

NONDISCRIMINATION IN DISTRICT PROGRAMS, ACTIVITIES, AND OPERATIONS

The Rice Lake Area School District prohibits all forms of unlawful discrimination, harassment and retaliation against students, employees, and other persons in all aspects of the District's programs, activities, and operations. The term "unlawful discrimination, harassment and retaliation" encompasses any unlawful policy, practice, conduct, or other unlawful denial of rights, benefits, or privileges that is based on any legally-protected status or classification (e.g., race, national origin, sex, disability, religion, etc.). Various state and federal laws establish the actions that do (and do not) constitute unlawful discrimination, harassment or retaliation with respect to each protected status or classification. Where applicable, unlawful harassment, that is based on a legally-protected status is one form of unlawful discrimination, harassment or retaliation.

The District requires and will enforce nondiscrimination in a manner that is consistent with applicable constitutional provisions and with the rights and obligations that are established under all applicable state and federal civil rights laws, including but not limited to the current provisions of the following federal laws, which jointly serve to identify and protect the rights of students, employees, and other persons:

- Title IX of the Education Amendments of 1972 (sex discrimination);
- Section 504 of the Rehabilitation Act (disability discrimination);
- The Americans with Disabilities Act (including both the employment-related provisions of the ADA as well as Title II of the ADA, which broadly prohibits discrimination on the basis of disability in state and local government services);
- Titles IV and VI of the Civil Rights Act of 1964 (addressing discrimination based on race, color, national origin, sex, or religion);
- The Age Discrimination Act of 1975 (age discrimination);
- The nondiscrimination provisions of the Elementary and Secondary Education Act;
- The civil rights provisions associated with the District's participation in federal nutrition programs.

There are a significant number of additional state and federal nondiscrimination laws that are not listed above that further establish the rights of students and/or employees. In recognition of such laws, the District maintains additional nondiscrimination policies and rules that specifically and uniquely cover students (see, for example, Policy 411 and Policy 411.3 within the District's policy manual) and all aspects of employment and personnel administration within the District (see, for example, Policy 511 and Policy 512).

Special Statement Regarding Sex Discrimination under Title IX

Conduct that constitutes sexual harassment under Title IX will be addressed pursuant to the District's Title IX Policy (See Policy and Rule 114.) As mandated by the federal Title IX statutes and the regulations set forth in Chapter 106 of Title 34 of the Code of Federal Regulations ("the federal Title IX regulations"), the District does not unlawfully discriminate on the basis of sex in any education program or activity that the District operates. Title IX's requirement not to discriminate in any education program or activity extends to District students, certain admissions processes, and District

employment. Inquiries regarding how Title IX and the federal Title IX regulations apply to the District may be referred to a District Title IX Coordinator (as designated below), to the Assistant Secretary for Civil Rights at the U.S. Department of Education, or to both.

Designation and Authorization of Nondiscrimination Coordinator(s)

Any questions concerning the District’s nondiscrimination and equal opportunities policies, general policy compliance, the application of any nondiscrimination law to the District, or the District’s reporting and complaint procedures may be directed to either of the District’s nondiscrimination and equal opportunity coordinators, each of whom also serves as a District Title IX Coordinator:

The staff member holding the following position serves as the District’s designated Student Nondiscrimination Coordinator, with a primary focus on student matters and other non-employment-related matters:

Laurie Johnson
Director of Special Education and Pupil Services
30 Phipps Avenue
Rice Lake, WI 54868
715-234-9007
johnsonl@ricelake.k12.wi.us

The staff member holding the following position serves as the District’s designated Equal Employment Opportunities Coordinator, with a primary focus on employment-related matters:

Mark Beise
High School Assistant Principal
30 S. Wisconsin Avenue
Rice Lake, WI 54868
715-234-9007
beisem@ricelake.k12.wi.us

1. The District’s nondiscrimination and equal opportunity coordinators have responsibility for coordinating the District’s efforts to implement this policy and to adhere to applicable nondiscrimination laws, including coordinating the District’s response to any complaint or report alleging noncompliance with, or acts in violation of, any of those laws. Although each of the nondiscrimination and equal opportunity coordinators identified above has their primary area(s) of focus, each is recognized as a deputy of the other in the event that the normal, primary coordinator for a given matter is affected by a conflict of interest or temporarily absent or otherwise unavailable.
2. If the formal complaint identifies a District Title IX Coordinator as a respondent (i.e. a person reported as a perpetrator) or if the complainant otherwise prefers to do so, then the complainant may file the complaint directly with the District Administrator.
3. Retaining their primary area of focus in either employment or non-employment matters, the nondiscrimination and equal opportunity coordinators identified above also serve as Section 504 and Americans with Disabilities Act Coordinators (i.e., for disability rights and disability-based discrimination issues) and federal Age Discrimination Act Coordinators.
4. The District’s nondiscrimination coordinator for student matters is also designated to receive any student discrimination complaints arising under section 118.13 of the state statutes and Chapter PI 9 of the Wisconsin Administrative Code.
5. In their capacity as District Title IX Coordinators, the above-identified individuals are authorized to coordinate the District’s efforts to comply with the District’s responsibilities under Title IX and under the federal Title IX regulations.

Any Person May Submit a Complaint or Report of Discrimination to the District

The District is committed to the appropriate resolution of complaints and reports that allege (1) unlawful discrimination, harassment or retaliation or a violation of a District nondiscrimination policy, including any form of prohibited harassment that is based on a legally-protected status; or (2) any type of retaliation that is prohibited by a nondiscrimination law or a District nondiscrimination policy.

Accordingly, unless otherwise specified by a state or federal law, any person (including a person who is not claiming to have been personally harmed/victimized by the alleged conduct or challenged policy) may report a concern or allegation of prohibited discrimination or prohibited retaliation as follows:

1. To either of the District’s designated nondiscrimination and equal opportunity coordinators, using the contact information designated above and any of the following methods:
 - a. By in-person delivery (whether the report is made verbally or in writing);
 - b. By U.S. mail;
 - c. By telephone; or
 - d. By electronic mail.
2. By any other means that results in a designated coordinator actually receiving the person's verbal or written report.

Except as provided below regarding formal complaints of Title IX sexual harassment or as otherwise required by any law, any report or complaint received under this policy will be processed according to the discrimination complaint procedures that the District has established under its student nondiscrimination policies or under its equal employment opportunities policies, as applicable to the facts and circumstances. For reports or complaints of alleged discrimination that are neither student matters nor employment matters, the District will normally process the matter under the complaint procedures that apply to students.

Deadline for Filing an Initial Report or Complaint

There is no absolute deadline for the initial filing of a report or complaint of discrimination under this policy. The District always has an interest in being made aware of potential concerns with prohibited discrimination, harassment, or retaliation. However, any person who has a complaint or concern involving such a matter is encouraged to notify the District or pursue a complaint as soon as reasonably possible after the occurrence of the relevant events. A material gap in pursuing a complaint or concern can affect the extent to which it is practical to investigate the matter, and a delay may also limit the range of remedies and resolutions that are reasonably available.

The following apply to any report or complaint of discrimination that has been filed under this policy, except for formal complaints of Title IX sexual harassment (which are instead subject to the dismissal and appeal provisions of the grievance process that the District has adopted for such complaints):

1. At least one of the following administrators, acting in consultation as needed with District legal counsel, must authorize the dismissal or other alternative disposition of a report or complaint due to a lack of timeliness (US Code 1983, WI Chapter 893): Laurie Johnson, Director of Special Education and Pupil Services, Mark Beise, High School Assistant

Principal, Randy Drost, District Administrator.

2. Any actual party in interest to the allegations raised by the report or complaint (i.e., any alleged victim or any person alleged to be responsible for the discrimination) may appeal a decision authorized under the previous paragraph to the District Administrator. Or, if the District Administrator authorized the initial decision, the party may request reconsideration.

Confidentiality of Reports and Complaints

Although absolute confidentiality cannot be assured, the District will maintain the confidentiality of discrimination reports and complaints to the extent required by any applicable law, and the District will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint. Nonetheless, investigating a matter often involves disclosing (directly or indirectly) the identity of persons involved in the particular events/issues. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with the District as early as possible in the process.

Retaliation Prohibited

No official, employee, or agent of the District or any other person may intimidate, threaten, coerce, or unlawfully discriminate against any individual (1) for the purpose of interfering with any right or privilege secured by any nondiscrimination statute or related regulation, or (2) because the individual has made a report or complaint, or testified, assisted, participated, or exercised a legal right to refuse to participate in any manner in an investigation or proceeding conducted under this policy or any other District nondiscrimination policy.

Prohibition on Bad Faith Conduct/Abuse of Process

To the extent permitted by law, the District prohibits and reserves authority to appropriately address and impose consequences for bad-faith conduct by individuals who make a report or complaint, testify, assist, or participate in any manner in an investigation or proceeding conducted under this policy or any other District nondiscrimination policy. For example, the District may impose lawful consequences for making a materially false statement in bad faith in the course of any proceeding that is conducted under this policy or any other District nondiscrimination policy. Examples of abuse of process include, but are not limited to, the pursuit of allegations that the complaining party knows to be wholly frivolous or the use of dilatory tactics that have the purpose or reasonably foreseeable result of unreasonably interfering with a prompt and equitable resolution of alleged discrimination or retaliation.

Consequences for Violations

Any person who is determined to be responsible for any form of unlawful discrimination, harassment or retaliation, any act of prohibited retaliation, or other violation of this policy is subject to appropriate disciplinary action and/or other appropriate consequences that are within the District's lawful authority.

In addition, any employee or authorized agent of the District who, considering the duties, responsibilities, and expectations established for their position/role, fails to reasonably respond to complaints or reports of alleged discrimination or retaliation, or who otherwise fails to reasonably act on their knowledge of a possible violation of a nondiscrimination law or a District nondiscrimination policy, is also subject to possible disciplinary action.

Nondiscrimination Notices; Dissemination of Policy and Complaint/Reporting Procedures

The District Administrator and the District’s designated nondiscrimination and equal opportunity coordinators share joint responsibility for ensuring that the District prepares and issues, on a timely basis, all legally-required general notices of (1) the rights of students, employees, and other persons under the state and federal nondiscrimination laws; (2) the District’s nondiscrimination policies; and (3) applicable reporting and complaint procedures. Beyond meeting legal requirements and any local policy requirements, the administration is encouraged to further disseminate such information using such methods as the administration deems appropriate.

Maintenance of Complaint Records; Report Preparation

The District Administrator and the District’s designated nondiscrimination and equal opportunity coordinators share joint responsibility for ensuring that the District maintains adequate records of reports and complaints of discrimination and retaliation, including records of the District’s response and disposition. Such records shall meet applicable legal requirements for documentation and records retention. The District Administrator and the applicable coordinators shall also direct and oversee the timely preparation of all annual or other reports and evaluations regarding nondiscrimination initiatives/compliance that the District is required to provide to the Department of Public Instruction or to any other oversight entity.

Legal Ref: WI Ch. 893; Subch. III of Ch. 106; Subch. 11 of Ch. 111, §118.13, 118.134, 118.195, 118.20 WSS; PI9, PI41 WAC; 20 U.S.C. §1681 et seq.; 20 U.S.C. §1400 et seq.; 20 U.S.C. §6312(e)(3)(D); 42 U.S.C. §2000e et seq.; 42 U.S.C. §2000d et seq.; 42 U.S.C. §12111 et seq.; 42 U.S.C. §12131 et seq.; 29 U.S.C. §794 et seq.; 29 U.S.C. §621 et seq.; 8 U.S.C. §1324b(a); U.S.C. §1983

Cross Ref: 114 Title IX Sexual Harassment, 411 Nondiscrimination and Equal Educational Opportunities, 411.3 Bullying and Harassment by Students, 511 Equal Opportunity Employment and Nondiscrimination, 512 Harassment Based on Legally-Protected Status

Adopted: 12/14/2020

Revised:

Reviewed: