

# NONDISCRIMINATION IN DISTRICT PROGRAMS, ACTIVITIES, AND OPERATIONS

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~~*{This sample policy presents a nondiscrimination statement that is intended to comprehensively recognize all of the nondiscrimination obligations that apply to school districts and all of the rights of students, employees, and others to be free from discrimination within school district programs, activities, and operations. The sample includes several statements that satisfy mandates found in the federal Title IX regulations. The sample's approach to (1) the designation of nondiscrimination coordinators, (2) the procedures for submitting reports and complaints of unlawful discrimination, and (3) addressing prohibited retaliation incorporate and coordinate with specific standards and requirements established in the federal Title IX regulations (as amended in 2020). This sample assumes that the district has designated separate nondiscrimination coordinators who have a primary focus on either student matters or employment matters and that each of those employees will also serve as a district Title IX Coordinator. Refer to PRG 113 Sample Policy 2 for a sample that presents a "single Title IX Coordinator" model.}*~~

The ~~{insert official name of school district}~~Waukeek Community School District prohibits all forms of unlawful discrimination against students, employees, and other persons in all aspects of the District's programs, activities, and operations. The term "unlawful discrimination" 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, sexual orientation, disability, religion, age, etc.). Various state and federal laws establish the actions that do (and do not) constitute unlawful discrimination 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.

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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;~~
- ~~{include if applicable: "The civil rights provisions associated with the District's participation in federal nutrition programs."}~~

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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

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such laws, the District maintains additional nondiscrimination policies and rules that specifically and uniquely cover students (see, for example, ~~Policy 411 and Policy 411.1~~ 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~~).

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### Special Statement Regarding Sex Discrimination under Title IX

As mandated by the federal Title IX statutes and by the regulations set forth in Part 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 and prohibits all forms of unlawful sex discrimination in any education program or activity that the District operates. Title IX's requirement not to discriminate in any education program or activity includes, but is not limited to, discrimination affecting students, discrimination in District employment, and discrimination in certain admissions processes. 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. ~~**{Editor's Note: The statements in this paragraph reflect mandatory elements of school-district nondiscrimination policies and related Title IX notices. See 34 C.F.R. § 106.8 (August 14, 2020).}**~~

### Designation and Authorization of Nondiscrimination Coordinator(s)

Any questions concerning the District's nondiscrimination and equal opportunity 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: ~~**{Editor's Note: Some districts may prefer to modify the structure of the "primary focus" of the coordinators. For example, a district may wish to have one coordinator who has a primary focus on student matters and another coordinator within a primary focus on all non-student matters, including employment.}**~~

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:

~~Tiffany Loken  
Special Education Director  
905 Bethel Circle  
Waukeek, WI 53597  
608-849-2000  
tiffanyloken@waukeek.k12.wi.us [REGULAR POSITION TITLE]  
[PHYSICAL OFFICE ADDRESS]  
[OFFICE MAILING ADDRESS, if different]  
[OFFICE TELEPHONE]  
[DISTRICT ISSUED EMAIL ADDRESS]~~

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

~~Brian Grabarski  
Human Resources Director  
905 Bethel Circle  
Waukeek, WI 53597  
608-849-2000  
briangrabarski@waukeek.k12.wi.us [REGULAR POSITION TITLE]  
[PHYSICAL OFFICE ADDRESS]  
[OFFICE MAILING ADDRESS, if different]  
[OFFICE TELEPHONE]  
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1. ~~*{Editor's Note: Some districts may need to substantially modify the description of the various roles of their designated nondiscrimination coordinators, as well as the presentation of relevant contact information. For example, some districts may carve out the Section 504/ADA coordinator role to be performed by a different individual. Or, a district may have two "generalist" nondiscrimination coordinators, but designate only one of those individuals as the district's only Title IX Coordinator. This sample assumes that the district will have, at most, two Title IX Coordinators and that each has been assigned a primary area of focus as listed above.}*~~ Retaining their primary area of focus as identified above, the role of the nondiscrimination and equal opportunity coordinators identified above includes serving as District-designated:
    - a. Title IX Coordinators (regarding prohibited sex discrimination).
    - b. Section 504 and Americans with Disabilities Act Coordinators (i.e., for disability rights and disability-based discrimination issues).
    - c. Federal Age Discrimination Act Coordinators.
  2. The District's nondiscrimination and equal opportunity coordinators have responsibility for coordinating the District's efforts to (1) implement its nondiscrimination policies, and (2) comply with applicable nondiscrimination laws, including coordinating the District's response to any complaint or other report alleging noncompliance with, or acts in violation of, any of those laws and policies.
  3. Although each of the nondiscrimination and equal opportunity coordinators identified above has a primary area of focus, those divisions are not absolute and 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.
  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.
  - 5.4. ~~*{Editor's Note: There are some disadvantages to designating more than one or two Title IX Coordinators. In most cases where it becomes necessary to provide assistance to the district's Title IX Coordinator(s), it is likely preferable to utilize trained designees who then act on behalf of and under the supervision of a Title IX Coordinator, but who are not given the formal responsibilities of serving as a Title IX Coordinator.} [Insert only if applicable: "The following additional employee(s) are also designated and authorized to serve as District Title IX Coordinators: [insert the appropriate position titles and contact information, as similarly provided above for the other coordinators]."*~~

**Any Person May Report Possible Discrimination to the District**

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The District is committed to the appropriate resolution of complaints and other reports that allege or identify (1) possible unlawful discrimination 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 (e.g., for filing a formal complaint of sexual harassment under Title IX, as covered in a later section of this policy), 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 any 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. For example, a person may arrange to have an agent or other intermediary submit their report to a District-designated nondiscrimination or equal opportunity coordinator on their behalf.

~~2.3. If the report would identify one of the District's designated nondiscrimination or equal opportunity coordinators as being personally responsible for alleged discrimination or retaliation, then the report may be filed directly with the alternative position or the District Administrator either in person at 905 Bethel Circle, Wauaukee, WI 53597 by U.S. mail addressed to 905 Bethel Circle, Wauaukee, WI 53597; or by electronic mail sent to the District Administrator's District-issued email address.<sup>2</sup> *Insert if desired as a clarification of the intent of this paragraph: "For example, a person reporting an allegation of unlawful discrimination or harassment may meet with a school principal or with the District Administrator, and the person and the administrator may mutually agree that such administrator will forward the person's verbal or written report to one of the designated coordinators."*~~

~~**{Editor's Note: The reporting procedures listed above were drafted to parallel the minimum requirements for reporting procedures under the Title IX regulations. If the district offers additional methods for filing reports and complaints of discrimination, such as an online form or other electronic submission portal, the above language would need to be modified to identify such additional procedures.}**~~

## Differentiating Complaints from other Reports of Possible Discrimination; District Response

<sup>1</sup> I took this sentence from your current policy.

<sup>2</sup> I took this paragraph from your current policy.

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**Complaints.** A report of possible unlawful discrimination or prohibited retaliation under this policy is to be treated as a "complaint" if (1) the report can be objectively understood as a request for the District to investigate and make a determination about alleged unlawful discrimination or prohibited retaliation under one of the District's anti-discrimination complaint/grievance procedures, **and** (2) the person making the report is authorized by law or by District policy to initiate the applicable complaint/grievance procedures. Although complaints may initially be presented to an appropriate District official orally, District procedures generally require discrimination complaints to be documented in writing as a condition of starting a formal investigation and reaching a determination of the allegations under District complaint procedures. Additional requirements also apply to the submission of formal complaints of sexual harassment that are subject to the federal Title IX regulations (see below).

**Other Reports.** It is also permissible to report a concern about possible discrimination to an appropriate District official that is **not** a "complaint," but that is intended (1) to notify appropriate District officials of information about possible discrimination, (2) to seek assistance related to possible discrimination for one or more persons, and/or (3) to request that the District consider a particular change or other response to the concern.

**District Response.** The Board's general expectations for responding to complaints and other reports of conduct that reasonably may constitute unlawful discrimination or prohibited retaliation include the following:

1. If a report constitutes a "complaint," then the complaint will be processed according to the anti-discrimination complaint/grievance procedures that the District determines are most applicable to the facts and circumstances. Such procedures may allow for the use of an informal resolution process in some circumstances.
  - a. 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.
  - b. In some situations, such as under the federal Title IX regulations, applicable law and/or District policies may require the District's designated nondiscrimination and equal opportunity coordinators or other agents of the District to take other actions in response to such a complaint. ~~Editor's Note: An example of "other specific actions" includes the provision of appropriate supportive measures to the parties to a complaint, as required under Title IX.~~
2. For other "reports" of possible unlawful discrimination or prohibited retaliation (e.g., when the person reporting the information is **not** requesting an investigation and determination **or** when the person reporting the information is **not** authorized by law or District policy to use a complaint to initiate any of the District's formal complaint procedures), the following apply:
  - a. If the information reported by such a person could reasonably constitute unlawful discrimination or prohibited retaliation, the designated nondiscrimination coordinator or another authorized administrative official will (1) comply with any applicable requirements established by state or federal law (such as the federal Title IX regulations)

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or under District policies and procedures; and (2) more generally, take reasonable responsive measures, including but not limited to steps that are intended to end/prevent the recurrence of any unlawful discrimination or other misconduct that may be identified in relation to the reported information.

- b. The District is **not** required to (but may choose to) self-initiate a complaint that is formally investigated and processed under applicable District complaint procedures.

## **Filing 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 (see above). 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.

4. ~~***(Editor's Note: Particularly if the district has designated two or more Title IX Coordinators, it may not be necessary to designate any other administrator(s) to also receive formal complaints of Title IX sexual harassment. However, before deleting the optional provision in this paragraph, a district should evaluate how formal Title IX complaints are most likely to arise and be brought to the district's attention.)***~~ ~~*[insert if desired: "If the formal*~~

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*complaint identifies a District Title IX Coordinator as a respondent (i.e., a person reported as a perpetrator of the alleged sexual harassment), then the complainant may file the document or electronic submission directly with the [insert the alternative position—e.g., "District Administrator"] either in person at [insert the applicable office address]; by U.S. mail addressed to [insert the applicable mailing address]; 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.*

***{Editor's Note: If the district creates additional methods for filing formal complaints of sexual harassment under Title IX, such as an online form or other electronic submission portal, or if the district permits formal complaints to be filed with other administrators, the above language would need to be modified.}***

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 the formal complaint must be resolved according to the federal regulations and District processes that specifically apply to such formal complaints.

***{Editor's Note: For emphasis, this paragraph reiterates the district's obligation to respond to actual knowledge of Title IX sexual harassment (or alleged Title IX sexual harassment) regardless of how the district acquired notice of the issue. However, because the obligation to provide such a response is a mandate imposed by the Title IX regulations, this paragraph is not strictly required. It may be omitted to shorten the policy.}*** 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.

## **Deadline for Filing an Initial Report or Complaint**

There is no absolute deadline for the initial filing of a report or complaint of discrimination or retaliation 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 or retaliation that has been filed under this policy, except for formal complaints of Title IX sexual harassment (which are instead

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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: The District Administrator, the Special Education Director, the Human Resources Director, or the Executive Director of Operations ~~insert the position titles of multiple high-level administrators who could be expected to be aware of and appropriately apply the relevant standards—e.g., “the District Administrator, the Director of Student Services, the Director of Personnel, or District Business Manager”~~.
2. An actual party in interest may, within ~~insert a time limitation—e.g., choose either “[“5” business days” or “[“10” calendar days”]~~ of being notified of a dismissal decision under the previous paragraph, submit a written request to the District Administrator asking for the District Administrator to review/reconsider such decision.

## Employee Internal Reporting Expectations

~~[Editor’s Note: Establishing an internal reporting obligation related to information employees have/obtain about possible discrimination involves several important legal considerations, and districts may wish to seek legal advice regarding (1) whether to establish such an obligation, and (2) the specific scope of any such obligation that is established. This section presents three different options for approaching such internal reporting expectations for employees within this policy. Choose one of the three options, consulting with legal counsel as needed.]~~

~~[OPTION 1: Briefly identify an expectation for internal reporting in this policy, but adopt and cross-reference separate district-established procedures and guidelines that fully define the obligation. (Editor’s Note: PRG Sample Rule 2 provides one example of such separate procedures and guidelines, but the separate content could be adopted in different locations/formats, such as in the district’s employee handbook.)]~~

~~District employees are responsible for internally reporting information they know or receive about instances of unlawful discrimination or possible discrimination (including prohibited harassment or retaliation) within any District activities, programs, or operations. Generally, an employee sufficiently satisfies this internal reporting obligation by promptly providing the relevant information to an appropriate District-designated nondiscrimination coordinator who is not affected by a known conflict of interest in the matter. A full statement of the relevant expectations and procedures can be found in identify the relevant local resource.~~

~~Insert if desired: “The District may apply the internal reporting expectations and guidelines identified in this section (or other similar expectations) to certain non-employee agents of the District through written rules, contracts/agreements, role-specific directives, and/or other~~

<sup>3</sup> I am guessing you would choose Option 2 because (1) you did not adopt PRG 113 Rule 2 which Option 1 cross references and (2) I am guessing that you want to include language requiring employees to report. If you would prefer Option 1, you will need to adopt PRG 113 Rule 2.

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~~means:"]~~

~~[End of OPTION 1]~~

~~[OPTION 2: Include a sufficiently complete description of the reporting obligation and the related procedures/guidelines directly in this policy with the understanding that, even if the same information is repeated elsewhere (e.g., an employee handbook), the district does not currently intend to adopt a separate rule/procedure (such as 113 Sample Rule 2) that would address the internal reporting obligation in a more comprehensive fashion. The sample language offered in this option creates an internal reporting obligation with respect to ALL types/categories of possible unlawful discrimination.]~~

Any District employee who has information about conduct or reported conduct occurring within the District's programs, activities, or operations that constitutes or that, if accurate/confirmed, ~~after reading the editor's note at the end of this paragraph, choose either "would constitute" or, "reasonably may constitute"]~~ unlawful discrimination prohibited under any applicable state law, federal law, and/or District nondiscrimination policy (including any prohibited harassment or retaliation) is responsible for promptly reporting such information. Similarly, an employee who has information indicating that a District policy or District operating procedure, in its actual or intended application, is unlawfully discriminating against or would unlawfully discriminate against any person is also responsible for promptly reporting that information. Reporting procedures and guidelines are as follows:

~~Editor's note: The invalidated 2024 Title IX regulations mandated a standard under which school district employees were generally required to report any information about conduct that "reasonably may constitute" prohibited sex discrimination to a Title IX Coordinator. Although that standard is no longer a mandatory standard, it is still an allowable standard. Therefore, a district could choose to apply it in this rule. The "reasonably may constitute" standard would likely lead to more reports being made than a "would constitute" standard. This is a choice a district may wish to make in consultation with district legal counsel.~~

1. An employee sufficiently satisfies this internal reporting obligation by promptly providing the relevant information to an appropriate District-designated nondiscrimination coordinator who is not affected by a known conflict of interest in the matter. In a situation such as when a particular coordinator is not available or the employee believes the particular coordinator would have a conflict of interest, the employee shall satisfy the reporting obligation by directly notifying a different nondiscrimination coordinator or ~~insert one or more appropriate high-level administrative position(s) — e.g., "the District Administrator"]~~ of the relevant information.
2. This internal reporting obligation does not apply when the employee has direct and certain knowledge that the relevant information has already been reported to at least ~~insert relevant position(s) — e.g., "one of the District's designated nondiscrimination coordinators and/or the District Administrator"]~~.
3. This internal reporting obligation will often require the exercise of judgment. The District's expectation is that employees will exercise such judgment in a manner that, under the

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relevant circumstances, reflects a reasonable person who holds the employee's particular position/role, including by obtaining supervisory guidance when the employee has recognized a situation as being potentially subject to the reporting obligation but is unsure how to fully assess or otherwise handle the specific situation.

4. District employees remain responsible for also adhering to any other mandatory reporting requirements established under a District policy and/or under state or federal law (e.g., reports of child abuse or neglect, threats of school violence, or educator misconduct). Satisfying this internal reporting obligation does **not** constitute compliance with external reporting mandates.

~~Insert if desired: "The District may apply the internal reporting expectations and guidelines identified in this section (or other similar expectations) to certain non-employee agents of the District through written rules, contracts/agreements, role-specific directives, and/or other means."~~

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~~[End of OPTION 2]~~

~~[OPTION 3: A district could choose not to expressly address the issue of employee internal reporting in this policy. Any such internal reporting expectations would be established, if at all, in a separate policy or rule/procedure, in the employee handbook, or in some other similar resource. TO SELECT THIS OPTION, DELETE THIS ENTIRE SECTION OF THE SAMPLE.]~~

~~[End of OPTION 3]~~

## Confidentiality of Reports and Complaints

Although absolute confidentiality cannot be assured, the District will maintain the confidentiality of discrimination reports and complaints, and especially personally-identifiable information obtained in the course of responding to a report or complaint, to the extent required by 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 or otherwise responding to 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. ~~[Editor's Note: The Title IX regulations are an example of a law that imposes express confidentiality requirements and that also creates limited exceptions to other confidentiality laws (see 34 C.F.R. §106.71(a), §106.30(a), and §106.45(b)(5)(i)). Particularly to the extent the district identifies such requirements in a separate rule/procedure or in a Title IX handbook, it is not necessary to include those detailed Title IX confidentiality requirements in this policy. The statement in this paragraph that the district will maintain confidentiality "... to the extent required by applicable law ..." is sufficient to incorporate the Title IX confidentiality mandates.]~~

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## Retaliation Prohibited

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Neither any official, employee or agent of the District, any student, nor any other person (for example, another individual with a connection to the District's programs and activities) 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 an enforceable legal right (if any such right is applicable) 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; improperly destroying, altering, or preventing appropriate access to relevant records or other evidence; 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, 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**

**Editor's Note: This section assigns general administrative responsibility for obligations that will exist regardless of whether the duties are expressly mentioned in policy. However, responsibility for the applicable obligations does not need to be assigned/mentioned in this policy. Therefore, this section can be treated as optional.**

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

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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**

~~Editor's Note: This section assigns general administrative responsibility for obligations that will exist regardless of whether the duties are expressly mentioned in policy. However, responsibility for the applicable obligations does not need to be assigned/mentioned in this policy. Therefore, this section can be treated as optional.)~~

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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.

~~Editor's Note: If the district mandates particular training for administrators and other supervisors that exceed minimum legal mandates (such as the Title IX training mandates), or if the board wishes to establish an expectation that all employees or even students must attend or have opportunities to access certain training and awareness programs relating to nondiscrimination expectations, obligations, and policies, such training and staff development requirements may be specified as an additional section within this policy. Whether or not expressly mandated by a board policy, a school district that implements any such training and awareness programs can point to those activities to show that the district has taken reasonable steps to attempt to prevent discrimination (including harassment) and to notify employees (and perhaps even students) of relevant expectations and procedures—all of which can directly affect school district liability in some cases.)~~

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## **Legal References:**

### **Wisconsin Statutes**

<a href="#">Subch. III of Ch. 106</a>	[state equal rights programs, some of which can apply to school districts in at least some circumstances]
<a href="#">Subch. II of Ch. 111</a>	[the state fair employment and nondiscrimination statutes, including specific prohibited bases of discrimination (sections <a href="#">111.31</a> to <a href="#">111.395</a> )]
<a href="#">Section 118.13</a>	[student nondiscrimination; policy/procedures required]
<a href="#">Section 118.134</a>	[race-based nicknames, logos, mascots]
<a href="#">Section 118.195</a>	[discrimination against teachers with disabilities]
<a href="#">Section 118.20</a>	[teacher/administrator discrimination prohibited]

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## Wisconsin Administrative Code

- [PI 9](#) [student nondiscrimination; policy, procedures, notices, and reporting required]  
[PI 41](#) [accommodating student religious beliefs; policy required]

## Federal Laws

- [20 U.S.C. §1681 et seq.](#) [Title IX of the Education Amendments of 1972, as amended, prohibiting sex discrimination in federally-supported educational programs; implementing regulations at [34 C.F.R. Part 106](#) (August 14, 2020)]
- [20 U.S.C. §1400 et seq.](#) [The Individuals with Disabilities Education Act, providing for programs, Services, and rights for students with disabilities; implementing regulations at [34 C.F.R. Part 300](#)]
- [20 U.S.C. §6312\(e\)\(3\)\(D\)](#) [addressing nondiscrimination in admission to federally-assisted education programs on the basis of surname or language-minority status]
- [42 U.S.C. §2000e et seq.](#) [Title VII of the Civil Rights Act of 1964, as amended, prohibiting employment discrimination based race, color, national origin, sex, pregnancy, and religion; implementing regulations at [29 C.F.R. Ch. XIV](#)]
- [42 U.S.C. §2000d et seq.](#) [Title VI of the Civil Rights Act of 1964, as amended, prohibiting discrimination on the basis of race, color, or national origin in any program or activity that receives federal funds; implementing regulations at [28 C.F.R. Part 42, Subpart C](#)]
- [42 U.S.C. §2000gg et seq.](#) [Pregnant Workers Fairness Act; implementing regulations at [29 C.F.R. Part 1636](#)]
- [42 U.S.C. §12111 et seq.](#) [The Americans with Disabilities Act, Title I, as amended, prohibiting employment discrimination based on a qualifying disability; implementing regulations at 29 C.F.R. [Part 1602](#) and [Part 1630](#)]
- [42 U.S.C. §12131 et seq.](#) [The Americans with Disabilities Act, Title II, as amended, nondiscrimination based on disability by state and local governments; implementing regulations at [28 C.F.R. Part 35](#)]
- [29 U.S.C. §794 et seq.](#) [Section 504 of the Rehabilitation Act of 1973, as amended, prohibiting discrimination based on a qualifying disability by recipients of federal funds; implementing regulations at [34 C.F.R. Part 104](#), [28 C.F.R. Part 42, Subpart G](#), and [29 C.F.R. Part 1640](#)]
- [42 U.S.C. §6101 et seq.](#) [the federal Age Discrimination Act, as applicable to federally assisted programs; implementing regulations at [34 C.F.R. Part 110](#)]
- [29 U.S.C. §621 et seq.](#) [Age Discrimination in Employment Act, as amended; implementing regulations at [29 C.F.R. Parts 1625 to 1627](#)]
- [8 U.S.C. §1324b\(a\)](#) [prohibiting employment discrimination based on national origin and certain types of citizenship status; implementing regulations at [28 C.F.R. Part 44](#)]

## Cross References:

*[insert appropriate cross references to the policy as applicable to your district.]*

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[WASB PRG 113 Sample Policy 1](#)

- [411. Student Nondiscrimination and Equal Educational Opportunity](#)
- [411-Rule \(1\), Student Discrimination/Harassment Complaint Procedures](#)
- [411.L Student Harassment](#)
- [511, Equal Opportunity Employment and Nondiscrimination](#)
- [512, Sexual Harassment](#)

**Adoption Date:** 08/10/20

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**Revised:** July 2024

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