# BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

PROGRAMS 2266 / Page 1 of 11

#### NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

The Hortonville Area School District of (the "District") does not discriminate on the basis of sex in any of its education programs or activities and it complies with Title IX of the Education Amendments Act of 1972 ("Title IX") and its implementing regulations, concerning any individual in the District's education programs and activities. Pursuant to the District's Title IX obligations, the District prohibits sex discrimination, including sex-based harassment, which is a form of sex discrimination, that occurs within its education programs and activities.

The District is further committed to eliminating sex discrimination by taking appropriate action to determine whether sex discrimination has occurred, and if it has, to provide persons who have experienced sex discrimination with supportive measures as reasonably necessary to restore or preserve access to the District's education programs and activities. Where the District has knowledge of conduct that reasonably may constitute sex discrimination, the District is committed to responding promptly and effectively.

The process and procedures described herein apply exclusively to reports and complaints brought under this Policy.

#### TITLE IX SEX DISCRIMINATION PROHIBITED

No person shall, on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any academic, extracurricular, or other education program or activity operated by the District.

#### TITLE IX SEX-BASED HARASSMENT PROHIBITED

An individual, including a District employee or agent, a District student, or other third party, engages in prohibited Title IX sex-based harassment whenever that individual engages in conduct that meets the definition of sex-based harassment. "Sex-based harassment" is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that satisfies one or more of the following:

- A. A District employee or agent conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct ("quid pro quo");
- B. Unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it effectively limits or denies a person's ability to participate or benefit from the District's education program or activity ("hostile environment harassment"). Whether a hostile environment has been created is a fact specific inquiry that includes consideration of the following:
  - 1. The degree to which the conduct affected the complainant's ability to access the District's education program or activity;
  - 2. The type, frequency, and duration of the conduct;

# BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

### PROGRAMS 2266 / Page 2 of 11

- 3. The parties' ages, roles within the District's education program or activity, previous interactions and other factors about each party that may be relevant in evaluating the effects of the conduct;
- 4. The location of the conduct and the context in which it occurred; and
- 5. other sex-based harassment in the District's program or activity; or
- C. "Sexual assault", "dating violence", "domestic violence", or "stalking" as all are defined in 34 C.F.R. § 106.2.
  - 1. "Sexual assault" means any offense classified as a forcible or nonforcible sex offense, including rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.
    - a. Rape is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
    - b. Sodomy is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
    - c. Sexual Assault with an Object is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
    - d. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
    - e. *Incest* is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
    - f. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent as defined by Wis. Stat. §§ 948.02, 948.09, or 948.093 or whose status as a student prohibits such sexual contact per Wis. Stat. § 948.095.
  - "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - 3. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
    - a. A current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim;
    - b. A person with whom the victim shares a child in common;
    - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or

# BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

PROGRAMS 2266 / Page 3 of 11

- d. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
- 4. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Examples of sex-based harassment include, but are not limited to, touching, crude jokes or pictures/videos, discussions of sexual experiences, teasing related to sexual characteristics, spreading rumors related to a person's alleged sexual activities, rape, and sexual abuse.

This Policy applies to sex-based harassment that occurs under the District's education program or activity, even when some of the conduct alleged to be contributing to the hostile environment occurred outside the District's education program or activity or outside of the United States.

#### **DEFINITIONS**

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination. This includes individuals who are attempting to participate in the District's education program or activity at the time of the alleged sex discrimination or sex-based harassment.

**Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sex discrimination against a Respondent and requesting that the District investigate the allegation(s).

**Consent** refers to words or actions that a reasonable person could understand as an agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is incapable of giving consent.

**Day(s)** Unless otherwise specifically stated herein, "day(s)" means calendar days.

**Education program or activity** refers to all operations of the District over which the District exercises substantial control over both the Respondent and the context in which the alleged sex discrimination occurs.

**Exculpatory evidence** is evidence that tends to clear or excuse a Respondent from allegations of sex discrimination.

**Inculpatory evidence** is evidence that tends to establish a Respondent's responsibility for alleged sex discrimination.

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

# BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

PROGRAMS 2266 / Page 4 of 11

**Supportive measures** mean 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 complaint or where no complaint has been filed. Supportive measures may include, but are not limited to, 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, monitoring of certain areas of school grounds, and other similar measures.

**Third parties** include, but are not limited to, guests and visitors on District property, vendors doing business with or seeking to do business with the District or the School Board, and other individuals who come in contact with members of the District community at school-related events or activities.

**Title IX Coordinator** is the individual responsible for coordinating the District's efforts to comply with its obligations under Title IX and Title IX regulations. This Policy will refer to the "Title IX Coordinator" in the singular form. The District has two designated Title IX Coordinators, and the singular term as used throughout this Policy can mean either of the coordinators. The Title IX Coordinators are:

#### **Lori Smits**

Director of Pupil Services 246 N. Olk St. Hortonville, WI 54944 (920) 757-7140 ext. 13111 lorismits@hasd.org

#### **Thomas Ellenbecker**

Director of Human Resources 246 N. Olk St. Hortonville, WI 54944 (920) 757-7900 ext. 13108 thomasellenbecker@hasd.org

The Director of Human Resources shall be responsible for coordinating the District's efforts to comply with Title IX and the Title IX regulations.

A Title IX Coordinator that has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent is prohibited from participation in the report or complaint where such conflict or bias is present.

#### **MAKING A REPORT**

Any person may report sex discrimination, including sex-based harassment, or retaliation under this Policy, to the Title IX Coordinator or any other District employee with whom the person feels comfortable reporting the allegations to, in person, by mail, by telephone, or by electronic mail. If the report is made to a District employee, they shall forward the report to the Title IX Coordinator within two (2) days. Any District employee who fails to do so may be disciplined, up to and including termination.

In the event that the Title IX Coordinator is the individual alleged to have engaged in sex discrimination, including sex-based harassment, or retaliation under this Policy, a report may be submitted to the Superintendent or another District employee, who will notify the Superintendent of the report or complaint. In such cases, the Superintendent shall serve as the Title IX Coordinator for the purposes of addressing that specific report or complaint.

# BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

PROGRAMS 2266 / Page 5 of 11

### **INFORMAL RESOLUTION PROCESS**

At any point before reaching a determination of whether sex discrimination occurred under the grievance procedure, the District may ask the parties if they wish to consider addressing the situation through an informal resolution process facilitated by the District. Informal resolution shall be strictly voluntary. Informal resolution will not be an option if there are allegations that a District employee or third-party adult engaged in sex-based harassment against a student, or as otherwise conflicts with state or federal law.

The informal resolution process allows the parties to attempt a resolution without a full investigation and determination of whether sex discrimination occurred. Both the Complainant and Respondent must agree to informal resolution and provide voluntary written consent after being provided with notice of optional informal resolution. In situations where a complaint has been filed and the informal resolution is not successful, the District will complete the full investigation and adjudication of the complaint under the grievance procedure. In situations where no complaint has been filed and the informal resolution is not successful, the alleged victim of sex discrimination may elect to file a complaint and trigger the grievance procedure.

#### REVIEWING REPORTED SEX DISCRIMINATION

When a report of sex discrimination is made, the Title IX Coordinator and/or designee will contact the Complainant within two (2) days to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a complaint, and explain to the Complainant the process for filing a complaint.

If the Complainant does not file a complaint, the Title IX Coordinator has the authority to sign a complaint and trigger the District's Title IX grievance procedure if, after considering the following factors, the Title IX Coordinator determines the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or the conduct as alleged prevents the District from ensuring equal access on the basis of sex to its education program or activity:

- 1. The Complainant's request not to proceed with initiation of a complaint;
- 2. The Complainant's reasonable safety concerns regarding initiation of a complaint;
- 3. The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- 4. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition or another disciplinary sanction to end the discrimination and prevent its recurrence;
- 5. The age and relationship of the parties, including whether the Respondent is an employee of the District;
- 6. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- 7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- 8. Whether the District could end the alleged sex discrimination and prevent recurrence without initiating its grievance procedures.

### **BOARD OF EDUCATION** HORTONVILLE AREA SCHOOL DISTRICT

**PROGRAMS** 2266 / Page 6 of 11

Upon signing a complaint, the Title IX Coordinator does not become a complainant or a party to the complaint, and any Complainant who is identified in relation to the allegations retains their status as a Complainant in connection with the grievance procedure.

Further, the Title IX Coordinator will analyze the report to determine whether the allegations implicate another or additional District or Board policy, which would require another or additional processes. These policies include Policies 1422, 3122, and 4122 - Nondiscrimination and Equal Employment Opportunity, Policies 1665, 3362, 4362 - Employee Anti-Harassment, 2260 - Nondiscrimination and Access to Equal Educational Opportunity, 5517 – Student Anti-Harassment, 5517.01 – Bullying.

The Title IX Coordinator may also remove a student Respondent from the District's education program or activity on an emergency basis if the Title IX Coordinator finds that the Respondent poses an imminent threat to the health or safety of any student, employee or other individual involved after conducting an individualized safety and risk analysis. If the Respondent is a non-student District employee, the District may place the Respondent on administrative leave during the pendency of the grievance procedures. If the Respondent is a third-party, the District retains broad discretion to prohibit such persons from District property at any time and for any reason. Any such emergency removal will be in accordance with all relevant District Policies and all relevant state and federal law.

#### TITLE IX COMPLAINT GRIEVANCE PROCEDURE

Before beginning the grievance procedure, the Title IX Coordinator may consider whether there is a basis for dismissal of the complaint or any of the specific allegations. This determination may also be made while the complaint is pending.

The complaint or specific allegations in the complaint must be dismissed if:

- 1. The District is unable to identify the Respondent after taking reasonable steps to do so;
- 2. The Respondent is not employed by the District and is not participating in the District's education program or activity;
- 3. The Complainant voluntarily withdraws the complaint or specific allegations in the complaint, the Title IX Coordinator declines to sign a complaint, and the conduct that remains alleged, if any, would not constitute sex discrimination as defined under Title IX even if proved; or
- 4. After making reasonable efforts to clarify the allegations with the Complainant, the conduct alleged in the complaint would not constitute sex discrimination as defined under Title IX even if proved.

If the complaint is dismissed, the Title IX Coordinator or their designee will promptly send written notice of dismissal and the reasons for dismissal to the Complainant. If the dismissal occurs after the Respondent has been notified of the allegations, the Title IX Coordinator or their designee will also promptly send written notice of dismissal and the reasons for dismissal to the Respondent. This decision may be appealed through the appeal process described in this Policy.

Additionally, if the complaint is dismissed the Title IX Coordinator will offer supportive measures to the Complainant, as appropriate. The Title IX Coordinator will also offer supportive measures to the Respondent, as appropriate, if the Respondent has been notified of the allegations and if the reason for

Board Approved: 8/10/2020; 3/14/2022; TC 11/28/22; 7/15/24

Adoption Resolution 10/13/14

# BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

PROGRAMS 2266 / Page 7 of 11

dismissal is based on Number 3 or Number 4 as stated above. Even where a complaint is dismissed, the Title IX Coordinator must continue to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.

If the complaint is not dismissed, the District's Title IX grievance procedure must be initiated. The District will seek to conclude the grievance procedure promptly and efficiently, but no later than ninety (90) calendar days of receipt of the complaint. The grievance procedures may be followed by an appeal process which will be conducted in a timely manner as described in this Policy.

Any timelines set throughout the grievance procedure shall be reasonably prompt, however, may be subject to a temporary delay with a reasonable extension for good cause on a case-by-case basis with written notice to the Complainant and the Respondent of the delay or extension and the reasons for such delay. Any temporary delay shall not extend the ninety (90) day timeframe without written agreement between the parties.

The District will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the District's grievance procedure, provided these steps do not restrict the ability of the parties to obtain and present evidence, consult with their family members, confidential resources or advisors, or otherwise prepare for or participate in the grievance procedure.

The District shall presume that the Respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the District's grievance procedure for complaints of sex discrimination.

#### Investigation

The Title IX Coordinator will select the investigator for each complaint. Investigators that have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent are prohibited from participation in the investigation process where such conflict or bias is present. During the investigation, both parties have the right to present fact witnesses, present inculpatory and exculpatory evidence, and have others present during any grievance proceeding.

The following types of evidence and questions seeking such evidence are impermissible regardless of relevance: (1) evidence protected by a federal or state privilege or evidence provided to a confidential employee unless the privilege or confidentiality is voluntarily waived by person whom the privilege or confidential is owed; (2) a party's or witness' records made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness the District obtains the voluntary, written consent of the party or witness for use in the grievance procedures; and (3) evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless it is offered to prove someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent offered to prove consent to the alleged sex-based harassment. The fact of prior consensual conduct between the Complainant and Respondent does not by itself demonstrate or imply the

# BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

PROGRAMS 2266 / Page 8 of 11

Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Both parties have the right to inspect and review any relevant and permissible evidence of the obtained as part of the investigation and prior to the completion of the investigative report, the investigator will send each party all evidence subject to inspection and the investigator will inform the parties they have five (5) days to submit a written response to the evidence, if they choose to submit a written response. The investigator will consider any written response when completing the final investigative report.

### **Determination of Whether Sex Discrimination Occurred**

The Title IX Coordinator will appoint a decisionmaker to then review the investigative report and issue a determination of whether sex discrimination occurred. A decisionmaker that has a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent is prohibited from participation in the decision-making process where such conflict or bias is present. The decisionmaker may be the same person as the Title IX Coordinator or investigator.

Decisionmakers must objectively evaluate all inculpatory and exculpatory evidence that is relevant and not otherwise impermissible and credibility determinations must not be based on a person's status as a Complainant, Respondent, or witness. If the decisionmaker determines that party or witness credibility is in dispute and is relevant to evaluating one or more of the allegations of sex discrimination, the decisionmaker will conduct interviews of any party(ies) or witness(es) that would assist the decisionmaker with assessing disputed and relevant credibility. The decisionmaker will then issue a written determination of whether sex discrimination occurred.

The determination of whether sex discrimination occurred will be based upon the preponderance of the evidence standard of proof and the written determination will include all of the following:

- A. Identification of the allegations potentially constituting sex discrimination under Title IX;
- B. A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the relevant legal standards and the District's code of conduct (i.e., District policies and rules that apply to the party in question); and
- E. A statement of, and rationale for, the result as to each allegation, including all of the following:
  - 1. A determination of whether sex discrimination occurred;
  - Any disciplinary sanctions the District imposes on the Respondent or, in cases where a
    particular disciplinary sanction is beyond the direct authority of the decisionmaker, a
    statement of the disciplinary sanction(s) that the decisionmaker is recommending as an
    appropriate consequence;

### **BOARD OF EDUCATION** HORTONVILLE AREA SCHOOL DISTRICT

**PROGRAMS** 2266 / Page 9 of 11

- 3. Whether the District will provide the Complainant with any remedies or supportive measures designed to restore or preserve the Complainant's equal access to the District's education program or activity; and
- 4. The District's procedures and permissible bases for the Complainant and Respondent to appeal. If a complaint of Title IX sex discrimination also constitutes a complaint of pupil discrimination under Wis. Admin. Code PI ch. 9, the District may also use this notice to inform the Complainant of their right to appeal any adverse final determination of their complaint under state law to the State Superintendent of Public Instruction (DPI), as well as the procedures for making such an appeal to DPI.

### **APPEAL**

Both parties have the right to file a written appeal from a determination of whether sex discrimination occurred or from the Title IX Coordinator's dismissal of a complaint or any allegations therein. A written appeal must be filed with the Title IX Coordinator within five (5) days of the determination of whether sex discrimination occurred or the Title IX Coordinator's dismissal of a complaint. An appeal may be based on any of the following and must have affected the outcome of the matter:

- A. A procedural irregularity;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility was made;
- C. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest of bias for or against complainants or respondents generally, or the individual Complainant or Respondent; and

The Title IX Coordinator will notify the parties of any appeal and ensure that the appeal decisionmaker did not take part in an investigation of the allegations or dismissal of the complaint. The appeal decisionmaker will then provide the parties with two (2) days to provide a statement in support of, or challenging, the outcome.

The appeal decisionmaker will issue a written decision to the parties describing the result of the appeal and the rationale for that result. The determination of whether sex discrimination occurred becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the appeal decisionmaker's decision is delivered to the Complainant and the Respondent.

#### **ENFORCEMENT**

If an individual is found to be responsible for Title IX sex discrimination or retaliation under this Policy at the conclusion of the grievance procedures, the District may impose disciplinary sanctions which depend on the nature of the misconduct and the individual's status as an employee, student, or third-party.

Possible disciplinary sanctions available to students include, but are not limited to, suspension or expulsion from school consistent with Board Policies and Wis. Stat. § 120.13(1) or suspension of eligibility to participate in co-curricular activities or other District-sponsored events. The District may also restrict or deny permission to be present on District property or at certain District-sponsored events or activities. This provision does not modify any student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

Board Approved: 8/10/2020; 3/14/2022; TC 11/28/22; 7/15/24

Adoption Resolution 10/13/14

# BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

PROGRAMS 2266 / Page 10 of 11

Possible disciplinary sanctions available to District employees will be imposed in accordance with Board Policies and the Employee Handbook, and include, but are not limited to, a formal reprimand, a demotion or other disciplinary reassignment, suspension from work, contract nonrenewal, termination of employment, or restrictions on permission to be present on District property or at certain District-sponsored events.

Possible disciplinary sanctions available to third parties include, but are not limited to, suspension or termination of a District-authorized role (*e.g.*, volunteer), termination or nonrenewal of third-party contracts, and restrictions on permission to be present on District property or at District-sponsored events or activities.

Any individual making a knowingly false statement or knowingly submitting false information during the grievance procedure, including intentionally making a false accusation regarding sex discrimination, or by submitting a false complaint will likewise be subject to disciplinary action in accordance with Board Policy and the Code of Classroom Conduct.

#### **RETALIATION PROHIBITED**

The District prohibits any form of retaliation, including peer retaliation, occurring in the District's education program or activity. Therefore, retaliation against anyone who, in good faith, has made a report or complaint, assisted, or participated or refused to participate in any manner in a proceeding under this Policy, is prohibited. Retaliation means intimidation, threats, coercion, or discriminatory treatment. Complaints alleging retaliation may be filed according to the grievance procedures, or where appropriate, through the informal resolution process set forth under this Policy.

Any individual who retaliates against other for reporting or complaining of violations of this Policy or for participating in any manner in this Policy will be subject to disciplinary action, up to and including discharge, with regard to District employees, suspension and expulsion, with regard to students, and all remedies available to the Board, with regard to third parties.

### <u>AUTHORITY</u>

The Board has the authority to appoint Title IX Coordinators, who have the responsibility of selecting appropriately trained individuals to carry out the requirements of Title IX and act as an investigator, advisor, informal resolution facilitator, decisionmaker, or appeal decisionmaker.

#### **CONFIDENTIAL EMPLOYEES**

For the purposes of Title IX, a "confidential employee" is defined as a District employee whose communications are privileged or confidential under federal or state law, however, a confidential employee's status for Title IX purposes applies only to information the employee receives while the employee is functioning within the scope of duties to which privilege or confidentiality applies. Confidential employees include individuals with the following job titles school psychologists, school counselors, school nurses, and school social workers.

#### **CONFIDENTIALITY**

The District will keep confidential the identity of any individual who has made a report or filed a complaint alleging Title IX sex discrimination or retaliation, including any Complainant, any Respondent, and any

# BOARD OF EDUCATION HORTONVILLE AREA SCHOOL DISTRICT

PROGRAMS 2266 / Page 11 of 11

witness, except as may be permitted by the Family Educational Rights and Privacy Act and its implementing regulations, or as required by any state or other federal law, or to carry out the purposes of the federal Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under the federal Title IX regulations.

### **CONSOLIDATION OF COMPLAINTS**

The Title IX Coordinator may choose to consolidate complaints as to allegations of discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sex discrimination arise out of the same facts or circumstances.

#### **OTHER AVAILABLE REMEDIES**

Nothing in this Policy precludes an individual from filing a criminal complaint with outside law enforcement agencies. Further, nothing within this Policy shall preclude individuals from filing a discrimination complaint or request for enforcement directly with the U.S. Department of Education's Office for Civil Rights, as authorized by federal law.

#### **NOTICE**

The District will provide notice of this Policy by making it available on the District's website and each handbook, catalog, announcement, bulletin, and application form that the District makes available to persons entitled to a notification.

#### **RECORDKEEPING**

The District will maintain all records required by state and federal law which have been created or obtained in response to a report, the informal resolution process, or a complaint of sex discrimination or retaliation under this Policy for seven (7) years. The Title IX Coordinator will further maintain records related to notifications received by the Title IX Coordinator of conduct that reasonably may constitute sex discrimination under Title IX along with documentations of the actions the District took to meet its obligation to respond promptly and effectively.

#### **TRAINING**

The District will provide annual training in accordance with the Title IX regulations. This includes prompt training to all District employees, upon hire or change in position that alters their duties under Title IX.

LEGAL REF.: 20 U.S.C. § 1681 et seq., Title IX of the Education Amendments Act of 1972

Wis. Stat. § 111.32(13), 118.13, 120.13(1)

34 C.F.R. Part 106

35 Wis. Admin. Code PI ch. 9

©Attolles Law, s.c.