

# **STUDENT DISCRIMINATION, HARASSMENT AND BULLYING COMPLAINT PROCEDURES**

## BARABOO SCHOOL BOARD POLICY

### **411-Rule**

The School District of Baraboo prohibits discrimination against students on the basis of any characteristic protected by State or Federal civil rights law, including: race, color, national origin, ancestry, creed, religion, pregnancy, marital or parental status, sex, sexual orientation, gender, gender identity, gender expression, or physical, mental, emotional or learning disability in its educational programs or activities.

Any person who believes that a student has been bullied, harassed or discriminated against at school or at any school activity in violation of the District's *Equal Educational Opportunities Policy* (Board Policy 411), *Student and Staff Harassment and Bullying Policy* (Board Policy 512), or *Student and Staff Sexual Harassment Policy* (Board Policy 512.1) is encouraged to make a complaint using the procedures outlined below. A complaint alleging violations of the District's *Bullying Policy* (Board Policy 443.71) may be made using the *Procedures, Disclosure and Reporting of Bullying Incidents Policy* (Board Policy 443.71-R).

### **COMPLAINT PROCESS**

#### Step 1: Making a Complaint

Complaints from students, parents/guardians, or third parties regarding student discrimination, harassment, and bullying may be submitted either orally or in writing to the District's designated Title IX / Americans with Disabilities Act Coordinator:

Director of Student Services  
423 Linn Street  
Baraboo, WI 53913  
Phone: (608) 355-3950, ext. 1530  
E-mail: [SEPSDIR@barabooschools.net](mailto:SEPSDIR@barabooschools.net)

District staff who witness or become aware of discrimination or harassment of students must submit a written complaint to the Director of Student Services.

The complainant and District staff may use the District's *Complaint Form* ([411-Exhibit](#)) for filing a complaint. A complainant should identify the individual(s) involved in the alleged discrimination or harassment and the date of the alleged incident(s), provide a description of the incident(s), and identify any potential witnesses. If the complainant is unwilling or unable to provide a written complaint containing this information, the Director of Student Services shall attempt to interview the complainant and prepare a written summary. The complainant will then be asked to review the summary for accuracy and sign it.

## Step 2: Acknowledgment of the Complaint

The Director of Student Services will send written acknowledgment of receipt of the complaint to the complainant within ten (10) business days. The Director of Student Services will advise the complainant of their options and available resources, including the option to pursue informal or formal resolution of the complaint, and will provide the complainant a copy of this procedure in a language the complainant can understand.

## Step 3: Informal Resolution

The Director of Student Services will first allow a complainant the opportunity to resolve the complaint on an informal basis, if the complainant requests to do so. If the complaint is able to be resolved informally, the Director of Student Services will prepare a written statement outlining the resolution and provide a copy to the complainant. However, if the complainant chooses not to proceed using the informal procedures, requests to move forward with a formal investigation at any time during the informal process, or is not satisfied with the process's outcome, the District will proceed with formally investigating the complaint according to the process identified below.

## Step 4: Formal Investigation

The Director of Student Services, after receipt of a formal complaint, promptly will begin an investigation into the complaint, or will designate a specific individual to perform the investigation. The Director of Student Services will also determine whether any immediate action needs to be taken to protect the complainant from further discrimination or harassment pending the outcome of the investigation. For example, if a student alleges he or she was discriminated against or harassed by another student, the school may keep those students separated until the investigation is complete. If a teacher is the alleged harasser, it may be appropriate for the student to transfer to another class.

The Director of Student Services, or his/her designee, will investigate complaints brought under this procedure promptly, thoroughly, and impartially. In pursuing the investigation and making a determination, the District will ensure that all students receive the due process guaranteed to students. If the complaint includes allegations that may lead to disciplinary actions against a party, the Director of Student Services, or his/her designee, will provide written notice of the allegations, including sufficient details about the conduct allegedly constituting a policy violation, and will identify the specific policy the individual may have violated. The investigation may include interviews with the complainant and potential witnesses, as well as a review of any documents or evidence. In addition, the Director of Student Services will provide all parties with an opportunity to interview, identify witnesses, and submit any documents or evidence. The Director of Student Services should keep the parties informed of the status of his/her investigation. The District will determine whether the discrimination, harassment or bullying occurred based on the preponderance of the evidence.

## Step 5: Written Determination

The Director of Student Services, or his/her designee, will make written determination and provide a copy of the determination to all parties within fifteen (15) business days of receipt of the complaint. If additional time is needed, parties will be notified of the reason for the delay. The determination letter shall include notice to the parties of their right to appeal the determination to the State Superintendent within thirty (30) days of the District's decision.

#### Step 6: Appeal

If a complainant or alleged harasser wishes to appeal a determination by the District, he/she has the right to appeal under Wisconsin Statutes, sec. 118.13 and PI 9 to the State Superintendent within thirty (30) days of the District's decision. In addition, the complainant or alleged harasser may appeal directly to the State Superintendent if the District has not provided written acknowledgment within forty-five (45) days of receipt of the complaint or made a determination within ninety (90) days of receipt of the written complaint. Appeals should be addressed to:

State Superintendent  
Wisconsin Department of Public Instruction  
125 South Webster Street  
P. O. Box 7841  
Madison, Wisconsin 53707-7841

Phone: (800) 441-4563  
E-mail: [dpistatesuperintendent@dpi.wi.gov](mailto:dpistatesuperintendent@dpi.wi.gov).

Appeals relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education of a child with an exceptional educational need under 20 USC s. 1415 and ch. 115, Wisconsin Statutes, shall be resolved through the procedures authorized by ch. 115, subch. V, Wisconsin Statutes. Complaints under 20 USC s. 1231 e-3 and 34 CFR ss. 76.780-76.782, commonly referred to as EDGAR complaints, that the state or a sub-grantee is violating a federal statute or regulation that applies to a program shall be referred directly to the State Superintendent of Public Instruction at the address identified above.

Complaints of discrimination may also be filed with the federal government:

U.S. Department of Education  
Office for Civil Rights  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661

Telephone: (312) 730-1560  
FAX: (312) 730-1576  
TDD: (877) 521-2172  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

## **MANDATORY REPORTING**

In the event that the alleged discrimination, harassment or bullying constitutes a crime or requires mandatory reporting under Wis. Stat. 48.981, the Director of Student Services or District Administrator must report the alleged conduct to the appropriate social service and/or law enforcement agency. In conjunction with this report, the Director of Student Services will continue his/her investigation.

## **MAINTENANCE OF COMPLAINT RECORDS**

Records should be kept for each complaint filed according to state record retention laws and, at a minimum, should include:

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 respondent(s);
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; and
7. A determination of the facts, statement of the final resolution, and the nature and date(s) of any corrective or remedial action taken.

The Director of Student Services will maintain complaint records.

## **CORRECTIVE MEASURES**

Once the District becomes aware of discrimination or harassment, the District will take prompt and effective steps reasonably calculated to end the misconduct, eliminate any hostile environment that was created, and prevent the discrimination or harassment from recurring, and, as appropriate, remedy its effects.

Appropriate steps to end or remedy the effects of harassment may include separating the harasser from the complainant, providing counseling or academic support services to both the complainant and the harasser, and taking disciplinary action against the harasser. The District will also ensure that the complainant and his or her family know how to report any subsequent problems, conduct follow-up inquiries to discover if there have been any new incidents or any instances of retaliation, and respond promptly and appropriately to address the continuing or new problems.

Depending on the extent of the harassment, the District may need to provide training or other interventions not only for the harassers, but also for the larger school community, to ensure that all students, their families, and school staff can recognize discrimination or harassment if it recurs.

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