

DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES  
FOR STUDENTS AND OTHER INDIVIDUALS  
Administrative Rule

The Student Services Director of the Evansville Community School District is designated by the Board of Education as the Title IX Coordinator under this policy, and is responsible for coordinating federal regulation, state law, and District policy concerning discrimination, including unlawful harassment.

Any individual who believes that they have been subjected to discrimination, including harassment, by a student, District employee, or any third person, may report the alleged acts to the Title IX Coordinator, a building principal or other administrator, teacher, counselor, or other District employee. The District encourages Complainants to use District Form 411.1 available from the principal of each building or available from the Title IX Coordinator. However, use of formal reporting forms is not mandatory.

Any employee or other person acting on the District's behalf who receives a report regarding prohibited conduct or who has witnessed such conduct shall encourage a Complainant to complete the District Form 411.1. If the complaint is made verbally, the District employee shall complete the form including the specific nature of the conduct, the corresponding dates and locations, the name, address, and phone number of the Complainant, the name of the individual alleged to have engaged in the prohibited conduct, and the names of any witnesses to the conduct. The District employee shall confirm with the Complainant the facts in the form. The completed form shall be filed with the Title IX Coordinator at the first opportunity. In the event that the sexual harassment involves conduct by the Title IX Coordinator, such employees or officials must report the alleged conduct to the Business Manager. The contact information for the Title IX Coordinator is as follows:

Director of Student Services  
340 Fair Street, Evansville, WI 53536  
608-882-3391  
[katzenbergerj@evansville.k12.wi.us](mailto:katzenbergerj@evansville.k12.wi.us)

A complaint pursuant to this policy, other than sexual harassment, shall be processed in accordance with the procedures below. A complaint of sexual harassment by a student or other individual, other than an employee, shall be processed pursuant to Policy 411.12. If a complaint of sexual harassment is dismissed under Policy 411.12, the complaint will be processed under this policy.

The 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 District's legal obligations, and the necessity to investigate allegations of prohibited conduct and take disciplinary actions when the conduct has occurred.

Informal Complaint Procedure

After making a report, the Complainant may voluntarily engage in an informal resolution process. As part of this process, the Complainant may discuss their complaint with the Title IX Coordinator who shall in turn investigate the complaint and reply to the Complainant in writing within twenty (20) days. If this reply is not acceptable to the Complainant or if the Complainant chooses at any

time to abandon the informal resolution process, they may initiate formal procedures according to the steps listed below.

### Formal Complaint Procedure

The following steps shall be taken in the course of handling a formal complaint pursuant to this policy:

Step 1: Any complaint shall be presented to the Title IX Coordinator.

- a. If the complaint is submitted in writing, it should include the specific nature of the conduct, the corresponding dates and locations, the name, address, and phone number of the Complainant, the name of the individual alleged to have engaged in the prohibited conduct, and the names of any witnesses to the conduct. The District's 411.1 Form may be used for this purpose.
- b. If the complaint is submitted orally, the Title IX Coordinator shall record the facts as presented on the District's 411.1 Form and confirm the facts recorded with the Complainant. The refusal of the Complainant to provide a written complaint shall not prevent the Title IX Coordinator from investigating the complaint.
- c. The Title IX Coordinator shall acknowledge the complaint, in writing, within forty five (45) days of the date it was received.

Step 2: The Title IX Coordinator shall:

- a. Notify the individual who has been accused of prohibited conduct and provide the individual with a copy of the completed 411.1 Form.
- b. If all parties agree, arrange a meeting to discuss the complaint with all concerned parties after receipt of the written complaint. No parties may be required to participate in such meeting.
- c. If the complaint is not resolved through a meeting described in b., above, complete an investigation into the allegations. The investigation shall include:
  - Interviews of the Complainant, the individual who is the subject of the complaint, and as applicable, any witnesses identified during the investigation or who may have information relevant to the investigation;
  - Review of video surveillance, if maintained by the District; and
  - Review of documentation or other evidence submitted by the Complainant or relevant to the investigation.
- d. The individual accused of prohibited conduct must be provided an opportunity to respond to the complaint.
- e. When the investigation is complete, but no more than twenty (20) days following receipt of the complaint (unless the Complainant agrees to an extension), the Title IX Coordinator shall issue to the Complainant and the individual who is the subject of the complaint, a written decision setting forth the Title IX Coordinator's findings with respect to the allegation(s) in the complaint. The findings shall be based on the totality of the circumstances and the definitions in Board policy and/or state and federal law. The Title IX Coordinator shall use a preponderance of the evidence standard in making findings.

- f. Based upon the findings of the Title IX Coordinator, the District shall take such action as appropriate to ensure the prohibited conduct stops and to prevent it in the future, including but not limited to, disciplinary action pursuant to District policies, handbooks, and extra-curricular codes of conduct. The Complainant and the individual who is the subject of the complaint, shall be notified of the action taken as appropriate and in accordance with state and federal law.

If the Complainant is not satisfied with the Title IX Coordinator's decision or the action taken by the District, within ten (10) days of receipt of the decision, the Complainant may file a signed statement of appeal to the District Administrator. The District Administrator, or designee, shall review the information and evidence that formed the basis of the Title IX Coordinator's decision and, if necessary, gather additional information. Within ten (10) days of receipt of the appeal, the District Administrator shall issue a written decision based upon the information reviewed. A copy of the District Administrator's decision shall be sent to each concerned.

The decision of the District Administrator shall include a notice to the Complainant of their right to appeal the decision to the State Superintendent of Public Instruction within thirty (30) days of receipt of the District Administrator's decision.

On a case by case basis, the District Administrator or Title IX Coordinator may ask for Board authorization to engage the services of an outside investigator to process a formal complaint.

This policy expressly prohibits retaliation of any kind against any individual reporting a complaint or assisting in the investigation of a complaint. Any individual engaging in such retaliation will be subject to discipline, up to and including termination or expulsion.

The District shall disseminate these policies and procedures to all students, parents/guardians, and District employees. Further, the District shall conspicuously post a notice including these policies and procedures in a place accessible to the school district community and members of the public.

#### Office for Civil Rights

If a complaint involves prohibited conduct based on race, sex, age, disability or national origin, an individual may also file a complaint with the Office for Civil Rights of the United States Department of Education (OCR). A complaint must be filed with OCR within 180 days (about six months) of the date the conduct occurred. A complaint does not have to be filed with the District before filing a complaint with OCR, and a complaint may be filed with both the District and OCR.

#### Special Education

Complaints involving the special education of a student must be made pursuant to the Individuals with Disabilities Education Act and Section 115 of the Wisconsin Statutes.

#### Maintenance of Complaint Records

The Title IX Coordinator shall keep records of all formal and informal complaints for the purpose of documenting compliance and past practices. The records shall include information on all levels of the complaint process and any appeals including, but not limited to:

- written reports
- narratives of verbal statements
- written or recorded witness statements
- documentary evidence including electronic communications and social media
- written documentation of interim measures offered to concerned parties

- dated written determinations by District
- dated description of verbal notifications to concerned parties
- documentation of action taken by District to stop and prevent prohibited conduct
- documentation of action taken by District to remedy effects of prohibited conduct

Legal Ref.: Chapter 115, Wisconsin Statutes (Children with Disabilities)  
Section 118.13 Wisconsin Statutes (Pupil Discrimination Prohibited)  
PI 9 of the Wisconsin Administrative Code  
Title IX of the Education Amendments Act  
Section 504 of the Rehabilitation Act of 1973  
Americans with Disabilities Act  
Title VI of Civil Rights Act of 1964

Local Ref.: Policy #411 – Equal Educational Opportunities  
Policy #411.1 – Prohibition Of Discrimination and Harassment Against Students and Other Individuals  
Policy #411.1 Form – Discrimination or Harassment Complaint Form  
Policy #411.12 - Title IX: Prohibition of Sexual Harassment Against Students and Other Individuals  
Policy #511.12 - Title IX: Prohibition of Sexual Harassment Against Employees  
Policy #823 – Open Record Policy and Procedures for Access to Public Schools