

157 ANTI-HARASSMENT/NON-DISCRIMINATION POLICY

157.01 It shall be the Oregon School District's policy to comply with all applicable federal and state laws and regulations which prohibit discrimination in its operations, including the following principles:

- 157.01.1 The District shall not discriminate in its educational programs, activities or services (including those set forth in 155.02, below); and
- 157.01.2 The District shall not discriminate with respect to its employment and personnel operations, including the hiring, assignment, promotion, transfer, layoff, termination and reinstatement decisions.
- 157.01.3 The District, its employees and students shall not engage in harassment of any type. It is the Board's intent to prohibit all forms of harassment, whether or not such are in violation of federal or state regulations or laws, or not. Harassment undermines productivity in the educational process and has no place in our District.
- 157.01.4 Retaliation against an employee or student who has made a complaint, made an allegation or testified with respect to discrimination outlined in this policy is prohibited.
- 157.01.5 Federal law prohibits discrimination with respect to religion, race, color, national origin, sex, age and handicap. State law defines discrimination to also include ancestry, color, pregnancy, physical, mental, emotional or learning disability, pregnancy, marital or parental status, sexual orientation, arrest or conviction record and military service.

157.02 All students shall have equal opportunity to participate in and benefit from all curricular, extracurricular, pupil services, recreational or other programs provided by the District, including the following areas:

- 157.02.1 Admission or enrollment into any school, class program, activity or course;
- 157.02.2 Standards and rules of behavior, including pupil harassment;
- 157.02.3 Disciplinary actions;
- 157.02.4 Acceptance and administration of gifts, bequests, scholarships or other aids, benefits or services to pupils from private agencies, organizations or persons;
- 157.02.5 Methods, practice and materials used for testing, evaluation, counseling pupils;

- 157.02.6 Facilities;
- 157.02.7 School sponsored food services programs;
- 157.02.8 Instructional, library and media materials;
- 157.02.9 Graduation requirements; and
- 157.02.10 Opportunities for participation in athletic programs or activities.

157.03 Equal pay shall be given for the performance of jobs requiring equal skills, effort and responsibility giving consideration to seniority and applicable collective bargaining agreements.

157.04 This policy is meant to be a recitation of applicable federal and state regulations and laws for the purposes of informing individuals of and administering the policy. To the extent the above policy summary is inconsistent with or an incomplete recitation of federal or state law, the latter controls with respect to any complaints filed against the District with respect to these laws.

157.05 Certain individuals within the District are designated as contacts with respect to this policy. They are:

Title IX Coordinator
 Leslie Bergstrom
 Oregon High School
 456 North Perry Parkway
 Oregon, WI 53575
 (608) 835-4302

Section 504 Coordinator
 Candace Weidensee
 District Services Office
 123 East Grove Street
 Oregon, WI 53575
 (608) 835-4004

Title VI Coordinator
 Leslie Bergstrom
 Oregon High School
 456 North Perry Parkway
 Oregon, WI 53575
 (608) 835-4302

Section 118.13 Coordinator
 Candace Weidensee
 District Services Office
 123 East Grove Street
 Oregon, WI 53575
 (608) 835-4004

For other complaints inform:

Brian Busler, Superintendent
 Oregon School District
 District Services Office
 123 E. Grove Street
 Oregon, WI 53575
 (608) 835-4003

who will designate a contact.

157.06 The District administration shall establish an informal and a formal complaint procedure to handle complaints of a violation of the above policy or federal or state

law. In addition to, or instead of filing a complaint through this policy, a person may choose to exercise other options, including the filing of a complaint with outside agencies or filing a private lawsuit.

- 157.07** Any person who has a question pertaining to this policy or who wants to be informed of the procedures for handling complaints should contact the appropriate individual listed in section 1.04.05. If for any reason the person believes it inappropriate to discuss the matter with the person identified in section 155.05, the person may contact any of the other individuals listed in section 155.05.
- 157.08** Anyone having knowledge of an action which he/she believes violates the above policy or federal or state law should promptly report the incident to the appropriate contact listed in section 155.05. Any complaint will be kept confidential to the extent that confidentiality is consistent with the District's obligation and commitment to investigate, and every effort will be made, consistent with the rights of the parties under any collective bargaining agreement and applicable law, to preserve confidentiality of all affected parties during the course of the investigation. The complaint shall be investigated. The administration shall develop investigative procedures to govern to handling of investigations, including who should perform the investigation, the time frames within which it shall be completed and steps for appeal.
- 157.09** Any person violating this policy will be subject to disciplinary action as permitted by and consistent with applicable federal and state laws and regulations, collective bargaining agreements and other Board policies.
- 157.10** The District shall provide notice of this policy to all employees, students and parents/guardians of students.

Adopted: July 27, 1987

Legal Reference: WI State Statutes 118.13, 111.36
PI 9
Title IX of Education Amendments of 1972
Title VI of the Civil Rights Act of 1964
Section 504 of the Rehabilitation Act of 1973
Age Discrimination Act of 1975

Revised: January 14, 1991
February 8, 1993
August 12, 1996
February 24, 1997
September 14, 1998
September 25, 2000
March 21, 2004
October 25, 2004
January 29, 2008

157.11 Anti-Harassment/ Non-Discrimination Administrative Guidelines

157.11.1 The Standard

The Oregon School District is committed to providing all students with a safe and supportive school environment. These guidelines are intended to enforce Board policy and to establish procedures to assist in establishing a school community in which members treat each other with mutual respect.

Harassment in any form will not be tolerated in the Oregon School system. The following definitions are for the purposes of these guidelines. Some of the behaviors may not be unlawful, but are examples of acts that will not be tolerated. These definitions are not all encompassing but are meant to serve as examples.

157.11.2 **School community** includes, but is not limited to, all students, school employees, contractors, volunteers and parents and other visitors on school grounds or participating in school-sponsored events.

School employee includes, but is not limited to, all teachers, support staff, administrators, custodians, cafeteria workers, coaches, school board members and agents of the school

Harassment means unwelcome verbal or physical conduct based on a person's actual or perceived sex, race, color, national origin, ancestry, religion, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability and which:

1. has the purpose or effect of substantially interfering with a person's educational or work performance;
2. has the purpose or effect of creating an intimidating, hostile or offensive environment;
3. submission to that conduct is made either explicitly or implicitly a term or condition of a student's education or an employee's continued employment;
or
4. submission to or rejection of such conduct by a student or a staff member is used as a component of the basis for decisions affecting that student or employee.

Harassment can include any unwelcome verbal, written or physical conduct that offends, denigrates or belittles any individual because of any of the characteristics described above. Such conduct includes but is not limited to, unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact,

stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures.

Sexual Harassment can include, for example, unwelcome verbal, written or physical conduct, directed at or related to a person's gender, such as sexual gossip or personal comments of a sexual nature, sexually suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual nature about someone, demanding sexual favors, forcing sexual activity by threat of punishment or offer of educational reward, obscene graffiti, display or sending of pornographic pictures or objects, offensive touching, pinching, grabbing, kissing or hugging or restraining someone's movement in a sexual way. This definition applies to behaviors between people of the same or different genders.

Racial and Color Harassment can include unwelcome verbal written or physical conduct directed at the characteristics of a person's race or color. Examples include but are not limited to nicknames emphasizing stereotypes, racial slurs, and comments on manner of speaking and negative references to racial customs.

Religious/ Creed Harassment can include unwelcome verbal, written or physical conduct directed at the characteristics of a person's religion or creed. These may include but are not limited to derogatory comments regarding surnames, religious tradition or religious clothing or religious slurs or graffiti.

National Origin /Ancestry Harassment can include unwelcome verbal, written or physical conduct directed at the characteristics of a person's national origin. This may include negative comments regarding surnames, manner of speaking, customs language or ethnic slurs.

Marital/Parental/ Pregnancy Status Harassment can include unwelcome verbal, written or physical conduct directed at the characteristics of a person's marital status. This may include comments regarding pregnancy or being an unwed mother or father.

Sexual Orientation Harassment can include unwelcome verbal, written or physical conduct directed at the characteristics of a person's actual or perceived sexual orientation. This may include name-calling and imitating mannerisms.

Disability Harassment can include unwelcome verbal, written or physical conduct based on a person's disabling mental, physical or emotional condition or learning disability. It includes but is not limited to any imitating manner of speech or movement or interference with necessary equipment.

Physical Characteristics Harassment can include unwelcome verbal, written or physical conduct directed at the characteristics of a person's physical characteristics (e.g. weight, size, height, features or other physical differences).

This may include but is not limited to nicknames, derogatory comments, negative name calling and imitating mannerisms.

Retaliation occurs when any member of the school community acts to retaliate against any person who reports alleged harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment. A person may be found to have violated this anti-retaliation provision even if the underlying complaint of harassment is not found to be a violation of the policy. Retaliatory acts include but are not limited to any form of intimidating, reprisal or harassment as defined above. Retaliatory acts will be redressed through the same reporting, investigating and enforcement procedures as other harassment.

False reports occur when an individual knowingly makes a false report of harassment. This action is considered a violation of policy and the District may take action against the individual. False report does not include a complaint that could not be corroborated or which did not rise to the level of harassment.

157.11.3

Procedures for Resolution of Discrimination or Harassment Complaints

Any school employee or member of the school community (“complainant”) who believes he or she has been discriminated against or harassed may:

1. Seek resolution informally;
2. Seek resolution formally; or
3. Proceed in any other manner available under applicable law

Prior to the time a formal or informal complaint has been filed, the appropriate Coordinator may meet with any complainant who believes he/she has been discriminated against for the purpose of explaining this policy and procedure and providing information that is in the District's possession that the person is legally entitled to receive.

Informal Procedure for Harassment

It may be possible to resolve a complaint through a voluntary conversation between the complainant and the person against whom the complaint exists that is facilitated by the person who has supervision over the activity in which the complaint arises or, if either party is not agreeable to that person, a person designated by the building principal (“the facilitator”). If the complainant is a student under the age of 18, the facilitator should notify the student's parent(s) or guardian(s) if, after initial consultation with the student, it is determined to be in the best interest of the student. Regardless of age, both the complainant and the person against whom the complaint exists may be accompanied by a person of their choice for support and guidance. If both parties agree that a

resolution has been achieved, the conversation shall remain confidential and no further action needs to be taken. The facilitator, in writing, shall report the results of the informal resolution to the Superintendent and to the School Principal.

Formal Procedure for Harassment or Discrimination

If either of the parties choose not to use the informal procedure or if the informal procedure has not been adequate or has been unsuccessful, the complainant may proceed with the formal procedure described below.

Complaints of sex discrimination are covered under Title IX of the Educational Amendments of 1972 and should be referred to the Title IX coordinator. Discrimination against the handicapped is described under section 504 of the Rehabilitation Act and should be referred to the 504 Coordinator. Discrimination on the basis of race or national origin are described under Title VI of the Civil Rights Act of 1964 and should be referred to the Title VI coordinator. Discrimination against students on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability is described under section of 118.13(PI9) of Wisconsin Statutes. All other complaints should be referred to the Superintendent of Schools for assignment.

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who will designate a contact.

Step 1

1. The complainant shall submit a written complaint to the appropriate Complaint Officer (“officer”) or the officer shall complete the form based on the written or verbal allegations of the complainant.
2. The complaint must be filed within **300 calendar days** after the alleged act(s) occurred or within **300 calendar days** of the last occurrence of an ongoing condition. A complaint shall be deemed filed on the date received if delivered or on the date postmarked if mailed.
3. If either the complainant or the person against whom the complaint is made is a student under the age of 18 years, his/her parents will be notified immediately unless, after consultation with the student, the officer determines notification not to be within the best interests of the student.
4. The complaint form will detail any facts and circumstances of the incident or pattern of behavior.

Step 2

1. The officer will undertake an investigation of the complaint.
2. The investigation may consist of personal interviews with both parties and with any other individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. In determining whether the alleged conduct constitutes a violation of this policy, the official should consider the surrounding circumstances, relevant documents, the nature of the behavior, past incidents, past or continuing patterns of behavior, the relationships between the parties involved and context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
3. The Officer shall make a written report to the Superintendent and the building principal upon completion of the investigation **but no later than 15 calendar days** following the complaint.
4. The report must include a determination as to whether the allegations have been substantiated as factual and whether they violate this policy.
5. The officer will recommend to the Superintendent and/or the school principal what action, if any, is required.
6. The District shall take appropriate action in all cases where the Officer concludes that this policy has been violated. Any person who is determined to have violated this policy shall be subject to disciplinary action as

permitted by and consistent with applicable federal and state laws and regulations, collective bargaining agreements and other Board policies.

7. The Superintendent or building principal shall maintain a copy of the written complaint and report of the investigation in a secure location within his or her office.
8. The Superintendent shall provide a written report of the results of the investigation and any actions taken to both parties within 10 calendar days after receiving the Officer's report.

Step 3

1. The complainant will have **5 calendar days** after receiving the written report to request the Superintendent review the case.
2. If the complainant initiates a Step 3 appeal, the Superintendent will meet with the involved parties and shall provide a written answer on the appeal **within 60 calendar days** from the date the written complaint was first received by the District.

Step 4

1. The complainant will have **5 calendar days** after receiving the Superintendent's response to request a review of the complaint by the Board of Education. The request shall be submitted in writing, with a copy also being sent to the Superintendent.
2. The Board of Education shall meet with the complainant, and counsel if desired, in executive session unless otherwise requested by either party.
3. The Board of Education shall send a written decision to the complainant within **90 calendar days** after receipt of the initial complaint.

Step 5

1. The complainant may file a discrimination complaint under Title IX, Title VI, Section 504 or 118.13 as applicable by statute. This appeal must be made to the State Superintendent of Schools and/or the United States Office of Civil Rights **within 30 days** of the completion of Step 4. In addition, the complainant may appeal directly to the State Superintendent or the Office of Civil Rights if the District has not provided written acknowledgment within 45 calendar days of receipt of the complaint or made a determination within 90 calendar days of receipt of the written complaint.

Step 5 appeals should be addressed to:

State Superintendent
Wisconsin Department of Public Instruction
125 South Webster St
PO Box 7841
Madison, WI 53707

or

Office of Civil Rights
U.S. Department of Education
300 South Wacker Drive, 8th Floor
Chicago, IL 60606