

**NONDISCRIMINATION****AC**

It is the policy of the School District of Neillsville that no person may be denied participation in, be denied the benefits of, or be discriminated against in any curricular, co-curricular, pupil service, recreational or other program or activity on the basis of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, color, sexual orientation, or physical, mental, emotional, or learning disability or handicap as required by section 118.13, Wis. Stats. This policy also prohibits discrimination as defined by Title IX of the Education Amendments of 1972 (sex), Title VI of the Civil Rights Act of 1964 (race and national origin), and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disabilities.

Any questions or complaints concerning the application of this policy, including application of Title IX, should be directed to the Title IX Coordinator(s), to the Assistant Secretary of the Department of Education, or both.

The individuals below, or their designees, are designated and authorized to serve as the District's Title IX Coordinators:

Julia Backaus, High School Counselor  
School District of Neillsville  
401 Center Street  
Neillsville, WI 54456  
(715)743-8713  
email: jbackaus@neillsville.k12.wi.us

Kory Poeschel, Middle School Principal  
School District of Neillsville  
504 E. 5<sup>th</sup> Street  
Neillsville, WI 54456  
(715)743-8806  
email: kpoeschel@neillsville.k12.wi.us

All student educational and extra-curricular programs and employment opportunities follow the district's policies of nondiscrimination. In addition, arrangements can be made to ensure that the lack of English language skills is not a barrier to admission or participation.

**Informal Nondiscrimination Complaint Procedure**

The district encourages informal resolution of complaints under this policy. If any person believes that the School District of Neillsville or any part of the school organization has failed to follow the law and the rules of section 118.13 Wis. Stats., Title IX, Title VI, Section 504, or in some way discriminates against students on the basis listed above, he/she may bring or send a complaint to:

John Gaier, District Administrator  
School District of Neillsville  
614 East 5<sup>th</sup> Street  
Neillsville, WI 54456  
(715) 743-3323  
e-mail: jgaier@neillsville.k12.wi.us

Initial Adoption: 8/31/20

Final Adoption: 9/14/20

**Formal Nondiscrimination Complaint Procedure**

**Step 1:** A written statement of the grievance shall be prepared by the complainant and signed. This grievance shall be presented to John Gaier, District Administrator, within ten (10) business days of receipt of the written reply to the informal complaint. The district administrator shall further investigate the matters of the grievance and reply in writing to the complainant within twenty (20) business days by certified mail.

**Step 2:** If the complainant remains unsatisfied, he/she may appeal through a signed, written statement to the Board of Education within ten (10) business days of his/her receipt of the district administrator's response in Step 1. In an attempt to resolve the grievance, the Board of Education shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the board's disposition of the appeal shall be sent by the board clerk to each concerned party within twenty (20) business days of this meeting by certified mail.

**Step 3:** If, at this point, the grievance has not been satisfactorily settled, further appeal may be made to the Office for Civil Rights, U.S. Department of Education, Washington D.C. 20201.

LEGAL REF: WI Statutes 118.13

DISTRICT POLICY REF: Policy JBA - Title IX student harassment complaints

**GRIEVANCE/COMPLAINT PROCEDURES**

The following grievance procedures are adopted and published to provide prompt and equitable resolution of complaints alleging any action that would be prohibited by the nondiscrimination rulings.

**POLICY**

- This complaint procedure is intended to provide for the presentation and investigation of complaints by applicants, participants, beneficiaries, and other interested persons relating to the school district's duties and responsibilities under the Americans with Disabilities Act of 1990 and implementing regulations.
- Any person who believes an act or inaction by the school district is not in compliance with its duties and responsibilities under the Americans with Disabilities Act of 1990 and implementing regulations is encouraged to bring the complaint to the attention of the designated Responsible Employee.

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**GRIEVANCE/COMPLAINT PROCEDURES**

- The designated Responsible Employee will make every effort to insure that no adverse consequences occur to any person or witness who brought a complaint or provided information in any investigation of a complaint.
- Complaints shall be handled in a prompt, just, open, and expeditious manner in accordance with these procedures. Copies of this complaint process and the name, office address and telephone number of the designated Responsible Employee shall be made available to interested persons upon request.

## DEFINITION OF TERMS

For the purpose of this section, the terms defined have the meanings given them.

- Responsible Employee - The school district designates to serve as the Responsible Employee. The Responsible Employee is charged with receiving complaints and carrying out investigations pursuant to this procedure.
- Complainant - means the person or group who files a complaint with the Responsible Employee alleging noncompliance with the school district's duties and responsibilities under the Americans with Disabilities Act of 1990 and implementing regulations. Complainants will be provided with the results of any determination of the complaint by the Responsible Employee as provided in this procedure only if the complainant provides a mailing address to the Responsible Employee or contacts the Responsible Employee following a determination.
- Complaint - means a statement which is made to the Responsible Employee in writing, in person, or by phone which alleges noncompliance with the school district's duties and responsibilities under the Americans with Disabilities Act of 1990 and implementing regulations.
- Not Sustained - means a fair preponderance of the evidence established either that:
  1. The act(s) complained of did not occur;
  2. That the act(s) which provided the basis for the complaint occurred; however, the investigation reveals that such act(s) were justified, lawful, and proper; or
  3. The investigation failed to disclose sufficient evidence to prove or disprove the allegation(s) made in the complaint.

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**GRIEVANCE/COMPLAINT PROCEDURES**

- Sustained - means a fair preponderance of the evidence obtained in the investigation established that the act(s) complained of in the complaint occurred and such act(s) are not in compliance with the school district's duties and responsibilities under the Americans with Disabilities Act of 1990 and implementing regulations.

## PROCEDURE FOR INITIATING COMPLAINT

- Upon receipt of the complaint, the Responsible Employee shall make an initial determination whether the facts alleged warrant a formal investigation. In making this determination, the Responsible Employee may meet formally with the complainant or any potential witness. If the Responsible Employee decides that an investigation is not warranted, the disposition of the complaint shall not be sustained. The complainant will be notified of this decision and the basis for the determination. If the complainant supplies additional information within 30 days of the determination, the Responsible Employee may reverse this decision.
- If the Responsible Employee determines that a formal investigation should be conducted, he/she shall thoroughly investigate all allegations contained in the complaint and any other potential violations discovered in the course of the investigation.
- All employees of the school district shall cooperate with the investigation. Failure to cooperate may be a basis for disciplinary action.
- The Responsible Employee shall prepare a report which shall contain all relevant information and shall be organized into the three following sections:
  1. Allegations. This section shall consist of an itemized summary of the improper acts alleged in the complaint. Reference shall be made to the portion of the rules, procedures or statutes that would be violated if the allegations are taken as true.
  2. Investigation. This section shall consist of a chronological summary of the investigation, including all pertinent facts obtained through interviews with the complainant, employees, and all available witnesses. Written statements and all other relevant information shall be included.
  3. Conclusion(s). This section shall include the Responsible Employee's findings, conclusions as to whether any violations occurred, and the underlying reasons for the findings and conclusions.

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**GRIEVANCE/COMPLAINT PROCEDURES**

- The investigation shall be concluded within thirty (30) days of the filing of the complaint, unless an extension is necessary for good cause. The complainant shall be informed of any extension of time.

**INVESTIGATION REVIEW AND DISPOSITION**

- Upon completion of the investigation, the Responsible Employee shall submit his/her report, the case file and all investigative notes to a responsible authority. If the complaint is sustained, the Responsible Employee shall also recommend corrective action. If the responsible authority determines the investigation was adequate, the responsible authority shall make one of the following dispositions: Not Sustained, or Sustained.
- The complainant shall be informed of any decision.
- The complainant may, within 15 days after notification of the disposition, request the Responsible Employee, for good cause, to reopen the investigation. The disposition shall be final upon expiration of the 15-day period if there is no request for consideration. If a request for reconsideration is made, the disposition shall become final upon a decision on such request for the completion of any additional actions directed by the Responsible Employee at any time if substantial new evidence is discovered which is relevant to the complaint.

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