



RIVER VALLEY SCHOOL DISTRICT

660 West Daley Street

~

Spring Green, Wisconsin 53588

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Phone: 608-588-2551

511 Rule
524.3 Rule

Employee ~~Nondiscrimination~~ **Discrimination and Harassment** Complaint Procedures

~~The River Valley School District does not discriminate on the basis of race, color, national origin, sex, disability, or age, religion, political affiliation, ancestry, creed, pregnancy, marital status, citizenship status, gender, sexual orientation, arrest or conviction record, genetic information, military service, use or non-use of lawful products off the district's premises during non-working hours, and declining to attend a meeting or participate in any communication about religious or political matters or any other reason prohibited by state or federal laws, or any other factor provided for by federal laws and regulations, in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following people have been designated to handle inquiries regarding non-discrimination policies: Business Manager, 660 W. Daley, Street, Spring Green, WI 53588, 608-588-2551, and Pupil Services Director, 660 Varsity Blvd., Spring Green, WI 53588, 608-588-2554.~~

~~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.~~

~~This policy is intended to address employee complaints of discrimination but will not be used to address employee complaints of sexual harassment under Title IX of the Education Amendments of 1972. Complaints of sexual harassment under Title IX will be addressed in Policy 511.2.~~

~~If any person believes that the River Valley School District has inadequately applied the principles and/or regulations of Title VI, Title IX and Section 504 or in some way discriminates, he/she may file a complaint in accordance with the following procedures:~~

- ~~1.—Any complaint alleging noncompliance with the district's general nondiscrimination policy shall be made in writing and include a statement of the facts comprising the alleged noncompliance. Such complaints must be signed and dated. Informal resolution, where appropriate, is desired. However, if after a reasonable period of time, no resolution has been reached, the following formal procedure will be followed.~~
- ~~2.—Complaints alleging noncompliance with the district's general nondiscrimination policy shall be referred to the District Administrator, except as otherwise provided. The District Administrator shall review the facts comprising the alleged noncompliance, meet with all the parties involved, formulate a conclusion and respond to the complainant and the person(s) complained against in writing within 15 business days of receiving a complaint unless the district administrator determines that more time is necessary to fully investigate the complaint. In the event more time~~

~~is needed, the district administrator shall inform both the complainant and the person(s) against whom the complaint is filed 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 District Administrator may request that an outside investigator be appointed to conduct an investigation into the allegations raised in the complaint.~~

- ~~3. If the complainant is not satisfied with the District Administrator's decision, he/she may appeal the decision in writing to the Board within 15 business days of receipt of the decision. The Board shall hear the appeal at its next regular meeting, or a special meeting may be called for the purpose of hearing the appeal. The Board shall make its decision in writing within 15 business days after the hearing. Copies of the written decision shall be mailed or delivered to the complainant, the person(s) complained against and the district administrator.~~
- ~~4. Complaints alleging noncompliance with the district's general nondiscrimination policy by the district administrator shall be referred to the Board directly by filing such complaints with any member of the Board. The Board shall, at its next regular Board meeting or at a special meeting, appoint a qualified individual to review the facts comprising the alleged noncompliance, meet with all the parties involved, formulate a conclusion and respond to the complainant in writing within 15 business days of receiving a complaint. If the complainant is not satisfied with the investigator's decision, he/she may appeal the decision in writing to the Board within 15 business days of receipt of the decision. The Board shall hear the appeal at its next regular meeting or a special meeting may be called for the purpose of hearing the appeal. The Board shall make its decision in writing within 15 business days after the hearing. Copies of the written decision shall be mailed or delivered to the complainant and district administrator.~~

~~A complainant may file a complaint directly, or an appeal, with designated agencies as authorized by state and federal law: appeal to the State Superintendent of Public Instruction (for teachers and administrators), Equal Rights Division of the Department of Workforce Development, the U. S. office for Civil Rights Region V in Chicago, and/or the courts having proper jurisdiction.~~

~~Records of complaints, proceedings, and resolution will be maintained by the District Administrator or his or her designee in the District Office.~~

The following complaint procedures apply to complaints of discrimination or harassment filed under School Board Policy 511 – Nondiscrimination and Equal Opportunity Employment or 524.3 – Employee 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 is an equal opportunity employer. The River Valley School District does not discriminate on the basis of race, color, national origin, ancestry, sex (including gender identity, sex characteristics, and sex stereotypes), age, disability, religion, creed, pregnancy, marital status, citizenship status, sexual orientation, arrest or conviction record, genetic information, military service (as defined in 111.32, Wis. Stats.), use or non-use of lawful products off the District's premises during non-working hours, declining to attend a meeting or participate in any communication about religious or political matters, or any other reason prohibited by state or federal law, in its programs and activities, including employment.

Definitions

Complainant: The individual who is alleged to have been subjected to discrimination or harassment.

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 Policy 511 or 524.3.

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 511 and 524.3. 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 or harassment and should be reported as such shall be promptly referred to one or both COs.

Employees or other individuals (e.g., applicants for employment, visitors) who believe they have been discriminated against or harassed in violation of Board Policy 511 or 524.3 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 retaliation; the date or timeframe in which the alleged discrimination or retaliation 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 retaliation 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.

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 of 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, remedy its effects, and prevent 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 is final.

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

Retaliation

Complaints alleging retaliation in violation of Policy 511 or 524.3 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, and complaint and appeal decisions, and documentation of sanctions imposed or other corrective action taken.

LEGAL REF.: Title VI and VII of Civil Rights Act of 1964
Title IX, Education Amendments of 1972
Section 504 of Rehabilitation Act of 1973
Americans with Disabilities Act of 1990
Americans with Disabilities Amendment Act of 2008
Civil Rights Act of 1991
Age Discrimination in Employment Act of 1967
Genetic Information Nondiscrimination Act of 2008, **42 U.S.C. 2000ff, et seq., and 29 C.F.R. Part 1635**
Uniformed Services Employment and Reemployment Rights Act (USERRA)
Wisconsin Statute Section ~~111.321~~ **111.31-111.395**
Wisconsin Statute Section **118.195**
Wisconsin Statute Section **118.20**

CROSS REF.: Policy 411-Rule – Student Nondiscrimination Complaint Procedures
Policy 511—**Nondiscrimination and** Equal Opportunity Employment
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
Policy 524.3 Employee Anti-Harassment

APPROVED: February 9, 1989
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REVISED: July 11, 2019
APPROVED: August 8, 2019
REVISED: March 10, 2022
APPROVED: April 14, 2022
REVISED: August 10, 2023
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