

POLICY: 511. NONDISCRIMINATION STATEMENT ** AND SEX DISCRIMINATION COMPLAINT PROCESS

NOTICE OF SCHOOL DISTRICT POLICIES ON SEX DISCRIMINATION, THE DISTRICT'S TITLE IX COORDINATOR(S), AND PROCEDURES FOR REPORTING OR FILING A COMPLAINT OF SEX DISCRIMINATION

Title IX Nondiscrimination Policy Statement – As mandated by the current provisions of Title IX of the Education Amendments of 1972 and under the regulations set forth in Chapter 106 of Title 34 of the Code of Federal Regulations (“the federal Title IX regulations”), the District does not unlawfully discriminate on the basis of sex in any education program or activity that the District operates. Title IX’s requirement not to discriminate in any education program or activity extends to cover, but is not limited to, District students, certain admissions processes, and District employment. Inquiries regarding how Title IX and the federal Title IX regulations apply to the District may be referred to a District Title IX Coordinator (as designated below), to the Assistant Secretary for Civil Rights at the U.S. Department of Education, or to both.

The District’s commitment to nondiscrimination under Title IX and under other state and federal laws is further defined in the following policies of the School Board: Policy 511, 513, 514 and Policy 515.

District Title IX Coordinators – The District employees who hold each of the positions identified below serve as Title IX Coordinators for the District:

<p>The staff member holding the following position serves as the District’s designated Student and Equal Employment Opportunity Nondiscrimination Coordinator:</p> <p>Adam Boldt, Director of Student Services Arrowhead Union High School District 700 North Avenue Hartland, Wisconsin 53029 262-369-3611, ext. 4112 Boldt@arrowheadschoools.org</p>	<p>The staff member holding the following position serves as the District’s designated Student and Equal Employment Opportunity Nondiscrimination Coordinator:</p> <p>Debra Paradowski, Associate Principal Arrowhead Union High School District 700 North Avenue Hartland, Wisconsin 53029 262-369-3611, ext. 4199 Paradowski@arrowheadschoools.org</p>
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Reporting Sex Discrimination – Any person (including a person who is not claiming to have been personally harmed/victimized by the alleged discrimination) may report a concern or allegation regarding prohibited sex discrimination (including sexual harassment) to the District. Such reports may be submitted as follows:

1. To a District Title IX Coordinator, either in person, by U.S. mail, by telephone, or by electronic mail, using the contact information listed above. In person reports should be made when the Title IX Coordinator is reasonably available during regular working hours. Reports submitted by telephone, mail, or electronic mail may be made at any time.
2. By any other means that results in a Title IX Coordinator actually receiving the person's verbal or written report.

Filing Formal Complaints of Title IX Sexual Harassment – As required by the federal Title IX regulations, the District has established a formal grievance process for investigating and resolving “formal complaints” of “sexual harassment,” as those terms are defined in the regulations.

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under the federal Title IX regulations (i.e., a Title IX “complainant”), or a parent or guardian who has a legal right to act on behalf of such an individual, may file a formal complaint of sexual harassment. No Title IX complainant is obligated to file a formal complaint, but a qualifying formal complaint is necessary for the District to start an investigation using the District’s formal Title IX grievance process.

Complainants are expected to file formal complaints of sexual harassment with a District Title IX Coordinator by submitting a document or electronic submission in person, by U.S. mail, or by electronic mail, using the contact information specified above.

Additional requirements for formal complaints of Title IX sexual harassment, including a description of the required content for a formal complaint, are set forth in Policy 511 within the School Board’s policies.

District Response to Reports and Complaints of Sex Discrimination and to Formal Complaints of Sexual Harassment under Title IX – The District has established grievance procedures through which the District structures its response to reports that allege unlawful discrimination on the basis of sex in any education program or activity of the District. Those procedures are set forth in Policy & Procedure 511 as published on the District’s website.” The purpose of such procedures is to provide for the prompt and equitable resolution of any report or complaint of alleged sex discrimination, excluding formal complaints of sexual harassment under Title IX (which are subject to a different process).

Any time that the District has actual knowledge of sexual harassment or allegations of sexual harassment that could constitute a violation of Title IX, the District has obligations to respond to such knowledge in a manner that is not deliberately indifferent and in a manner that treats the alleged victim(s) of sexual harassment and the alleged perpetrator(s) of sexual harassment equitably. Such a response includes, but is not limited to, offering supportive measures to a complainant and investigating and resolving any formal complaint that presents allegations of Title IX sexual harassment using the formal grievance process that the District has adopted for such formal complaints. District procedures for responding to alleged sexual harassment under Title IX, including the formal grievance process, are set forth in Policy & Procedure 511, as published on the District’s website.

This procedure has been established to facilitate the District’s compliance with requirements of the federal regulations issued under Title IX of the Education Amendments of 1972 (“Title IX”). Specifically, this procedure establishes expectations and procedures for the prompt and equitable resolution of reports and complaints that allege unlawful sexual harassment, as defined by the Title IX regulations, within the District’s education program and activities. The existence of this procedure, as a reflection of federal regulatory mandates, is not intended to suggest that sexual harassment is any more or any less serious, or any more or any less of a concern to the District, than harassment that is based on any other legally-protected status (e.g., race, national origin, disability, religion, etc.).

All District officials, District employees, and other persons acting as agents of the District must keep confidential the identity of (1) any individual who has made a report or complaint of sex discrimination that would be prohibited by Title IX, including any individual who has made a report or filed a formal complaint alleging Title IX sexual harassment; (2) any complainant (i.e., any individual who is alleged to be the victim of conduct that could constitute Title IX sexual harassment); (3) any individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination under Title IX; (4) any respondent (i.e., any individual who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment); and (5) any witness, except as may be required by law, permitted by the Family Educational Rights and Privacy Act and its implementing regulations, or reasonably necessary to carry out the purposes of the federal Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under the federal Title IX regulations.

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Responding to reports or other notice to the District of Title IX sexual harassment when no formal complaint has been filed- The following procedures apply any time that a District Title IX Coordinator determines that the District has notice of Title IX sexual harassment or allegations of Title IX sexual harassment, but no formal complaint of Title IX sexual harassment has been filed by a complainant or signed by a Title IX Coordinator:

1. A District Title IX Coordinator must promptly contact the complainant (i.e., the individual who is alleged to be the victim of conduct that could constitute sexual harassment) regarding supportive measures (see below) and regarding the process for filing a formal complaint.
2. In consultation with other District officials as needed, a Title IX Coordinator will coordinate the identification, offering, and implementation of appropriate supportive measures for the complainant (see below).
3. A Title IX Coordinator or any administrator with knowledge of the relevant circumstances relating to the allegations of sexual harassment may, at any time, contact the District Administrator or his/her administrative-level designee for the purpose of evaluating whether the District will initiate the removal of the respondent from the District's education program or activity on an emergency basis, under the limited circumstances, procedures, and standards identified in the federal Title IX regulations. Procedures and standards established under other laws or District policies may also need to be satisfied in connection with any such emergency removal.
4. If an eligible complainant elects to file a formal complaint of Title IX sexual harassment at any point, the formal complaint shall be processed as provided, below, within this procedure.
5. If a complainant is not eligible to file a formal complaint of sexual harassment under Title IX, or chooses not to do so, a Title IX Coordinator is authorized to sign a formal complaint regarding the alleged conduct. The following apply to the discretionary decision to sign a formal complaint on behalf of the District:
 - a. The Title IX Coordinator may not delegate the determination in full to another agent or employee of the District. However, prior to making the determination, the Title IX Coordinator may consult, as needed, with appropriate persons, such as another District Title IX Coordinator (if designated), the District Administrator, or District legal counsel.
 - b. The primary reasons that a Title IX Coordinator would sign a Title IX complaint and initiate an investigation would be a determination, on behalf of the District, that the District's interests in safety and/or in potential sanctions for any respondent(s) make an investigation and determination of responsibility pursuant to a formal complaint reasonably necessary under the circumstances.
 - c. A Title IX Coordinator shall not sign a formal complaint against the wishes of a complainant if involving an unwilling complainant in the grievance process would be clearly unreasonable in light of the known circumstances.
 - d. If a Title IX Coordinator signs a formal complaint alleging Title IX sexual harassment, the complaint shall be processed as provided, below, within this procedure.
 - e. Upon signing a formal complaint, the Title IX Coordinator does not become a complainant or a party to the complaint, and any complainant who is identified in

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relation to the allegations retains his/her status as a complainant in connection with the grievance process.

6. Nothing in this procedure diminishes the District's obligations to respond to Title IX sexual harassment or allegations of Title IX sexual harassment in a prompt manner that is not deliberately indifferent in all circumstances in which the federal Title IX regulations deem the District to have actual knowledge of such harassment.

Supportive measures in connection with any report, formal complaint, or other notice to the District of Title IX sexual harassment-

1. "Supportive measures" are expressly defined and further described in the definitions section of this procedure (see below).
2. The District will provide supportive measures to complainants to the extent required by the Title IX regulations. The District may provide supportive measures to a respondent, but it is not required to do so in all cases.
3. Any time a Title IX Coordinator becomes aware that the District has actual knowledge of Title IX sexual harassment or allegations of Title IX sexual harassment, the Title IX Coordinator shall:
 - a. Promptly contact the complainant, if known, to:
 - i. Discuss the availability of supportive measures;
 - ii. Consider the complainant's wishes with respect to supportive measures;
 - iii. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
 - iv. Explain to the complainant the process for filing a formal complaint (if the complainant has not already filed a formal complaint about the conduct).
 - b. Coordinate the identification, offering, and implementation of supportive measures that the District provides to a complainant or respondent, including appropriate monitoring of the implementation process, coordinating potential modifications to the measures, and, as applicable, determining the appropriate time to end specific supportive measures.
4. All District officials, employees, and other persons acting as agents of the District must maintain as confidential any supportive measures provided to a complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.
5. The District is required to document any supportive measures that the District provides in response to a report or formal complaint of Title IX sexual harassment. Conversely, if the District does not provide a complainant with supportive measures for any reason, then the District is required to document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Grievance process for handling formal complaints of sexual harassment under Title IX - This grievance process applies to formal complaints of Title IX sexual harassment. Except to the extent a formal complaint is dismissed (in whole or in part), the District is obligated to investigate a formal complaint of Title IX sexual harassment pursuant to this process. The District is further obligated to treat complainants and respondents equitably by:

1. Offering supportive measures to a complainant (see above).
2. Following this grievance process before imposing disciplinary sanctions or other punitive actions against a respondent for any alleged Title IX sexual harassment, subject to the allowances made in the federal Title IX regulations for implementing supportive measures, implementing an emergency removal, and placing an employee, while a formal complaint is pending, on administrative leave.
3. Providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent.
4. Requiring its agents to adhere to the additional requirements and standards set forth below.

Standards Applicable to District Agents Involved in the Grievance Process

At the point that the Title IX Coordinator determines that a formal complaint involving allegations of Title IX sexual harassment is pending, the Title IX Coordinator shall ensure that the District assigns the roles of complaint investigator, responsibility decision-maker, and appeal decision-maker on a timely basis, whether at the outset of the process or during the process. All such individuals, whether or not District employees, must be appropriately trained to perform their role. The assigned roles shall be performed by different persons to the extent required by the federal Title IX regulations. The District may re-assign the roles or assign multiple qualified individuals to perform specific roles if deemed appropriate in a particular case.

All persons who are authorized to act as agents of the District in connection with the grievance process, including but not limited to any Title IX Coordinator, complaint investigator, decision-maker, or facilitator of an informal resolution process, are required to:

1. Engage in an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence.
2. Avoid making any credibility determinations based on a person's status as a complainant, respondent, or witness.
3. Be free from any conflict of interest that impermissibly inhibits the person's objectivity, impartiality, or independent and good-faith judgment.
4. Avoid exhibiting or applying any bias for or against complainants or respondents generally, or for or against an individual complainant or respondent.
5. Self-report any known pre-existing relationships (familial, social, etc.) to parties or material witnesses and any other known circumstances that relate to a formal complaint and that may reasonably cause the District to disqualify the person from performing a particular role as an agent of the District in the grievance process due to concerns with a conflict of interest or bias. Such a report may be made to a Title IX Coordinator or to the District Administrator. Previous interactions with a complainant, respondent, or material witness in a professional capacity, standing alone and in the absence of other specific circumstances, would normally be insufficient to raise a material concern about a conflict of interest or bias.
6. Apply a presumption, throughout the course of performing their designated role(s), that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

7. Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client privilege), unless the person holding such privilege has waived the privilege.
8. Refrain from accessing, considering, disclosing, or otherwise using a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for purposes of the grievance process (if a party is under 18 years old, then the District must obtain the voluntary, written consent of a parent or guardian).
9. Maintain confidentiality with respect to the identities of persons involved in the grievance process to the extent required by 34 C.F.R. §106.71(a).
10. Avoid restricting the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, except to the extent permitted or required by applicable law. This provision does not restrict the District or its agents from requiring the parties to a formal complaint (including their advisors) to refrain from disseminating certain evidence or other records to others, provided that any such requirement(s) must be lawful and must not unreasonably interfere with the purposes of this grievance process. In some situations, established law may independently prohibit any such dissemination of particular evidence/records.

The Main Procedural Steps of the Grievance Process

Subject to the provisions, below, regarding (1) voluntary informal resolution processes, and (2) the dismissal of complaints or any individual allegations within a complaint, the following steps outline the main procedures of the grievance process.

I. Notice of the allegations, the grievance process, and certain rights.

Normally within 15 business days of receiving a formal complaint, and always at least 5 calendar days before a party will be required to appear for an initial investigative interview, a Title IX Coordinator or his/her designee shall provide all known parties (i.e., complainant(s) and respondent(s)) with written notice of the following:

1. The District's grievance process for formal complaints of Title IX sexual harassment, including a description of any informal resolution process.
2. Notice of the allegations potentially constituting sexual harassment as defined under the Title IX regulations, including sufficient details known at the time. Sufficient details include:
 - a. The identities of the parties involved in the incident(s), if known;
 - b. The conduct allegedly constituting sexual harassment under Title IX; and
 - c. The date and location of the alleged incident(s), if known.
3. The written notice must also:
 - a. Include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

- b. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, who may accompany the party when the party attends any District meeting or proceeding that is part of the grievance process (including investigative interviews).
- c. Inform the parties that they will have the right to inspect and review the evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, as further provided under the Title IX regulations.
- d. Inform the parties that, by policy, the District prohibits a person from knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that were not included in the initial notice of allegations, the Title IX Coordinator or the complaint investigator, or a designee acting on their behalf, must provide written notice of the additional allegations to all parties whose identities are known.

II. Investigation of the allegations

An investigator assigned by the District will conduct an investigation of the allegations of which the parties have been notified (as provided in the previous step). The purpose of the investigation is to gather evidence.

The District has the burden of gathering evidence, both inculpatory and exculpatory, sufficient to reach a determination regarding responsibility. In addition, because the District has the burden of proof, the District bears the burden of conducting a balanced and sufficiently comprehensive investigation such that the burden of proof is not shifted to either of the parties to affirmatively put forth the evidence that would be necessary to either prove or defeat the allegations.

When conducting the investigation, an investigator will:

- 1. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of any investigative interview or other meeting held as part of the investigation, with sufficient time for the party to prepare to participate.
- 2. Allow any party to be accompanied to any investigative interview or other meeting held as part of the investigation by one advisor of their choice. Under any circumstances where a parent or guardian has a legal right to act on behalf of a party (e.g., because the party is a minor), the party's parent or guardian may also accompany the party to any such meeting.
- 3. Conduct one or more investigative interviews of the complainant(s), the respondent(s), and such witnesses as the investigator determines may provide relevant evidence that is able to be considered and that is not unduly duplicative.
- 4. Offer each party an opportunity to identify fact and expert witnesses who the party believes should be interviewed as part of the investigation, along with the nature of the evidence that the party believes the witness may be able to provide. If the investigator declines to interview a witness identified by a party or is unable to interview a witness (e.g., because the witness is not willing to participate or is not reasonably available), the investigator shall document the reason for such decision or unavailability and, unless prohibited by law from doing so, provide the parties with such explanation upon request.

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5. Consider such documentary and other evidence as a party may wish to proffer, except that no party or his/her advisor will be permitted to conduct direct, in-person questioning of another party or of any third-party witness at any interview or investigative meeting called by the District. If the investigator rules that any proffered evidence will not be accepted into the record of the investigation, the investigator shall document the reason for such ruling; return the evidence to the party that offered it (in the case of physical evidence); and, unless prohibited by law from doing so, provide the parties with the reason the evidence was rejected upon request.
6. Accept such other evidence into the record as the investigator deems to be relevant and directly related to the pending allegations, recognizing that nothing prohibits an investigator from initially accepting evidence that may not be relevant.

After the investigator completes the process of gathering evidence:

1. An investigator, or a designee acting on his/her behalf, must send to each party and the party's advisor, if any, the evidence obtained from the investigation that is subject to inspection and review. Such evidence may be provided in an electronic format or as a hard copy, and consists of the evidence obtained as part of the investigation that is directly related to the pending allegations, including:
 - a. Both inculpatory or exculpatory evidence, whether obtained from a party or other source; and
 - b. Any such evidence upon which the District does not intend to rely in reaching a determination regarding responsibility.
2. Beginning from the date that the evidence is delivered to the parties, the investigator(s) must give the parties at least 10 calendar days to submit a written response to the evidence. Providing such a response is optional.
3. After receiving and giving due consideration to any timely written responses received from the parties, the investigator(s) shall complete an investigative report that fairly summarizes the relevant evidence.
 - a. In the report, the investigator may convey facts, observations, or impressions that address the credibility of particular persons or other evidence, but any such credibility assessments conveyed in the report are not binding on the decision-maker(s).
 - b. The report shall not advocate for a specific determination or outcome.
4. An investigator or his/her designee shall send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy.
5. Beginning from the date that the investigative report is delivered to the parties, the parties will be given at least 10 calendar days to provide a written response to the report, which response (if any) will become part of the record to be reviewed by the decision-maker. Providing such a response is optional.
6. After the District receives the parties' responses to the evidence (if any), and/or after the District receives the parties' responses to the investigative report, if the investigator provides any additional opportunities to submit additional evidence, or to further respond

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to any statements, questions, or additional evidence, such additional opportunities (as allowable but not mandatory practices) must apply equally to both parties. At the discretion of the investigator, the investigative report may be amended or supplemented.”

7. The investigator will forward the final investigative report and the complete investigative record to the District-designated decision-maker for a determination of responsibility.

III.Determinations of responsibility

A decision-maker assigned by the District will make a determination of responsibility with the respect to the allegations of which the parties have been notified and that have been subject to investigation (as provided in the previous steps), based on an analysis of the relevant evidence. During this stage of the proceedings:

1. As early as the point at which the District provides the final investigative report to the parties, or shortly thereafter, an investigator, decision-maker, or designee acting on their behalf shall inform each party that they have the opportunity to submit written, relevant questions that the party wants asked of any party or witness prior to the determination of responsibility, subject to the following:
 - a. The notice of the opportunity to submit such questions shall identify a submission deadline and the allowable method(s) of submission. Beginning from the date that the notice is delivered, the District shall allow the parties at least 5 calendar days to submit any questions.
 - b. If any questions are submitted by the parties, the decision-maker shall either:
 - i. Pose the submitted questions to the relevant person(s) and provide each party with the answers; or
 - ii. Explain to the party proposing the questions any decision to exclude a question as not relevant or as otherwise impermissible in the context of this grievance process.
 - c. If any questions were submitted, posed, and answered as provided immediately above, then the decision-maker shall permit a limited opportunity for the parties to submit follow-up questions. Any such follow-up questions must be reasonably related to the initial question and answers and must not be unduly duplicative of other evidence that is already in the record.
 - i. The decision-maker shall identify a submission deadline for such follow-up questions, which shall be a minimum of 3 calendar days from the date that the parties are provided with the answers to the initial questions.
 - ii. The decision-maker shall either pose the follow-up questions and provide each party with the answers or explain any decision to exclude a question, in the same manner that applied to the initial questions.
2. In making determinations of responsibility with respect to the allegations addressed in the relevant investigative report, the decision-maker shall, in all cases, evaluate the available evidence and apply the “preponderance of the evidence” standard to determine whether any allegation has been substantiated and whether a party has committed any misconduct with respect to such allegation(s).
3. The decision-maker must issue a written determination regarding responsibility that includes all of the following:
 - a. Identification of the allegations potentially constituting sexual harassment under Title IX;

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- b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and any other methods used to gather evidence;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of the relevant legal standards and the District's code of conduct (i.e., any District policies or procedures that apply to the party in question);
- e. A statement of, and rationale for, the result as to each allegation, including all of the following
 - i. A determination regarding responsibility;
 - ii. Any disciplinary sanctions the District imposes on the respondent or, in cases where a particular disciplinary sanction is beyond the direct authority of the decision-maker, a statement of the disciplinary sanction(s) that the decision-maker is recommending as an appropriate consequence;
 - iii. Whether the District will provide the complainant with any remedies designed to restore or preserve the complainant's equal access to the District's education program or activity; and
 - iv. The District's procedures and permissible bases for the complainant and respondent to file an appeal under this grievance process. If a formal complaint of Title IX sexual harassment also constitutes a complaint of pupil discrimination under Chapter PI 9 of the Wisconsin Administrative Code, the District may also use this notice to inform the complainant of their right to appeal any adverse final determination of their complaint under state law to the State Superintendent of Public Instruction, as well as the procedures for making such an appeal to DPI.
- 4. The decision-maker or a designee acting on his/her behalf must provide the written determination to the parties simultaneously.
- 5. To the extent required by the Title IX regulations, disciplinary sanctions for Title IX sexual harassment and any remedies that could not be offered as supportive measure shall not be enforced until the determination of the complaint becomes final. The determination regarding responsibility becomes final, for District purposes, either:
 - a. If no appeal is filed, on the date on which an appeal would no longer be considered timely; or
 - b. If an appeal is filed, on the date that the District provides the parties with the written determination of the result of the appeal (see below).

IV. Appeals following a determination of responsibility

- 1. A complainant or respondent may file an appeal following:
 - a. Receipt of the written determination regarding responsibility; and
 - b. Receipt of notice of dismissal of a formal complaint or of any allegations within a complaint.
- b. Any appeal filed by a party is strictly limited to one or more of the following bases:
 - a. A procedural irregularity that affected the outcome of the matter.
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.

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- c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest in the case or a bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
3. An appeal must be filed in writing and submitted either in person, via U.S. mail, or via email to the Title IX Coordinator with a copy provided to the initial decision-maker. An appeal must be delivered to the District within 5 business days from the date the written determination or notice of dismissal is delivered to the party. The notice of appeal submitted by a party must do all of the following:
 - a. Clearly identify the specific bases, from those listed above, on which the party is appealing; and
 - b. With reasonable specificity, state the factual basis for the appeal and the reasoning as to why the decision or dismissal being appealed from should be reversed or modified.
4. In connection with an appeal, a party may not introduce new evidence that is outside of the existing record of the complaint proceedings except as an offer of proof to support or refute a claimed conflict of interest or bias, or except in support of or in direct response to an appeal that is premised on a claim that certain new evidence was not reasonably available at an earlier time.
5. Upon receiving a notice of appeal from a party, the Title IX Coordinator, appeal decision-maker, or a designee acting on their behalf shall promptly notify the other party (or parties), if known, that an appeal has been filed and provide a copy of the appeal to such other party (or parties).
6. The appeal decision maker will establish and inform all parties of a deadline for submitting any additional written statement the party may wish to submit in support of, or challenging, the original outcome on the grounds raised by any pending appeal. The deadline for such submissions shall be at least 5 calendar days following the date such notice is delivered to the parties.
7. An appeal decision maker shall deny an appeal that merely asserts that the District's decision is wrong (i.e., without identifying the applicable grounds for the assertion) or that fails to present a reasonably-developed argument in support of the appeal.
8. If the appeal decision-maker determines that there is a need to open the record to obtain and consider any additional evidence in order to resolve an appeal, the appeal decision-maker may offer additional equal opportunities for the parties to address and respond to any such new evidence if doing so is necessary to preserve the fairness of the proceedings.
9. The District may continue an ongoing investigation into a formal complaint during an appeal with respect to the dismissal of a complaint in part (i.e., dismissal of specific allegations). However, the investigation shall not be concluded until the appeal over the dismissed allegation(s) is decided.
10. The appeal decision-maker shall:
 - a. Issue a written decision describing the result of the appeal and the rationale for the result; and
 - b. Provide the written decision simultaneously to both parties.
11. The appeal decision-maker shall render the written decision within 15 business days of the deadline that he/she established for the receipt of the parties' written statements on appeal unless he/she communicates an extension of such timeframe, as further described below.

Other Elements, Requirements, and Limitations of the Grievance Process

Supportive Measures During the Grievance Process- The range of supportive measures available to complainants and respondents during and in connection with this grievance process does not

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materially change based on the fact that a formal complaint of sexual harassment under Title IX is pending. Supportive measures, as described and defined elsewhere in this procedure, are available based on the District's actual knowledge of Title IX sexual harassment or allegations of Title IX sexual harassment, and the receipt of a formal complaint is one source of such knowledge. At the same time, supportive measures are intended to be individualized and context-sensitive. If the proceedings related to this grievance process create any changed circumstances or any special needs for a party, the party may contact a District Title IX Coordinator for the purpose of discussing potential modifications to supportive measures.

Dismissals of Formal Complaints- Upon receipt of a formal complaint that alleges or purports to allege Title IX sexual harassment and at other points in the grievance process while a formal complaint is pending, the District is responsible for evaluating whether, pursuant to the federal Title IX regulations, the complaint (1) must be dismissed (whether in whole or in part); or (2) may be dismissed (whether in whole or in part) as an exercise of District discretion. The District expects its Title IX Coordinator(s), complaint investigators, and decision-makers to promptly raise the issue of dismissal as needed.

1. **Mandatory dismissal:** The District must dismiss a formal complaint (or specific allegations within the complaint), for purposes of Title IX and the District's Title IX grievance process, to the extent the conduct alleged in the complaint:

- a. Even if proved, would not constitute sexual harassment as defined in the federal Title IX regulations; or
- b. Did not occur within the scope of the District's education program or activity; or
- c. Did not occur against a person in the United States.

2. **Discretionary dismissal:** At any time during the investigation of a formal complaint and prior to the determination of responsibility, the District may dismiss a formal complaint, or any allegations therein, if:

- a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- b. The respondent is no longer enrolled in the District or employed by the District; or
- c. The District determines that specific circumstances prevent the District from gathering evidence that is sufficient to reach a determination as to the formal complaint or any allegations therein.

3. Dismissal procedures:

- a. The District Administrator, acting in consultation as needed with District legal counsel, must authorize the dismissal of a formal complaint of Title IX sexual harassment or any individual allegations within such a complaint.
- b. The Title IX Coordinator or a designee must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties (to the extent known).
- c. A dismissal is an appealable decision to the extent identified elsewhere in this grievance process.

If a formal complaint or any allegation within a complaint is dismissed for purposes of Title IX, the District retains discretion to take action with respect to the dismissed allegations under other District policies and procedures (e.g., if the alleged conduct could constitute discrimination other than Title IX sexual harassment or if the conduct could constitute a violation of any District policy or procedure of conduct).

Voluntary Informal Resolution of Formal Complaints- To the extent permitted by the Title IX regulations, the District may offer and facilitate a strictly voluntary informal resolution process which

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attempts to resolve the allegations of a formal complaint of Title IX sexual harassment, in whole or in part, without a full investigation and adjudication. An informal resolution process may not be used in connection with allegations that a District employee sexually harassed a student.

In order to offer and attempt an informal resolution process, a formal complaint must have been filed. In addition, before conducting any informal resolution process, the District must:

1. Provide both parties with a written disclosure notice regarding the informal process, as further outlined in the federal Title IX regulations (see 34 C.F.R. §106.45(b)(9)(i)); and
2. Obtain each party's voluntary, written consent to participate in the informal resolution process.

As examples of informal processes that may be appropriate in some circumstances, the District's agents may (1) offer to mediate a resolution between the parties identified in a formal complaint; or (2) explore the parties' willingness to voluntarily proceed without a full investigation and/or adjudication when the facts may be undisputed or where there may be an opportunity to reach stipulated facts.

If a voluntary informal resolution has not reached a conclusion within 15 business days of the date that the District received the consent of the parties, the District and the parties may mutually and voluntarily agree to extend the timeframe for attempting an informal resolution. In the absence of a mutual agreement to extend the timeframe, the District will provide reasonably prompt written notice to the parties that the informal process is being abandoned and that the District will resume the formal process.

Disciplinary Sanctions- After a determination that a party is responsible for Title IX sexual harassment as a result of this grievance process, the disciplinary sanctions that the District may impose will depend on the nature of the misconduct and the individual's then-current status as a student, employee, or other person connected to the District's education program or activity. Disciplinary sanctions that are issued or recommended as a result of a determination of responsibility for Title IX sexual harassment are intended as consequences for past misconduct and/or as a deterrent against any future sexual harassment. To the extent the District reaches a determination using this grievance process that a party engaged in conduct that was not Title IX sexual harassment but that did violate some other law or District policy or procedure, this grievance process does not directly address the disciplinary consequences for such conduct, even though the District may impose disciplinary consequences for such conduct.

1. **Students:** The range of possible disciplinary sanctions or recommended sanctions for students includes but is not limited to suspension from school, expulsion from school, and disciplinary suspension of eligibility to participate in District-sponsored extracurricular activities. The District may also prohibit the student from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures. This provision does not modify any student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.
2. **Employees:** The range of possible disciplinary sanctions or recommended sanctions for employees includes but is not limited to a formal reprimand, an indefinite demotion or salary reduction, a disciplinary reassignment exceeding what may be allowed as a supportive measure, an unpaid suspension, contract nonrenewal, and termination of employment. At the District's discretion, such sanctions may be structured with or without special conditions, such as notice of a zero-tolerance policy for any prospective related violations, or a directive prohibiting the employee from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures.

3. **Other persons:** The range of possible disciplinary sanctions or recommended sanctions for other persons includes but is not limited to suspension from or the termination of a District-authorized role (e.g., volunteer), termination or nonrenewal of contracts, and a directive prohibiting the individual from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures.

Remedies to Benefit Complainants- After a determination that a party to the grievance process was responsible for Title IX sexual harassment, the District may provide the complainant with remedies designed to restore or preserve equal access to the District's education program or activity, including providing for a safe educational or working environment. Such remedies may include the continuation or addition of individualized accommodations, services, and interventions that could have been provided as "supportive measures" prior to the determination of responsibility. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

Timeframes and Extensions- The District normally intends to conclude the grievance process within 90 calendar days of the date that a formal complaint is filed or signed by a Title IX Coordinator, recognizing that in certain circumstances it may be practical to complete the process in less time, and in other circumstances the process may reasonably require more time.

Any party or witness may, for good cause, request (1) a temporary delay in the grievance process; (2) the rescheduling of an investigative interview or other meeting; or (3) a limited extension of a deadline that applies to the party. Any such request shall be submitted in writing to the investigator, decision-maker, or appeal decision-maker, given the applicable stage of the proceedings.

The investigator, decision-maker, or appeal decision-maker (as applicable) may grant such a request, and may also self-initiate such a delay, rescheduling, or extension, upon determining that there is good cause and that approving the request would not be unduly prejudicial to any of the parties or unreasonably extend the conclusion of the grievance process.

Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the complexity of the allegations; or the need for language assistance or accommodation of disabilities. In evaluating whether good cause exists with respect to a party's request, the District may take into account the party's history of requesting delays or extensions and the reasons for any such prior requests.

Although the agents of the District are expected to make reasonable efforts to accommodate the schedules of parties and witnesses, the District also may not, without good cause, deviate from its own designated timeframe for the grievance process. Accordingly, the District retains discretion to grant a shorter delay or extension than was requested. Further, in some cases, the District may deny a scheduling request and, if necessary, proceed with the grievance process in the absence of a party, a party's advisor, a party's filing/response, or a witness.

If a formal complaint of Title IX sexual harassment also constitutes a complaint of pupil discrimination under Chapter PI 9 of the Wisconsin Administrative Code, and if a requested or contemplated delay/extension would prevent the District from reaching a determination of the complaint within 90 calendar days, the District's agents shall evaluate whether it is necessary or appropriate to request the parties' consent to the delay/extension.

The appropriate agent of the District or a designee shall provide the complainant and respondent with prompt written notice of any decision to delay the grievance process or grant an extension of a deadline. Such notice shall include the reason(s) for the action. To the extent a given deadline applies to multiple parties, any extension of the deadline automatically applies to all such parties.

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Voluntary Waivers of Timeframes- In instances where this grievance process gives the parties a minimum period of time to prepare and submit a response or prepare for an interview or meeting, a party may voluntarily waive all or part of such period of time if the party communicates their voluntary waiver to the investigator or decision-maker (as applicable) in writing.

Consolidation of Formal Complaints- The District may consolidate formal complaints of Title IX sexual harassment where the allegations of sexual harassment in the different complaints arise out of the same facts or circumstances.

Concurrent Investigation and Consideration of Multiple Potential Grounds for a Determination of Responsibility/Misconduct- If the allegations set forth in a formal complaint of Title IX sexual harassment also constitute or fairly encompass allegations of conduct that could constitute (1) discrimination under a different law, or (2) a violation of a District policy or procedure (including any District code of conduct that may be applicable to the respondent), or (3) any other established grounds for the imposition of possible disciplinary sanctions, then the District may, at its discretion, investigate the facts and circumstances related to such other legal or policy standards using this grievance process and apply the facts, as found through the investigation, to all potential grounds for

a finding of responsibility/misconduct and possible discipline. Unless otherwise required by law, the investigation and determinations reached through this grievance process shall constitute sufficient processing of any such related, overlapping, or intertwined complaint(s), allegations, or charges that may arise out of the same facts or circumstances as the allegation(s) of Title IX sexual harassment. In all cases involving such concurrent investigation and concurrent consideration of such additional complaint(s), allegations, or charges, the District's agents in the grievance process are responsible for giving the parties adequate notice of the scope of the allegations to be investigated and of the different grounds for a potential finding of liability/responsibility (e.g., federal law, state law, or a local policy or procedure). The District's agents are also responsible for adequately identifying the specific basis for any determination of responsibility or finding of misconduct. For example, a decision-maker might conclude in a given case that the facts as found do not rise to the level of Title IX sexual harassment, but that the complaint is substantiated with respect to prohibited harassment as defined under Chapter PI 9 of the Wisconsin Administrative Code and under District Policy 514.

Restrictions on the Participation of Parties' Advisors- An advisor of the party's choosing shall be permitted to accompany the party to any investigative interview or other meeting held in connection with this grievance process. However, no person who accompanies a party to a meeting or otherwise serves as an advisor to the party may unreasonably interfere with or unreasonably delay the District's investigation. Unreasonable interference by an advisor includes, for example:

1. Answering the District's questions on behalf of the party during an investigative interview, such that the District is denied the party's own, direct response.
2. Interrupting District questioning with the goal of prompting or suggesting responses for the party.
3. Interrupting District questioning in an attempt to conduct his/her own questioning of the party.

The District's agents in the grievance process may place further reasonable restrictions on the extent to which an advisor may participate in the proceedings, provided that such restrictions apply equally to both parties.

Prohibition on Retaliation- No official, employee, or agent of the District or any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner

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in an investigation or any proceeding conducted under the auspices of the District's Title IX obligations. Complaints alleging retaliation in violation of this provision may be filed according to the reporting and grievance procedures that the District has established for general complaints of unlawful discrimination based on sex and other legally-protected classifications. (See also Policy 515.)

Prohibition on Bad Faith Conduct- To the extent permitted by law, the District reserves authority to appropriately address and impose consequences for bad-faith conduct by individuals who make a report or complaint, testify, assist, or participate in any manner in a Title IX investigation or other Title IX proceeding. For example, the District may impose lawful consequences for making a materially false statement in bad faith in the course of any proceeding that is conducted under the auspices of the District's Title IX obligations. However, a determination that a report or complaint of any form of discrimination based on sex was not substantiated, standing alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Definitions

Within the Title IX grievance process set forth in this procedure:

- **Business days** means days that the main administrative office of the District is staffed, in person or virtually, for responding to regular business and public contacts. Business days never include Saturday or Sunday.
- The terms "**written**" or "**in writing**" include a notice or communication provided in hard copy format via hand delivery or via U.S. Mail to the address of record or in an electronic format via an email sent to an email address that has been issued by the District or that has been provided by the intended recipient.
- With respect to a communication sent by electronic mail, an email is deemed to be **delivered** when it was first electronically available to be accessed by the recipient, and delivery presumptively occurs on the same day as the email was sent. With respect to a communication sent by U.S. Mail, the communication is deemed **delivered** on (1) the date reflected on any confirmation of delivery or delivery receipt; or (2) three business days after the communication was sent by First Class Mail if no delivery confirmation was requested.

The following terms within this procedure have the definitions specified in the federal Title IX regulations, including all applicable exclusions, exceptions, and clarifications of scope found in the federal regulations. Paraphrasing the applicable regulatory provisions:

- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment, regardless of how the District gained actual knowledge of the alleged sexual harassment. Therefore, not every person who reports an allegation of Title IX sexual harassment is a complainant.
- **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- **Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to (1) the District's Title IX Coordinator; (2) any District official who has authority to institute corrective measures on behalf of the District; or (3) any employee of the District other than a respondent (i.e., in circumstances where the respondent is a District employee). "**Notice**" as used in this definition includes, but is not limited to, a report of sexual harassment to the District's Title IX Coordinator.

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- **Education program or activity** includes any locations, events, or circumstances over which the District exercised substantial control over both (1) the respondent, and (2) the context in which the sexual harassment or alleged sexual harassment occurred.
- **Formal complaint** means a document filed by an eligible complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment under Title IX. 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 District. As used in this definition, the phrase “**document filed by an eligible complainant**” means a document or electronic submission (such as by electronic mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- “**Supportive measures**” or “**supportive measures under Title IX**” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint of sexual harassment under Title IX or where no such formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to (1) protect the safety of all parties or the District's educational environment, or (2) deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, additional supervision or planned accompaniment, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security, supervision, or monitoring of certain areas of school grounds, and other similar measures.
- “**Sexual harassment under Title IX**” and “**Title IX sexual harassment**” mean conduct on the basis of sex in any District education program or activity, occurring in the United States, that satisfies one or more of the following:
 1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
 3. Any of the following, as defined under the Title IX regulations by reference to other federal statutes:
 - a. “sexual assault,” as defined in 20 U.S.C. 1092(f)(6)(A)(v), to mean an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including but not limited to rape, sexual assault with an object, and groping.
 - b. “stalking,” as defined in 34 U.S.C. 12291(a)(30).
 - c. “dating violence,” as defined in 34 U.S.C. 12291(a)(10).
 - d. “domestic violence,” as defined in 34 U.S.C. 12291(a)(8).
- **Stalking**, as defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 1. fear for his or her safety or the safety of others; or
 2. suffer substantial emotional distress.
- **Dating violence** as defined in 34 U.S.C. 12291(a)(10), means violence committed by a person-

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1. Who is or has been in a social relationship of a romantic or intimate nature with the victim;
and
 2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.
- ***Domestic violence***, as defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the state's domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the state's domestic or family violence laws.

POLICY: 513. FAIR EMPLOYMENT POLICY

EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES

This procedure is solely intended to cover complaints filed under Board Policy 513. Other complaints shall be covered by Policy Series 500 or the terms of the employee handbook.

An employee, former employee or applicant for employment who believes that any part of the Arrowhead Union High school organization has violated any law prohibiting discrimination or harassment based on a legally protected status in the workplace (including provisions prohibiting employer retaliation in connection with such laws) or that there has been a violation of the District's equal opportunity employment or harassment/bullying policy may bring forward a complaint as outlined below:

Informal Procedure

Anyone who believes he/she has a valid basis for a complaint may discuss the concern with the appropriate administrator prior to initiating a formal complaint. For purposes of this procedure, the "appropriate administrator" is defined as the following:

1. The building principal, director of student services, or district business administrator; or
2. If the complaint is against or involves the building principal or is against an individual to whom the principal reports, including a member of the School Board, the district administrator or district business administrator; or
3. If the complaint is against the district administrator, the complaint should be filed with the district business administrator.

If the complaint is submitted to the building principal, district administrator, or other administrator as identified above, that individual shall serve as, or designate, a complaint manager. The complaint manager shall be responsible for coordinating the processing of the complaint, including any attempt to mediate a possible resolution to the complaint, any investigation that may be necessary, and all communications with the individual(s) who submitted the complaint.

If the complaint is against the district administrator or a Board member and is submitted to the [insert the position title of another district-level administrator], that individual shall forward the complaint to the Board president, who shall hire outside legal counsel. Legal counsel shall determine, in consultation with the complaining party and the Board president, whether it is in the District's best interests to attempt to mediate a resolution to the complaint or to process the informal complaint under the steps of the formal complaint procedure, as identified below.

If the reply that the complainant receives is not acceptable to him/her, or if, for any reason, the individual does not feel comfortable attempting to resolve the matter informally as described in this section of the procedure, the individual may initiate the formal complaint procedure according to the steps listed below.

Formal Complaint Procedure

Step 1: The complainant shall submit a signed complaint to the district administrator or district business administrator, who shall serve as or designate the complaint manager. Except as provided in the following paragraph, the district administrator shall have responsibility to decide the merits of the case at Step 1, determine what actions will be taken (if any), and report in writing the resolution of the complaint to the complainant(s).

If the allegation is against the district administrator, the complainant shall submit the Step 1 complaint either directly to the Board president or to the district business administrator, who shall forward the complaint to the Board president. The Board president shall engage outside legal counsel as the complaint manager, who shall recommend either of the following to the Board president following an investigation into the matters raised by the complaint: (1) that the complaint lacks merit and that the Board president may communicate that conclusion and resolution to the complaining party; or (2) the complaint may have merit and/or that some degree of responsive or remedial action may be appropriate, and that legal counsel advises consultation with the full Board regarding such possible resolution. In conjunction with legal counsel, the Board president shall report in writing the resolution of the case to the complainant.

The District can usually respond most effectively to a complaint when a complaint is filed shortly after the occurrence of the event(s) giving rise to the complaint. In general, formal complaints under this procedure should be filed within 300 calendar days of the occurrence of the alleged unlawful, discriminatory, harassing or retaliatory act(s), or within 300 days after the last occurrence of an ongoing condition. While there is no absolute deadline for the filing of a complaint under this procedure, it is important for complainants to be aware that gaps in time of even less than 300 days can make it more difficult to engage in fact-finding and/or may limit the remedies that are reasonably available from the District. The District, acting through the complaint manager, may determine that any complaint filed more than 300 days after the alleged act(s) occurred (or more than 300 days after the last occurrence of an ongoing condition) is not sufficiently timely to permit an investigation and/or possible remedy. A decision to dismiss a complaint because it is untimely may be appealed to the Board under Step 2, and the Board may either affirm the dismissal of the complaint for lack of a timely filing or remand the complaint for further processing.

Step 2: If the complainant is dissatisfied with the decision of the district administrator (or Board president or Board), he/she may appeal to the Board within twenty-one (21) calendar days of the date that the Step 1 written decision is provided to the complainant. Such appeal shall be delivered to the district administrator or (if the district administrator is the alleged perpetrator) to the Board president, District legal counsel, or district business administrator. The individual receiving notice of the appeal on behalf of the School District shall immediately forward the appeal to the Board president, who shall arrange a meeting at which the Board will consider the appeal. If the Board issued the decision that is being appealed, the Board shall treat the appeal as a request for reconsideration.

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External Agency or Court Filing: If the complainant is not satisfied with the Board's decision, or in lieu of utilizing the internal complaint procedures established by this procedure, the complainant may pursue alternate actions available under state or federal laws (e.g., appeal to State Superintendent of Public Instruction (for teachers and administrative personnel), filing of complaint with the Equal Rights Division of the Department of Workforce Development, the U.S. Office for Civil Rights - Region V, and/or any court having proper jurisdiction). Any party with a complaint is solely responsible for determining the applicable outside agencies or courts with which a complaint may properly be filed and the applicable filing deadlines. Unless mandated by a state or federal law or regulation, pursuing an internal complaint under this procedure does not extend or toll the filing deadlines applicable to filing a complaint with an external agency or court. While it is not always necessary to pursue an internal complaint before filing a complaint with an external agency or court, all individuals are given notice that failure to follow an employer's internal procedures for giving notice of incidents and complaints can, in some cases, affect the individual's ability to seek remedies from an external agency or court.

The District's responses to discrimination complaints shall be made within any timelines established by law.

Maintenance of Complaint Records

Records should be kept for each complaint filed and, at a minimum, should include the following:

1. The name and address 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 and address 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 determination of the facts, statement of the final resolution, and the nature and date(s) of any corrective or remedial action taken.

POLICY: 514. HARASSMENT

Title IX Sexual Harassment complaints should be filed underneath Board Policy 511 and its accompanying procedures. The following procedures do not apply to Title IX Sexual Harassment Complaints.

The superintendent of the Arrowhead Union High School District is responsible for coordinating federal regulations, state statute, and District policy concerning harassment based on sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, emotional or learning disability. Harassment complaints may be filed with the superintendent, the director of business services, the building principal or associate principal, or, in the case of student complaints, to a guidance counselor. Any person who believes he or she has been the victim of harassment shall report the alleged acts immediately, and no later than 300 days after the alleged incident, to the person(s) designated by this policy. Complainants may be requested by the District to submit their complaint in writing using the Formal Complaint Form below and also found within School Board Policy 524 Formal Complaints.

Submission of a complaint or report of harassment shall not affect the individual's future employment, work assignment, academic evaluation, or academic environment. If an individual believes that he or she has been retaliated against for bringing a complaint or providing information related to a complaint, the individual should report that to the District using the reporting procedure in this policy.

The School District shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School District's legal obligations, and the necessity to investigate allegations of harassment and take disciplinary actions when the conduct has occurred.

The complaint procedures within this and other District policies do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Wisconsin Equal Rights Division or the State Superintendent of Public Schools, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

State Superintendent of Public
Instruction Department of Public
Instruction
P.O. Box 7841
Madison, WI 53707-7841

United States Department of Education
Office for Civil Rights
Regional Office V
300 S. Wacker Drive
Chicago, IL 60606
(312) 353-2520

Any School District action taken pursuant to this policy shall be consistent with the requirements of any applicable employment contracts, Wisconsin Statutes, and District policies. The School District shall take such disciplinary action as deemed necessary and appropriate, including warning, suspension, expulsion, or immediate discharge to end harassment and/or prevent its recurrence.

POLICY: 516. BULLYING POLICY

Procedure for Reporting/Retaliation

All school staff members and school officials who observe or become aware of acts of bullying are required to report these acts to the building level administrators (associate principal, principal).

Any other person, including a student who is either a victim of the bullying or is aware of the bullying, or any other concerned individual is encouraged to report the conduct to the building level administrators.

Reports of bullying may be made verbally or in writing and may be made confidentially. All such reports, whether verbal or in writing, will be taken seriously and a clear account of the incident is to be documented.

The school official receiving a report of bullying shall immediately notify the School District employee assigned to investigate the report. The following School District employees have been identified as the investigator: principal and associate principals.

There shall be no retaliation against individuals making such reports. Individuals engaging in retaliatory behavior will be subject to disciplinary action.

Procedure for Investigating Reports of Bullying

The person assigned by the District to conduct an investigation of the bullying report shall, within a reasonable amount of time, interview the person(s) who are the victim(s) of the bullying and collect whatever other information is necessary to determine the facts and the seriousness of the report.

Parents and/or guardians of each pupil involved in the bullying shall be notified prior to the conclusion of the investigation. The District shall maintain the confidentiality of the report and any related pupil records to the extent required by law.

Sanctions and Supports

If it is determined that students participated in bullying behavior or retaliated against anyone due to the reporting of bullying behavior, the School District administration and School Board may take disciplinary action, including: suspension, expulsion and/or referral to law enforcement officials for possible legal action as appropriate. Student services staff will provide support for the identified victim(s).

POLICY: 522. COURSE SELECTION APPEALS

PLACEMENT AND APPEAL PROCESS

About the middle of May, placement decisions shall be communicated to parents via a letter sent by department chairs/coordinators.

If a student who applied for placement is denied placement, the parent shall be given the opportunity to contact the department chair/coordinator for further information regarding the placement decision.

If the parent is still dissatisfied with the school's decision, the department chair/coordinator shall forward the request to the building principal.

POLICY: 523. FORMAL COMPLAINT FORM**

ARROWHEAD UNION HIGH SCHOOL DISTRICT
FORMAL COMPLAINT FORM

Name _____ Date _____

Address _____

Phone: _____
Home/Mobile Work

Email address _____

Status of person filing complaint: _____ Student _____ Employee
_____ Parent _____ Other

To most effectively address any complaint that may arise, please follow these steps:

1. If the problem/concern involves your child/student, she/he should attempt to address the problem with the relevant party prior to involvement of a parent/guardian.
2. The problem/concern should first be discussed directly with the staff member involved so there is an opportunity to resolve the matter.
3. If discussion with this staff member does not result in a resolution of the concern, contact that person's supervisor to resolve the issue.
4. If discussion with that person's supervisor does not result in a resolution of the concern, please complete this Formal Complaint Form and submit it to the superintendent or his/her respective administrative assistant.
5. The superintendent will conduct an investigation or will assign an appropriate administrator to conduct the investigation.
6. Within 10 business days, the complainant will receive a written response from either the superintendent or the assigned investigator.
7. If the results of this resolution are satisfactory, the complaint will be considered resolved.
8. If the complainant is still not satisfied that the complaint has been properly investigated and resolved, he/she may contact the superintendent to make arrangements for the complainant to meet with an appropriate committee of the School Board. That designated committee will report to the full School Board on the complaint, as appropriate.

Statement of complaint (include specific incident(s):
(Use additional pages as needed.)

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Steps you have taken to address and resolve the concern:
(Use additional pages as needed.)

Desired resolution:

Signature of complainant _____

Date complaint filed _____

Signature of person receiving complaint _____

Date received _____