

TITLE IX SEXUAL HARASSMENT

The Rice Lake Area School District is committed to providing an environment that:

- *Treats all students and staff with dignity and respect*
- *Provides students with a learning experience that is physically and emotionally safe*
- *Promotes respect, tolerance, and acceptance of others*

To accomplish this mission, all students and employees must be allowed to learn and work in an environment free from Title IX sexual harassment. Title IX sexual harassment is prohibited on school property and at all school-sponsored programs and activities off school property. This policy prohibits students sexually harassing students, students sexually harassing staff, staff sexually harassing students, and staff sexually harassing staff. Individuals who experience Title IX sexual harassment may process a complaint pursuant to 114 Rule (2): Initial District Screening of Reports of Complaints of Title IX Sexual Harassment.

Title IX Sexual Harassment means conduct on the basis of sex in any District education program or activity. It includes three types of conduct:

- Conditioning by a district employee of an educational aide, benefit or service upon an individual's participation in unwelcome sexual conduct;
- Engaging in unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; and
- Sexual assault as defined by the Clery Act [20 U.S.C. sec. 1092(f)(6)(A)(v)] or dating violence, domestic violence or stalking as defined by the Violence Against Women Act [34 U.S.C. sec. 12291(a)(10),(8),(30)].

TITLE IX:

Discrimination on the basis of sex is prohibited in the Rice Lake Area School District. The District is required by Title IX of the Education Amendments of the 1972 and 34 C.F.R. ch 106 not to discriminate in this manner. Title IX's requirement not to discriminate in any education program or activity extends to District students, certain admission processes and District employment.

Inquiries regarding the application of federal Title IX regulations may be directed to the District's Title IX coordinators (see below), to the Assistant Secretary for Civil Rights at the U.S. Department of Education, or both.

DISTRICT TITLE IX COORDINATORS:

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 Service
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

DEFINITIONS:

Within the Title IX process:

- *Business days* means days that the main administrative office of the District is staffed, in person or virtually, for responding to regular business and public contacts. Business days never include Saturday or Sunday.
- The terms “*written*” or “*in writing*” include a notice or communication provided in hard copy format via hand delivery or via U.S. Mail to the address of record or in an electronic format via an email sent to an email address that has been issued by the District or that has been provided by the intended recipient.
- With respect to a communication sent by electronic mail, an email is deemed to be *delivered* when it was first electronically available to be accessed by the recipient, and delivery presumptively occurs on the same day as the email was sent. With respect to a communication sent by U.S. Mail, the communication is deemed *delivered* on (1) the date reflected on any confirmation of delivery or delivery receipt; or (2) three business days after the communication was sent by First Class Mail if no delivery confirmation was requested.

The following terms have the definitions specified in the federal Title IX regulations, including all applicable exclusions, exceptions, and clarifications of scope found in the federal regulations.

Paraphrasing the applicable regulatory provisions:

- *Actual knowledge* means notice of sexual harassment or allegations of sexual harassment to (1) the District's Title IX Coordinator; (2) any District official who has authority to institute corrective measures on behalf of the District; or (3) any employee of the District other than a respondent (i.e., in circumstances where the respondent is a District employee). “*Notice*” as used in this definition includes, but is not limited to, a report of sexual harassment to the District's Title IX Coordinator.

- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment, regardless of how the District gained actual knowledge of the alleged sexual harassment. Therefore, not every person who reports an allegation of Title IX sexual harassment is a complainant.
- *Consent* means engaging in sexual activity knowingly, voluntarily, and with clear permission by word or action. Reasonable reciprocation can be considered implied consent. Consent will be interpreted in accordance with Wisconsin law.
- *Education program or activity* includes any locations, events, or circumstances over which the District exercised substantial control over both (1) the respondent, and (2) the context in which the sexual harassment or alleged sexual harassment occurred.
- *Formal complaint* means a document filed by an eligible complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment under Title IX. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District. As used in this definition, the phrase “*document filed by an eligible complainant*” means a document or electronic submission (such as by electronic mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- *Notice* as used in this policy includes, but is not limited to, a report of Title IX sexual harassment to one of the District’s Title IX Coordinators.
- *Preponderance of the Evidence Standard* means the evidence must show that the act of Title IX sexual harassment more likely than not did occur and more likely than not the respondent(s) committed the act.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- *Retaliation.* Acts of retaliation include, but are not limited to, harassment escalation, unsatisfactory academic evaluation, threats, and differences in academic treatment, sarcasm or unwanted comments to or by peers.
- “*Supportive measures*” or “*supportive measures under Title IX*” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint of sexual harassment under Title IX or where no such formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to (1) protect the safety of all parties or the District’s educational environment, or (2) deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, additional supervision or planned accompaniment, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security, supervision, or monitoring of certain areas of school grounds, and other similar measures.

- “*Sexual harassment under Title IX*” and “*Title IX sexual harassment*” mean conduct on the basis of sex in any District education program or activity, occurring in the United States, that satisfies one or more of the following:
 1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
 3. Any of the following, as defined under the Title IX regulations by reference to other federal statutes:
 - a. “sexual assault,” as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#), to mean an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including but not limited to rape, sexual assault with an object, and groping.
 - b. “stalking,” as defined in [34 U.S.C. 12291\(a\)\(30\)](#).
 - c. “dating violence,” as defined in [34 U.S.C. 12291\(a\)\(10\)](#).
 - d. “domestic violence,” as defined in [34 U.S.C. 12291\(a\)\(8\)](#).
- *Stalking*, as defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 1. fear for his or her safety or the safety of others; or
 2. suffer substantial emotional distress.
- *Dating violence* as defined in 34 U.S.C. 12291(a)(10), means violence committed by a person-
 1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.
- *Domestic violence*, as defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating

with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the state’s domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person’s acts under the state’s domestic or family violence laws.

- *Sexual harassment*, as defined in federal law.

REPORTING A FORMAL COMPLAINT OF TITLE IX SEXUAL HARASSMENT

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under the federal Title IX regulations (i.e., a Title IX “complainant”), or a parent or guardian who has a legal right to act on behalf of such an individual, may file a “formal complaint” of “sexual harassment,” as those terms are defined in 34 C.F.R. §106.30. No Title IX complainant is obligated to file a formal complaint, but a qualifying formal complaint is necessary for the District to start an investigation of Title IX sexual harassment allegations using the District’s formal Title IX grievance process. Even in the absence of a formal complaint that initiates the formal grievance process, the District still has legal obligations to respond to allegations of Title IX sexual harassment whenever the District has sufficient notice of the allegations (i.e., from any source).

All of the following apply to a formal complaint of Title IX sexual harassment:

1. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of the District (including through employment).
2. The formal complaint must be in the form of a document or an electronic submission (e.g., an electronic mail message or a file attached to an email) that:
 - a. Alleges sexual harassment against a respondent (if the identity of the respondent is not known, it is not necessary to identify the respondent by name);
 - b. Requests that the District investigate the allegation(s) of sexual harassment; and
 - c. Contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
3. The formal complaint must be filed with a District Title IX Coordinator by submitting the document or electronic submission in person, by mail, or by electronic mail, using the District-designated contact information for the Coordinator. *If the formal complaint identifies a District Title IX Coordinator as a respondent (i.e., a person reported as a perpetrator of the alleged sexual harassment) or if the complainant otherwise prefers to do so, then the complainant may file the document or electronic submission directly with the District Administrator either in person at 30 Phipps Avenue, Rice Lake, WI 54868 by U.S. mail addressed to District Administrator, 30 Phipps Avenue, Rice Lake, WI 54868, or by electronic mail sent to the District Administrator’s District-issued email address.*

When a formal complaint is not filed in person, complainants are strongly encouraged to contact the District to confirm that their complaint was actually received as intended.

If a complainant files a formal complaint of Title IX sexual harassment, or if a Title IX Coordinator signs such a formal complaint on behalf of the District, then:

1. The formal complaint must be resolved according to the federal regulations and District processes that specifically apply to such formal complaints; and
2. Unless otherwise directed by the Board of Education or this policy, the District Administrator or their administrative-level designee is expected to designate and assign qualified individuals to perform the roles that are defined for District agents within the District's grievance process for formal complaints of Title IX sexual harassment. In addition:
 - a. The District Administrator may assign one or more of the roles to a qualified individual who is not an employee of the District, including an outside attorney or other contracted service provider, *only with the advance approval of the Board of Education.*
 - b. The Title IX Coordinator and the District Administrator shall ensure that the individual(s) assigned to perform such roles have completed any training required by the federal Title IX regulations.
 - c. If the District determines that a person assigned to such a role is unavailable, disqualified by a conflict of interest or bias, or otherwise unable to perform the responsibilities of the role, the administration shall assign another qualified individual to perform the role.
 - d. The Board of Education or a person designated by the Board of Education shall assign such roles with respect to any formal complaint in which the District Administrator is alleged to be the perpetrator of conduct that could constitute Title IX sexual harassment. The Title IX Coordinator and the District Administrator shall inform the Board of Education of any such need to assign the roles.

Filing a formal complaint of Title IX sexual harassment is one way to report such harassment. However, if a Title IX complainant or other person is not eligible to file a qualifying formal complaint, or if they choose not to do so, the person may still submit a report of the allegations to the District as further described above within this policy (i.e., a report that is not a formal complaint for purposes of Title IX). Moreover, any report of conduct that could constitute sexual harassment under Title IX that causes the District to have actual knowledge of the relevant conduct/allegations requires an appropriate response by the District, even if the reporting procedures defined in this policy were not followed and even if no formal complaint has been or ever is filed.

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.

JURISDICTION

This policy will apply to alleged conduct that takes place on property owned or controlled by the District or at District-sponsored events.

Legal Ref: 111.32(13), 11.36, 118.13, 118.19(5), 118.20 WSS; PI9 WAC; Title IX, Education Amendments of 1972 as amended; Title VI, Civil Rights Act of 1964 as amended; § 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Individuals with Disabilities Education Act; Civil Rights Act of 1991; EEOC Guidelines (29 C.F.R. – Part 1604.11); 20 U.S.C. §1881(a); 34 C.F.R. §106.30(a); 20 U.S.C. 1092(f)(6)(A)(v); 34 U.S.C. § 12291(a)-(10), (8), (30)

Cross Ref: 113 Policy Nondiscrimination in District Programs, Activities, and Operations; 411 Policy Student Nondiscrimination and Equal Educational Opportunities; 411.3 Policy Bullying and Harassment by Students; 511 Policy Equal Opportunity Employment and Nondiscrimination; 512 Policy Harassment Based on a Legally-Protected Status

Adopted: 12/14/2020
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