filed within 180 days of the alleged discriminatory act. Any person with a complaint or concern involving a student matter is encouraged to notify the District of the issue or to file a formal complaint as soon as reasonably possible after the occurrence of the relevant events. Any gap in filing or otherwise pursuing a complaint or concern can affect the extent to which it is practical to investigate the matter, and a delay may also limit the range of possible remedies and resolutions that are reasonably available.

Complainants should also be aware that courts and external agencies may have specific filing or notice deadlines that are tied to the date of the alleged violation, rather than the date that a party initiates or completes any District-established complaint process.

Special Procedure for Complaints Involving the Superintendent

In the event that a complaint to be filed under these procedures concerns the actions of or decisions made directly by the Superintendent, the complainant may file the complaint in writing at the District's main administrative office, directed to the attention of the Board President, who shall work with District legal counsel in order to process the complaint. If the Board President and District legal counsel determine that the Superintendent may not be sufficiently impartial, or that it is in the best interests of the District to avoid the appearance of any such partiality, then the Board President, with notice to the other members of the Board, shall designate District legal counsel or another non-employee investigator as the complaint manager for purposes of processing and investigating the complaint up to the point of reaching and issuing a resolution on the complaint. After completion of the investigation in such a case, the Board shall meet and assess the findings and outcome of the investigation, make and issue the resolution of the complaint, and perform the role of the Superintendent described above.

Filing Complaints with The Office For Civil Rights of The U.S. Department Of Education

Nothing within these locally-established complaint resolution procedures shall preclude individuals from filing a discrimination complaint or request for enforcement directly with the U.S. Department of Education's Office of Civil Rights ("OCR"), as authorized by federal law. Such complaints may be made to:

Chicago Office
Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: 312-730-1560
FAX: 312-730-1576 TDD: 877-521-2172
Email: OCR.Chicago@ed.gov

OCR independently determines the extent to which any given complaint falls within OCR's realm of authority.

Confidentiality

Complainants who have specific concerns about confidentiality in connection with a complaint should arrange to discuss those concerns at the time they file their complaint. The District cannot assure complainants or other aggrieved parties or alleged victims that a complaint can be processed without disclosing the identity of persons involved in the events/issues to the extent reasonably necessary to investigate and process the complaint. For example, in some cases, it is not possible to fully process and investigate a complaint without revealing the identity of the person(s) who has filed the complaint to

individuals being questioned about the issues/events identified in the complaint.

All complainants are given further notice by this section that, in some situations, the allegations of a complaint will compel an investigation or other follow-up activity by the District in a manner that necessitates the direct or indirect disclosure of the identity of a complainant against his/her wishes, even when the complainant seeks to “withdraw” the complaint.

District employees who are involved in the complaint resolution process are prohibited from violating the confidentiality of protected information, such as student records, at any point in the complaint resolution process, or to engage in any gratuitous or unnecessary discussion of the complaint with third parties. District policy also prohibits District employees, other agents of the District, and students who are involved in the complaint resolution process from engaging in acts of retaliation, harassment, or retaliation, against any aggrieved party, complainant, or other person involved in the complaint resolution process. Any violations of the District’s conduct expectations related to the complaint resolution process subject the violator to disciplinary action.

The District will also carefully assess its legal obligations under the public records law before the District would disclose any sensitive and personally-identifiable complaint-related information in response to a request for records.

Separate Complaint Procedure – Students with a Disability

Students with a disability under Section 504 of the Rehabilitation Act may also request a Section 504 due process hearing pursuant to the Platteville School District’s Operating Rules and Regulations.

Separate Complaint Procedure – Federal Programs

Discrimination complaints under federal law relating to the administration of federal programs and to federal grantees (commonly called EDGAR complaints), if received by the District, shall be referred directly to the State Superintendent of Public Instruction.

Children of Homeless Individuals and Unaccompanied Youth

Children of homeless individuals and unaccompanied youth (youth not in the custody of a parent or guardian) residing in the District shall have equal access to the same free, appropriate public education, including comparable services, as those provided to other residents of the District. Homeless children and youth shall not be required to attend a separate school or program for homeless children and shall not be stigmatized by school personnel.

Students Identified as Having a Disability

The District shall provide appropriate educational services, accommodations, and/or programs for students who have been identified as having a disability, regardless of the nature or severity of the disability, and regardless of whether the student qualifies for the District’s special education program. Facilities modifications necessary to provide for appropriate access and participation for persons with disabilities shall be made to the extent required by law.

Religious Beliefs

The District shall also provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. Requests for such accommodations shall be made in writing and shall be approved by the building principal. Accommodations may include, but are not necessarily limited to, being excused from participation in an activity, alternative assignments, and release time from school to participate in religious activities, and opportunities to make up work missed due

to religious observances. Any accommodations granted under this policy shall be provided to students without prejudicial effect.

Exceptions

This rule does not, however, prohibit the use of special testing or counseling materials or techniques to meet the individual needs of students. Furthermore, this rule does not prohibit separate locker rooms, showers and toilets for males and females, although the district will maintain comparable separate facilities. Finally, this rule does not prohibit separate programs in interscholastic athletics for males and females, although the district will provide programs that are comparable in type, scope and district support.

Prohibition against Retaliation

No employee, officer, agent or representative of the District shall unlawfully retaliate against, harass, intimidate or otherwise impose any improper consequence against any person who (1) pursues any complaint under this policy and its related complaint procedure; or (2) otherwise participates in the resolution of such a complaint. Further, any act of retaliation, harassment, or intimidation performed by a student against any such persons who are involved in the complaint process would itself constitute a violation of school rules and District policy, and subject the student to appropriate disciplinary action. Failure to act in good faith while participating in the complaint resolution process subjects an employee or student to potential discipline and includes the pursuit of a complaint that the complaining party knows to be false or wholly frivolous, the intentional provision of false or misleading evidence during the processing of a complaint, and other actions that constitute a violation of any District policy or rules or any egregious abuse of process.

Nondiscrimination Statements And Dissemination Of Discrimination Complaint Procedures

In addition to including express nondiscrimination statements in other Board policies where required by law:

1. Notice of this policy and its accompanying complaint procedures shall be published at the beginning of each school year in the Platteville Journal.
2. A student nondiscrimination statement shall be included in student and staff handbooks, course selection handbooks, and other published materials distributed to the public describing school activities and opportunities.
3. The student discrimination policy and complaint procedures shall be disseminated annually to students, parents and guardians, employees and others to inform them about the proper process for submitting a complaint. The information shall be published in on the district website, student, parent and staff handbooks, and the procedures or a reference to the procedures shall be posted in other appropriate locations (e.g., the District Office, School Building Offices and guidance offices, etc.).

Maintenance Of Complaint Records, Reports And Evaluations

The District Administrator shall be responsible for directing the timely preparation of the reports and evaluations regarding nondiscrimination initiatives and compliance that the District is required to conduct and/or provide to the Department of Public Instruction. The District is required to formally evaluate the status of nondiscrimination and equality of educational opportunity in the District at least once every five years. Records shall be kept in the Superintendent's Office of all formal and informal complaints for the purpose of documenting compliance and past practices. 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 complainant.
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 REFERENCES

WISCONSIN STATUTES

- [Section 118.13](#) [student nondiscrimination; policy/procedures required]

WISCONSIN ADMINISTRATIVE CODE

- [PI 9](#) [student nondiscrimination; policy/procedure/notice required]
- [PI 41](#) [accommodating student religious beliefs; policy required]

FEDERAL LAWS

- [Title IX, Education Amendments of 1972](#) [sex discrimination]
- [Title VI, Civil Rights Act of 1964](#) [race, color and national original discrimination]
- [Section 504 of the Rehabilitation Act](#) [disability discrimination; free and appropriate public education (FAPE) and reasonable accommodations]
- [Americans with Disabilities Act](#) [disability discrimination; reasonable accommodations]
- [Individuals with Disabilities Education Act](#) [programs and services for students with disabilities]
- [McKinney-Vento Homeless Assistance Act](#) [equal access for homeless students; required policies to remove barriers]

CROSS REFERENCES

[Insert appropriate cross references to the policy as applicable to your district. [Cross Reference Instructions.](#)]

ADOPTION DATE:

[Insert appropriate adoption date]

Complaint of Discrimination or Discriminatory Harassment and/or Bullying, Retaliation, or Other Violation of School Board Policy 411
 (please print clearly, complete all lines, and attach additional sheets when necessary)

1. Name and Contact of the Individual Filing the Complaint:

2. Does this complaint allege a violation of law or district policy that is based upon, or that has occurred because of any, individual's legally-protected status (e.g., race, sex, age, disability, religion, etc.)?

- No.
- Yes. List **each** protected status/category that you feel is relevant to the allegations made in this complaint:

3. This complaint concerns (check all that apply):

- Discrimination, harassment, and/or bullying against an individual based on the individual's legally-protected status (e.g., race, sex, age, disability, religion, etc.)
- Inappropriate retaliation taken against an individual, in violation of a law or a District policy.
- Other: _____

4. What is the name of **each** person who is the alleged target of the improper conduct identified in this complaint?

5. Is any person who you identified in response to Question 4 a student enrolled in the District?

- Yes.
- No

6. Is any person who you identified in response to Question 4, above, an employee of the District, a former employee, or an applicant for employment with the District?

- Yes.
- No.

6. Identify the approximate **date(s)** that the relevant events occurred (or, if the concern is ongoing, identify the date that the events/conduct began).

7. To your knowledge and in relation to this complaint, **is anyone's health or safety in imminent danger** such that you believe immediate action is needed to alleviate that danger?

- No.
- Yes. Please identify the person(s) and indicate whether you have contacted law enforcement:

8. List any **other persons** who you allege are responsible parties in connection with this complaint (if any), indicating his/her role (e.g., "John Smith (volunteer coach)"): _____

9. Please list any **known witnesses to key events**, indicating whether they are an employee, student, parent, etc (e.g., "*John Smith (employee)*"):

10. Please describe the **basic nature of the complaint/allegations** and identify the issue(s) to be resolved (e.g., identify what happened, when it happened, who was involved, whether it is an ongoing problem, etc.):

11. Please identify the **relief or remedy** that you would like the school District to provide in order to resolve this complaint:

14. Have you already attempted to address this matter informally with an administrator, employee, or any of the responsible parties?

- No.
- Yes. Please describe those attempts and identify the outcome/response to date:

15. Signature of person filling out this form:

Signature

Date

LINES BELOW ARE FOR SCHOOL DISTRICT OFFICE USE ONLY

1. Identify the **name and title** of the person who received this form on behalf of the School District, and identify the **date of receipt**:

Name _____ Title _____

Date of Receipt by the District:

Date Acknowledgement of Receipt was sent:

Signature of Administrator who sent Acknowledgment of Receipt: _____

2. Identify the method of receipt:

- Hand delivery
- U.S. mail
- Email
- Inter-office mail
- Other _____

3. By number, identify the items on this form (if any) which were blank at the time the form was initially filed with the District:

4. Identify the **administrator** who is assigned primary responsibility processing the complaint.

6. Other information pertinent to the receipt of this complaint:

ADOPTION DATE

[Insert appropriate adoption date]