



# RIVER VALLEY SCHOOL DISTRICT

660 West Daley Street

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Spring Green, Wisconsin 53588

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Phone: 608-588-2551

~~411.4~~ Rule

411.2 Rule

## **Procedure for Filing Student Discrimination and Harassment Complaint Procedures**

*Complaints alleging sexual harassment occurring before August 1, 2024, are governed by policies 411.3 and 511.2. Complaints alleging discrimination on the basis of sex (including sex-based harassment) occurring after August 1, 2024, are governed by policy 411.5/511.3.*

### INFORMAL PROCEDURE

~~Any student who believes he/she has a valid basis for a harassment complaint may discuss the concern with a district employee. The principal shall investigate the complaint. In instances where the principal may be the subject of the complaint or the student is more comfortable with an alternate, a designee will be appointed and will investigate the complaint and attempt to resolve the matter as appropriate to the situation. If the complainant is not satisfied with the principal's/designee's response and/or action, he or she may initiate a formal complaint according to the procedure listed below. Complainant shall be advised that their report may become a matter of public record.~~

### FORMAL PROCEDURE

~~Step 1: A written statement regarding the complaint shall be prepared by the student and/or parent/guardian and signed. Forms are available in each building and on the district website. This complaint shall be presented to the building principal/designee. It shall be the responsibility of the building principal/designee to see that the complaint is promptly and thoroughly investigated. If the principal is the subject of complaint, the complaint shall be referred to the District Administrator for investigation and action.~~

~~Upon completion of the investigation, the administrator/principal shall determine the appropriate action to be taken regarding the complaint. The action taken shall be consistent with legal requirements and established Board policies. The principal shall inform the complainant, in writing, of his/her determination regarding the complaint within ten (10) business days unless the principal or designee determines that more time is necessary to fully investigate the complaint. In the event more time is needed, the principal /designee shall inform the complainant that additional time is needed to investigate and shall provide the complainant with a date by which the investigation will be completed.~~

~~In appropriate circumstances, the principal/designee may request that an outside investigator be appointed to conduct an investigation into the allegations raised in the complaint.~~

~~Step 2: If the student or parent/guardian wishes to appeal the determination made in Step 1, he/she may submit a signed statement of appeal to the District Administrator within ten (10) business days after receipt of the principal's response to the complaint. (If the complaint was handled by the District Administrator in Step 1, the appeal shall go to the Board as outlined in Step 3.) The District~~

~~Administrator shall meet with all parties involved, formulate a conclusion, and respond in writing to the student/parent within ten (10) business days.~~

~~Step 3: If the student/parent/guardian remains unsatisfied, he/she may appeal through a signed, written statement to the Board within ten (10) business days of his/her receipt of the District Administrator's response. In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within thirty (30) business days of the receipt of such appeal. A copy of the Board's disposition of the appeal shall be sent by the District Clerk to each concerned party within ten (10) business days of this meeting.~~

#### MAINTENANCE OF COMPLAINT RECORDS

~~The building principal shall keep a log of all informal harassment complaints received and the actions taken.~~

~~The District Administrator/designee shall keep records of all formal harassment complaints for the purpose of documenting compliance and past practices. The records shall include information on all levels of the complaint and any appeals. All records will be kept confidential to the extent allowed by law.~~

#### OUTSIDE INVESTIGATION

~~The Board, at its discretion, may refer harassment investigations to other agencies when the circumstances warrant.~~

The following complaint procedures apply to complaints of discrimination or harassment filed under School Board Policy 411 – Student Nondiscrimination and Equal Educational Opportunity and 411.2 – Student Anti-Harassment. For reports or complaints alleging sexual harassment occurring before August 1, 2024, refer to the Title IX complaint procedures in Board Policies 411.3 and 511.2. For reports or complaints of discrimination based on sex, including sex-based harassment, occurring on or after August 1, 2024, refer to the Title IX grievance process in Policies 411.5 and 511.3.

The River Valley School District does not discriminate against students on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other basis prohibited by state or federal law, in any of its programs or activities.

#### Definitions

**Complainant:** The individual who is alleged to have been subjected to discrimination or harassment in violation of Board Policies 411 or 411.2.

**Day(s):** For the purposes of these procedures, “days” means calendar days.

**Respondent:** The individual who allegedly engaged in discrimination or harassment in violation of Board Policies 411 or 411.2.

#### Reports and Complaints of Discrimination or Retaliation

Employees are required to promptly report incidents of discrimination or harassment that they witness or that are reported to them to their supervisor, other administrator, or the Compliance Officers (COs) listed in Policies 411 and 411.2. Administrators shall promptly report incidents of discrimination or harassment that they witness

or that are reported to them to one or both COs. Any question regarding whether conduct potentially constitutes discrimination and should be reported as such shall be promptly referred to one or both COs.

If a student or their parent/guardian believes the student has been discriminated against or harassed in violation of Board Policies 411 or 411.2, they may file a complaint with one or both COs. The complaint may be filed orally or in writing, but written complaints are strongly encouraged. If the complaint is oral, the COs will reduce the complaint to writing and ask the employee to indicate their agreement by signing the document. The complaint should include the following information, to the extent known: the name of the complainant; the name of the respondent; a description of the alleged discrimination or harassment; the date or timeframe in which the alleged discrimination or harassment occurred; the names of any witnesses; and the requested resolution or remedy.

Upon receiving a complaint, the COs shall consider whether any interim measures should be taken while the investigation is pending to prevent further discrimination or harassment from occurring while the investigation is pending.

### **Complaint Investigation Procedures**

The timelines in these procedures may be extended by the CO for good cause (e.g., large number of witnesses, lack of witness availability, concurrent law enforcement investigation, or other extenuating circumstances), and with written notice to the parties. Notwithstanding any extensions granted by the CO, a determination of the complaint must occur within ninety (90) days of receipt of the complaint, unless both parties agree to an extension.

Within five (5) days of receiving the complaint, the CO shall confirm receipt of the complaint, provide the Respondent with notice of the complaint, and assign an investigator, who may be but is not required to be the CO. The written notice of the complaint shall include the nature of the allegations and a copy of or link to applicable Board policies and procedures, including these procedures.

The investigator will normally complete the investigation within thirty (30) days. The investigation will include:

- Interview with the Complainant
- Interview with the Respondent
- Interviews with any witnesses who may reasonably be expected to have relevant information, as determined by the investigator;
- Review of relevant physical evidence or other documentation (e.g., photographs, videos, emails or other correspondence), as determined by the investigator.

At the conclusion of the investigation, the investigator shall prepare a written report summarizing the evidence gathered during the investigation, findings of fact, conclusions regarding whether discrimination or harassment occurred, and recommendations for addressing any discrimination or harassment, remedying its effects, and preventing it from recurring. The report shall be submitted to the District Administrator.

Within five (5) days of receiving the report, the District Administrator will issue a written decision, which will simultaneously be provided to the Complainant and Respondent. The District Administrator's written decision shall include a summary of the investigation, a determination regarding whether discrimination or harassment

occurred, and the action that will be taken to address any substantiated discrimination or harassment, remedy its effects, and prevent it from recurring.

If either party disagrees with the District Administrator's decision, they may file an appeal with the School Board. The appeal must be filed, in writing, within five (5) days of receiving the District Administrator's decision. The appeal must be sent to the District Administrator and Board President, and it must describe the area(s) of disagreement with the decision. If an appeal is filed, the District Administrator will provide the Board with the record of the investigation. The Board will review the record, and, at its discretion, the Board may meet with the parties before issuing a decision. The Board will issue a decision within thirty (30) days of receiving the appeal. The decision will be in writing and will be simultaneously provided to the District Administrator and the parties. The Board's decision will inform the parties of the right to appeal discrimination complaint decisions to the State Superintendent within thirty (30) days of the Board's decision.

In the event a complaint involves the District Administrator, the complaint shall be referred to the School Board President, who will assign an outside investigator to conduct an investigation and submit a written report to the Board pursuant to the complaint procedures above. The Board will issue a decision within thirty (30) days of receiving the report. The decision shall include a summary of the investigation, a determination regarding whether discrimination or harassment occurred, and the action that will be taken to address any substantiated discrimination or harassment, remedy its effects, and prevent it from recurring. The Board's decision will inform the parties of the right to appeal discrimination complaint decisions to the State Superintendent within thirty (30) days of the Board's decision.

### **Retaliation**

Complaints alleging retaliation in violation of Policies 411 or 411.2 will be investigated pursuant to the complaint procedures above.

### **Confidentiality**

Reasonable efforts will be made to protect the confidentiality and privacy of the parties and witnesses participating in the investigation, subject to the District's obligation to conduct a thorough and fair investigation. Confidentiality cannot be guaranteed.

### **Sanctions and Discipline**

A respondent who is found to have engaged in discrimination or harassment is subject to disciplinary action, up to and including termination from employment and suspension or expulsion from school.

### **Records Retention**

The District Administrator or designee will maintain investigation records in accordance with the applicable records retention schedule(s). "Investigation records" include, but are not limited to, formal complaints, evidence gathered during the investigation, investigation reports, complaint and appeal decisions, and documentation of sanctions imposed or other corrective action taken.

LEGAL REF.:     Section 118.13 Wisconsin Statutes  
                      PI 9, Wisconsin Administrative Code Title IX, Education Amendments of 1972 Title VI,  
                      Civil Rights Act of 1964 Section 504, Rehabilitation Act of 1973 Americans with  
                      Disabilities Act of 1990  
                      Individuals with Disabilities Education Act Civil Rights Act of 1991

Cross Reference: Special Education Handbook  
Policy 411 Student Nondiscrimination and Equal Educational Opportunity  
~~Policy #411.1—Bullying/Harassment~~  
Policy #411.2 – Student Anti-Harassment  
Policy 411.5/511.3 Nondiscrimination on the Basis of Sex (Title IX) in Education  
Programs or Activities and Related Grievance Process  
Policy 411.3 Title IX: Sexual Harassment Policy for Students and Other  
Applicable Individuals  
Policy 511.2 Title IX: Sexual Harassment Policy for Employees

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