

**SCHOOL DISTRICT OF MANAWA
POLICY & HUMAN RESOURCES COMMITTEE MEETING
AGENDA**

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Date: August 4, 2020

Time: 5:30 p.m.

VIRTUAL MEETING

Board Committee Members: Pethke (C), Forbes, J. Johnson

In Attendance:

Timer: _____

Recorder: _____

1. Consider Endorsement of Policy and Administrative Guidelines 2266 - Title IX Regulations as Presented (Action)
2. Consider Approval of Employee Exit Interview Survey and Procedures as Presented (Information/Action)
3. Review PO7250 Commemoration of Exceptional Individuals/Groups (Information/Action)
4. Consider Endorsement of Administrative Job Descriptions (Information/Action)
5. Policy & Human Resources Committee Planning Guide (Information)
6. Set Next Meeting Date:
7. Next Meeting Items:
 - a. District Safety Plan - Need to incorporate relevant pandemic protocols (Information/Action)
 - b.
7. Adjourn



Book	Policy Manual
Section	For Board Review - Title IX Regulations
Title	Overview
Code	1
Status	From Neola

Policy 2266 – Nondiscrimination on the basis of sex in education programs or activities.

This new policy is provided for the purpose of implementing the recent Title IX regulations promulgated by the Department of Education. The regulatory requirements go into effect on August 14, 2020. The regulations provide detailed requirements concerning Title IX protections, as well as detailed provisions for identifying, reporting, investigating and making determinations of responsibility for acts of sexual discrimination/harassment that school districts must follow in responding to such incidents. Finally, the regulations provide great detail concerning the use of supportive measures, providing remedies, and imposing sanctions to respondents in the event a violation is found to have occurred. In some instances, the process imposed by these regulations is inconsistent with those used in other, similar, contexts.

Due to the unique nature of the regulatory structure, the policy is drafted as a standalone policy applicable only to Title IX governed complaints and investigations. It has been intentionally kept separate from existing school district policies regarding other forms of discrimination, harassment, or bullying, as well as separate from Policy 5517 - Student Anti-Harassment, which shall continue to apply to claims reviewed under state law. The policy also references that and other policies covering similar concepts and serving a similar purpose, namely to provide protections against conduct that harms students' ability to access the District's educational opportunities.

There are a couple of reasons for this structure. First, as noted the new Title IX regulations require a significantly more comprehensive and specific method of response to reports of sexual discrimination/harassment than is required for other forms of discrimination/harassment.

Specifically, districts are required to appoint a Title IX Coordinator, apply specific presumptions and standards, and incorporate specific definitions, in addition to other requirements that are articulated in the policy. In practice, those requirements may prove time-consuming, onerous, and unwieldy, especially if applied to all forms of discrimination/harassment. Likewise, there remains concern that the application of the presumption of innocence is not consistent with investigative procedures and standards applicable in other contexts. Also, the investigation process, being more rigid in its design, may not reasonably be concluded within 90 calendar days as required in the case of state law anti-harassment.

Second, since their release, the guidelines have received considerable criticism along with legal challenges that may result in nullifying or delaying the application of all or part of the new rules. Wisconsin joined 16 other states and the District of Columbia in suing the Department of Education to enjoin the regulations. The plaintiff states have sought expedited review of the complaint in federal court, specifically due to the implementation timeline. The Department of Education's response is due on July 15, 2020.

Finally, the upcoming presidential/congressional election could result in a new administration that, should that occur, is likely to revise or altogether withdraw the recent regulations.

Given the above, Neola recommends a standalone policy that can be adopted (and later removed, if needed) with little or no impact on other anti-discrimination/anti-harassment policies. Neola will hold off as well on revising those other nondiscrimination/anti-harassment policies and procedures until at least the Fall update cycle to allow for some time for clarification and/or resolution of uncertainties related to the Title IX framework is known. This means as well that this Policy, which implements the new federal Title IX regulations, will be complementary to current Policy 5517, which provides some overlap in coverage and applies state law provisions found in Wis. Stat. § 118.13.

The policy language, particularly as it relates to certain definitions, may undergo additional changes in the coming months without regard to the pending federal court cases. This is because the regulations contemplate further action by other agencies to implement provisions of the regulations, such as the definition of "rape" which is to be updated and/or revised by the Federal Bureau of Investigation as it phases out the current Uniform Crime Reporting System (UCR) for the more comprehensive National Incident-Based Reporting System. Therefore, this policy, as noted, is provided to assist Districts in meeting the implementation guideline, with the understanding that we will continue to monitor developments as they occur.

AG 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities

The new guideline is provided to accompany the new policy. The Guideline provides additional procedures and includes provisions on training and recordkeeping requirements to supplement the policy.

In particular, the AG expands on some of the definitions in the policy and provides examples of them. The AG provides direction concerning the need to identify and avoid conflicts of interest or impermissible bias associated with complainants and respondents generally or the specific Complainant and Respondent in a particular case. Additionally, the AG outlines circumstances that might serve as reasonable/good cause for temporarily delaying an investigation in the context of the Title IX process (noting in the Policy that timelines in Policy 5517 – Student Anti-Harassment which incorporates Wis. Admin. Code § PI 9 must still be met in every instance in which the complaint context implicates state student nondiscrimination protections in Wis. Stat. § 118.13).

The AG further details the preliminary assessment that the Title IX Coordinator should complete upon receipt of a Formal Complaint of Sexual Harassment to verify it falls under the jurisdiction of Policy 2266. The AG additionally defines the supportive measures that the Title IX Coordinator needs to offer to the Complainant and Respondent, along with the content of the notice that needs to be provided to a party in advance of a meeting, interview and/or hearing.

While the policy explains the roles of Title IX Coordinator, investigator, and decision-maker, the AG addresses in detail the scope and nature of the role of advisor.

The AG also provides more detailed information about the remedies that can be offered if a Respondent is determined responsible for violating the policy.

Finally, the AG sets forth details concerning the training the Board should provide to all employees, members of the District's Title IX team, and students in order to meet its Title IX obligation to operate an education program and activities that are free from discrimination on the basis of sex. The AG concludes with a list of the records that need to be retained associated with the implementation of Policy 2266.

Last Modified by Steve LaVallee on July 17, 2020



Book Policy Manual
Section For Board Review - Title IX Regulations
Title Memo on Standards of Evidence
Code 2
Status From Neola

Memo

To: Neola Clients

From: Amanda J. Clapp, Esq.
President

Re: Standards of Evidence

Date: July 2020

Since 2016, U.S. Department of Education, Office for Civil Rights (OCR) has consistently insisted that district policies and practices reflect stated evidentiary standards in regard to issues of nondiscrimination and anti-harassment. The preponderance of evidence standard has been an acceptable standard of evidence in these cases. That is the standard specified in current Neola policy templates dealing with Nondiscrimination and Anti-Harassment.

On May 6, the U.S. Department of Education, Office for Civil Rights (“OCR”) released its Final Rule, which amends existing Title IX regulations and each District will be expected to specify evidentiary standards in responding to complaints of sexual misconduct under the new rules.

Public schools predominantly utilize the “preponderance of the evidence” standard in student discipline cases. In the weeks ahead, districts will consider the implications of the evidentiary standards in new Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities to comply with the amended Title IX regulations.

Neola is providing a short and plain summary of the two standards included in new Policy 2266:

Preponderance of the Evidence

- The preponderance of the evidence standard is an equitable standard of proof and the legal standard by which most civil lawsuits, including civil rights claims, are adjudicated in the United States. This standard requires the decision-maker(s) to determine that there is a

greater than fifty percent (50%) likelihood (i.e., it is more probable/likely than not) that the Respondent engaged in the alleged sexual harassment.

Clear and Convincing Evidence

- The “clear and convincing evidence standard,” on the other hand, is a higher standard of evidence, in which the District would need to show to the decision-maker(s) that the truth of the allegations is highly probable (i.e., that the contention is substantially more likely to be true than untrue). Some argue that using the clear and convincing standard may skew the playing field toward the Respondent by enhancing protection for the Respondent at the expense of the Complainant.

If a District is considering the more restrictive evidentiary standard, be sure to consult with your School Board legal counsel regarding the evidentiary standards and their application to student discipline cases.

Disclaimer: This Alert is provided for informational purposes only. It does not constitute legal advice and does not create an attorney-client relationship. Any questions about actual situations regarding licensure should be addressed to the school district’s legal counsel for specific legal advice.

Last Modified by Steve LaVallee on July 17, 2020



Book Policy Manual
Section For Board Review - Title IX Regulations
Title Title IX Regulations
Code 3 - Legal Alert
Status From Neola

LEGAL ALERT.

To: Neola Clients

From: Peters Kalail & Markakis Co., L.P.A.

Re: Title IX Regulations

Date: May 2020

Title IX of the Education Amendments of 1972 ("Title IX") protects individuals from discrimination based on sex and applies to educational institutions that receive federal funding (including public elementary and secondary ("K-12") schools and institutions of higher learning). On May 6, 2020, the U.S. Department of Education, Office for Civil Rights ("OCR") released its Final Rule,¹ which amends existing Title IX regulations – the Department's first action of its kind in decades. The Final Rule, which encompasses both the amended regulations and accompanying commentary, exceed 2,000 pages and are scheduled to take effect on August 14, 2020. The regulations bring sweeping changes to how educational institutions address, investigate, and adjudicate allegations of sexual harassment occurring within their programs and activities.² As such, the amended regulations will require significant revisions to existing policies and administrative guidelines, and necessitate staff training prior to the start of the 2020-2021 school year.

Below is an overview of the major changes and new requirements and responsibilities contained in the Final Rule:

A. New Definition of "Sexual Harassment": Previously, the Title IX regulations did not define sexual harassment. The Final Rule defines "sexual harassment" as conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment).
2. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the school district's education program or activity (i.e., "hostile environment" sexual harassment);
3. "Sexual assault" as defined in the Clery Act (20 U.S.C. 1092), and "dating violence," "domestic violence," and "stalking" as defined in the Violence Against Women Reauthorization Act of 2012 ("VAWA") (34 U.S.C. 12291).

If an individual's allegations do not rise to the level of "sexual harassment" as defined in the Final Rule, the formal complaint must be dismissed. The infraction, however, may still be a violation of the Student Code of Conduct or Title VII.

B. Sexual Harassment Occurring in a School's "Education Program or Activity": Schools must address allegations of sexual harassment that occur in "the school's education program or activity, against a person in the United States."

1. "Education program or activity" is broadly defined to include locations, events, or circumstances over which the school exercises **substantial** control.
2. The school must have substantial control over both the respondent (i.e., the alleged harasser) **and** the context in which the sexual harassment occurs

C. Definition of "Actual Knowledge": Schools are required to respond when the school has actual knowledge of sexual harassment or allegations of sexual harassment.

1. "Actual knowledge" occurs when notice is given to a Title IX Coordinator, any official of a school who has authority to institute corrective measures on behalf of a school, **or to any school employee** of an elementary and secondary school.
2. Once a school receives notice, **it must respond** and take action (whether a formal complaint is filed or not).

D. Designation of Title IX Coordinator, Investigator, Initial Decision Maker, and Appeal Decision Maker: Schools must designate and authorize at least one employee to be a "Title IX Coordinator" to oversee and coordinate the school's compliance with Title IX. The school must also appoint an Investigator to investigate a formal complaint (the Title IX Coordinator may serve as an Investigator), a Decision Maker (the Title IX Coordinator and the Investigator (if different from the Title IX Coordinator) cannot serve as the Decision Maker), and one or more persons to serve as the Appeal Decision Maker (who cannot be the Title IX Coordinator, the Investigator (if different from the Title IX Coordinator), or the Initial Decision Maker).

E. Notice Requirements: Schools must notify applicants for admission and employment, students, parents or legal guardians, and unions of its nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the school will respond. The notice must also specify the name, title, office address, electronic mail address, and telephone number of the Title IX Coordinator.

1. Notice must include language that the school does not discriminate on the basis of sex in the education program or activity that it operates. Notice must also state that this duty not to discriminate applies to employment.
2. Notice must state that inquiries about the application of Title IX and its regulations may be referred to the Title IX Coordinator or the Assistant Secretary of Education, or both.

F. Publication Requirements: In addition to notice requirements, schools must prominently display the contact information for the Title IX Coordinator and its Title IX policy on its website and in each handbook that it makes available to persons entitled to notification above.

1. Posting on a district's website alone does NOT satisfy notice requirements.
2. Districts must publish and maintain all grievance procedures adopted under the regulations.
3. Schools must disseminate its updated policies.
4. **Any** person may report sexual discrimination, including sexual harassment, to the district's Title IX Coordinator, regardless of whether the person is the alleged victim of the reported conduct. The report may be made in person, by mail, by telephone, or by email. The report may be made at any time, including during nonbusiness hours.

G. School's Response to Complaint: Schools must respond promptly to sexual harassment in a manner that is not "deliberately indifferent." "Deliberate indifference" is defined as actions that are clearly unreasonable in light of the known circumstances.

1. Title IX Coordinator must contact the "complainant" (i.e., the person who is alleged to be the victim of the conduct that could constitute sexual harassment) and discuss supportive measures (which are similar to

"interim measures"), including individualized services to restore or preserve the person's equal access to education (e.g., counseling, course modifications, schedule changes, increased monitoring or supervision, etc.).

- a. Supportive measures may not be disciplinary or punitive and must be offered without charge.
 - b. Supportive measures must be offered even if the complainant does not initiate or desire to file a formal complaint.
2. Title IX Coordinator must explain to the complainant the process for filing a formal complaint and the option to file a formal complaint
 3. Only the complainant (or parent/guardian) or the Title IX Coordinator may sign a formal complaint.
 4. Before imposing any discipline or other sanctions that are not supportive measures against a "respondent," (i.e., the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment) a grievance process must be followed.
 5. The District's response must treat complainants and respondents equitably.

H. Adopt and Publish Grievance Procedures: Schools must adopt and publish "grievance procedures" that provide for the "prompt and equitable" resolution of student and employee complaints alleging policy violations. The grievance procedures must also comport with general due process requirements and include the following components:

1. Equal treatment of complainant/respondent.
2. No sanctions imposed until the grievance process is complete.
3. No conflict of interest or bias.
4. Staff training.
5. Presumption that respondent is not responsible.
6. Reasonably prompt timelines.
7. Description of supportive measures and possible sanctions.
8. Exclusion of privileged information.

I. Notice to Parties of Formal Complaint: When a formal complaint is filed notice is to be given to both parties. Notice must include:

1. Sufficient details known at the time, including identification of the parties, date and location of alleged incident, and a description of the alleged conduct.
2. Statement that respondent is presumed not responsible and that determination will be made at the conclusion of the grievance process.
3. Opportunity for representation of choice (i.e., an "advisor") at all stages of the investigation.
4. Opportunity to inspect and review evidence.
5. Code of conduct prohibiting false statements.
6. Obligation to provide notice of additional allegations.
7. Notice must be given before an initial interview is conducted and with sufficient time for respondent to prepare a response.

J. **Investigation Process:** The investigation process must include/require:

1. The school has the burden of proof and of gathering evidence.
2. **Both** parties are entitled to the same opportunity to present witnesses, receive written notices, and review evidence.
 - a. Both parties must be given copies of all evidence (i.e., interview notes, witness statements, photographs, text messages).
 - b. Both parties must be given 10 days to review evidence and submit a written response before the Investigator finalizes his/her report.
3. After the 10-day evidence review period, the Investigator finalizes the Investigative Report and provides it to both parties.
4. The Investigative Report must summarize relevant evidence but **not** contain a determination of responsibility or conclusion.

Parties are given 10 days to review the Investigative Report and submit a written response prior to a hearing or the Decision Maker making a determination of responsibility.

K. **Live Hearings Requirement:** Live hearings with cross-examination are required for **postsecondary** institutions following release of the Investigation Report. Live hearings are **optional** for K-12 schools.

With or without a hearing, after the Investigative Report is issued and before reaching a determination regarding responsibility, each party is afforded the opportunity to submit written, relevant questions that a party wants asked of any party or witness, and each party must receive the answers to those questions and an opportunity to ask additional, limited follow-up questions.

L. **Determination of Responsibility:** The Decision Maker, who cannot be the Title IX Coordinator or Investigator, must issue a written determination of responsibility that is provided to both parties simultaneously. The determination of responsibility must include identification of any sanctions that will be imposed on the respondent and any remedies that will be provided to the complainant.

M. **Standard of Evidence:** A school's grievance process must state whether the standard of evidence to be used to determine responsibility is the **preponderance of the evidence standard** or the **clear and convincing evidence standard**. The adopted standard must be applied for all Title IX complaints against students **and** employees.

N. **Appeals:** Both parties have the right to appeal the Decision Maker's determination of responsibility

1. The Appeal Decision Maker cannot be the Title IX Coordinator, Investigator, or Initial Decision Maker
2. As part of the appeal process, the parties are permitted to submit a written statement supporting/challenging the Initial Decision Maker's determination of responsibility.

O. **Informal Resolution:** An informal resolution process may only be used if a formal complaint of sexual harassment is filed.

1. If a formal complaint is filed, the district may offer to facilitate an informal resolution process.
 - a. When doing so, the district must provide written notice to both parties of their rights with respect to the informal process.
 - b. Prior to commencing the informal resolution process, the district must obtain both parties' written, voluntary consent to participate in the informal process.
2. An informal resolution process may NOT be offered in the context of a complaint alleging that an employee harassed a student.

3. Either party may withdraw from the informal resolution process at any time prior to agreeing to a resolution.

4. If a party withdraws from the informal resolution process, the investigation resumes.

P. Recordkeeping Requirements: All documentation whether related to a formal complaint or report of sexual harassment – including statements, evidence, and transcripts – must be maintained for seven (7) years.

Q. Emergency Removal Provisions: While the investigation is pending, emergency removal of the respondent is permitted under limited circumstances.

1. In order to emergency remove a respondent, the Title IX Coordinator, or another designated individual, must conduct a **safety and risk analysis** and determine that there is an immediate threat to the **physical** health or safety of **any** student or other individual arising from the allegations (not just the complainant).

a. The respondent may not be emergency removed based upon a threat to the mental health of the complainant.

b. The regulations contemplate emotional/mental well-being should be addressed through supportive measures.

2. The notice of emergency removal must be provided to the respondent and the respondent must be afforded an opportunity to challenge the emergency removal decision.

3. School districts will need to ensure their emergency removal procedures do not conflict with other school policies or legal requirements.

R. Training Required: Much of the training required by the amended regulations must be completed by **August 14, 2020**.

1. The requisite training must include:

a. The new definition of sexual harassment.

b. The scope of the district's educational program or activities for jurisdiction.

c. How to consistently apply sexual harassment definitions.

d. How to investigate a formal complaint.

e. The grievance process, including hearings, appeals, and informal resolutions.

f. How individuals can impartially serve as an investigator, decision maker or appeal decision maker to avoid prejudgment of facts at issue, conflicts of interest, and bias issues.

g. How to use available technology to conduct a live hearing.

h. Investigator and Decision Makers must be trained on appropriate evidence and questions related to the complainant's sexual predisposition or prior sexual behavior and that sexual history irrelevant in K-12 context.

i. Investigators must be trained to prepare an Investigative Report that fairly summarizes relevant evidence.

2. Training materials must be made available on the district's website and for public review.

3. Training materials must be kept for a period of 7 years; districts may need to update their public records retention schedules.

4. All K-12 employees should be trained due to the heightened notice requirements applicable to all district employees.

Neola is in the process of developing updated policies and administrative guidelines that comply with the Final Rule. The new and revised documents will be issued this summer so boards of education can take the steps necessary to comply with the amended Title IX regulations when they go into effect on August 14, 2020.

If you have any questions concerning OCR's May 6, 2020 Final Rule related to Title IX and educational institutions' responsibilities with respect to addressing allegations of sexual harassment, you should contact your local legal counsel.

¹ The Final Rule can be found at: <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>.

² The Final Rule does not impact existing Title IX regulations that address athletic participation, employment, and single-sex education.

This legal alert is intended as general information and not legal advice. No attorney-client relationship exists. If legal advice is required, obtain the services of an attorney.

Last Modified by Steve LaVallee on July 17, 2020



Book	Policy Manual
Section	For Board Review - Title IX Regulations
Title	NEW GUIDELINE - SPECIAL UPDATE - TITLE IX REGULATIONS - JULY 2020 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES
Code	ag2266
Status	Proposed to Policy & Human Resources Committee

NEW GUIDELINE - SPECIAL UPDATE - TITLE IX REGULATIONS - JULY 2020

2266 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

This guideline provides additional information about the District's procedures in addressing allegations of sex discrimination, including sexual harassment. All information below supplements Board Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities. To the extent, there is a conflict between these guidelines and Policy 2266, the policy controls.

General Information

Sexual Harassment: Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- B. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature that is 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
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual Harassment may involve the behavior of a person of any gender against a person of the same or another gender.

The following conduct – if sufficiently severe, pervasive, **and** objectively offensive – may constitute sexual harassment (this list provides examples and is not meant to be exhaustive or exclusive):

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. Unwanted physical and/or sexual contact;
- C. Threats or insinuations implying that a person's conditions of education or employment may be adversely affected by not submitting to sexual advances;
- D. Unwelcome sexual verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; unwelcome sexually degrading language, profanity, jokes, or innuendoes;
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature;
- F. Unwelcome and inappropriate touching, patting, or pinching;

- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; and
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.

Sexual assault, for purposes of Policy 2266, refers to any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (e.g., due to the person's age, intellectual or other disability, or use of drugs or alcohol). Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape. All such acts of sexual assault are forms of sexual harassment and, in turn, sex discrimination prohibited by Title IX and Policy 2266.

Title IX Coordinator(s)

The following individual(s) serve as the District Title IX Coordinator(s) and are responsible for overseeing and coordinating the District's efforts to comply with Title IX and its implementing regulations:

Carmen O'Brien
 (Name)

 Business Manager
 (School District Title)

920-596-5332
 (Telephone Number)

800 Beech Street
 Manawa, WI 54949
 (Office Address)

cobrien@manawaschools.org
 (District-issued E-mail Address)

Daniel Wolfgram
 (Name)

Manawa Middle School & Little Wolf High School Principal
 (School District Title)

920-596-5310
 (Telephone Number)

515 East 4th Street
 Manawa, WI 54949
 (Office Address)

dwolfgram@manawaschools.org
 (District-issued E-mail Address)

The Title IX Coordinator(s) reports directly to the District Administrator. Questions about Policy 2266 and/or this administrative guideline should be directed to the Title IX Coordinator(s).

Notices

The Title IX Coordinator's(s') name(s), title(s), and contact information – including office address(es), telephone number(s), and email address(es) - must be published:

- A. On the District's website ~~(-)~~ and on each individual school's website;

- B. In the student, parent, and staff handbooks; ~~{DRAFTING NOTE: The preceding does not require the creation of a specific handbook; rather, if the District publishes a handbook, it must contain the specific information.}~~
- C. In the District's Annual Report to the public;
- D. ~~(-) In the School District's calendar;~~
- E. ~~(-) _____.~~

Board Policy 2266 must also be published on the District's website and in each handbook or catalog that the District makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board.

Reports of Sexual Harassment

All students and Board employees share responsibility for avoiding, discouraging, and reporting sexual harassment.

The Title IX Coordinator(s) shall be available during regular school/work hours to discuss Title IX questions, including questions related to sexual harassment, and assist students, parents/guardians, employees, other members of the School District community, and Third-Parties with any issues they may have related to Policy 2266. The Title IX Coordinator(s) shall accept reports of sexual harassment directly from any member of the School District community or any Third Party. Reports may be submitted in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') published contact information, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-work hours).

The District will be considered to have actual knowledge of sexual harassment or an allegation of sexual harassment if: (1) a formal complaint is filed by a Complainant (or a parent/guardian on behalf of a minor child); (2) a Board employee receives a report or otherwise has notice of an incident of sexual harassment or allegations of sexual harassment; or (3) a Board employee witnesses the misconduct. The District may also receive notice about sexual harassment in an indirect manner from a member of the local community, social networking sites, the media, or if the information is shared by survivors during public awareness events or campaigns.

When a Board employee files a report of sexual harassment or allegations of sexual harassment with the Title IX Coordinator, the employee is required to report all known details about the alleged sexual harassment, including: (1) the name of the alleged Respondent; (2) the person who experienced the alleged sexual harassment (i.e., the Complainant); (3) other persons involved in the alleged Sexual Harassment; and (4) any other relevant facts, such as date, time, and location.

When possible, before a reporting student or parent/guardian discloses the above information, the Board employee should inform the student and/or parent/guardian of the employee's obligation to report the information to the Title IX Coordinator.

The employee will also inform the student and/or parent/guardian of his/her right to file a Formal Complaint with the school and a separate complaint with local law enforcement.

Upon receiving a report of sexual harassment or allegations of Sexual Harassment, the Title IX Coordinator will provide the appropriate notice to the Complainant, discuss supportive measures with the Complainant, and explain the formal complaint process. The Title IX Coordinator will also inform the Complainant that s/he is available to assist the Complainant in filing a formal complaint if that is what the Complainant wants to do. The Title IX Coordinator will further explain to the Complainant that Federal law includes protections against retaliation, and that the District will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

When it comes to allegations of stalking, the Title IX Coordinator will inform the Complainant that it is important to take steps to preserve evidence in cases of Stalking, to the extent such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, etc. rather than evidence of physical contact and violence. This type of non-physical evidence will also be useful in all types of sexual harassment investigations.

~~{DRAFTING NOTE: Select either Option 1 or Option 2.}~~

~~(-) [OPTION 1] If the report involves a student Respondent, the Title IX Coordinator will determine whether the circumstances warrant consideration of emergency removal of the student Respondent. [END OF OPTION 1]~~

[OPTION 2] If the report involves a student Respondent, while the Title IX Coordinator is communicating with the Complainant concerning supportive measures and whether to file a formal complaint, the District Administrator will determine whether the circumstances warrant consideration of emergency removal of the student Respondent. **[END OF OPTION 2]**

If the ~~()~~ Title IX Coordinator District Administrator **[END-OF-OPTIONS]** decides that the situation calls for possible emergency removal of the student Respondent, the ~~()~~ Title IX Coordinator District Administrator **[END-OF-OPTION]** will ~~()~~ convene direct the Principal to convene **[END-OF-OPTION]** a team of educators and other appropriate staff members (e.g., school psychologist, guidance counselor, mental health counselor, etc.) to conduct an individualized safety and risk analysis. The team will be tasked with determining whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment that justifies removal.

If the team determines the student Respondent poses such a threat, it will recommend to the Principal that the District implement an emergency removal (i.e., removal of the student Respondent from the school premises). If the Principal agrees with the recommendation, the Principal will notify the student Respondent, remove the student Respondent from the school premises for the remainder of the school day, and begin the process of suspending or expelling the Respondent pursuant to Wis. Stat. Sec. 120.13. The student Respondent will have an opportunity to challenge the team's recommendation and the Principal's corresponding decision to remove the student Respondent immediately following the implementation of the removal. The challenge may be filed directly with the District Administrator – even before any recommendation for expulsion is processed by the District Administrator – or by following the due process procedures outlined in Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Student, and Policy 5611 – Due Process Rights.

Formal Complaint of Sexual Harassment

The Complainant (or his/her parent/guardian if the Complainant is a minor) may file a formal complaint with the Title IX Coordinator. Alternatively, the Title IX Coordinator may sign a formal complaint to initiate an investigation contrary to the wishes of the complainant in situations where doing so is not clearly unreasonable in light of the known circumstances. When deciding whether to sign a formal complaint, the Title IX Coordinator should consider a variety of factors, including but not limited to: (1) circumstances that suggest an increased risk of repeated sexual harassment, such as the alleged Respondent's previous history of threats; (2) whether the sexual harassment was perpetrated with a weapon; (3) the age of the student subjected to the sexual harassment; (4) and whether the school can obtain relevant evidence through other means, such as from security cameras or witnesses.

The District will honor a student's or a parent's request to inform an alleged Respondent that the Title IX Coordinator made the decision to proceed with signing the formal complaint without the student's or parent's consent. **[END-of-OPTION]**

The Title IX Coordinator must balance the student's or parent's request that a formal complaint not be initiated with the District's obligation to provide a safe and non-discriminatory environment for all students.

Even when the Title IX Coordinator signs the formal complaint, the Title IX Coordinator is not a Complainant; the Complainant remains the individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Upon receipt of a formal complaint, the District will follow its grievance process and procedures and undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Grievance Process

The District's grievance process and procedures are detailed in Policy 2266. The grievance process seeks a prompt and equitable resolution of the formal complaint.

It is critical that the Title IX Coordinator, and any investigator, decision-maker, or person designated to facilitate an informal resolution, does not have a conflict of interest or bias for or against complainants and respondents generally or any individual Complainant(s) or Respondent(s).

The Title IX Coordinator shall appoint an investigator (unless the Title IX Coordinator intends to serve as the investigator) and a decision-maker to assist the District in resolving the formal complaint. Upon being assigned to conduct an investigation or to serve as a decision-maker, the investigator and the decision-maker shall confirm in writing that they do not have a conflict of interest or bias for or against complainants and respondents generally. The investigator and decision-maker shall also – after learning the name(s) of the Complainant(s) and Respondent(s) – confirm in writing that they do not have a conflict of interest or bias for or against the individual Complainant(s) and Respondent(s) involved in the specific formal complaint.

In appropriate circumstances, the Title IX Coordinator may appoint/assign a person to facilitate an informal resolution process. The facilitator must confirm in writing that s/he does not have a conflict of interest or bias for or against complainants and respondents generally, and does not have a conflict of interest or bias for or against the individual Complainant(s) and Respondent(s) involved in the specific formal complaint.

Within two (2) days of learning of the identity of the investigator, decision-maker, and/or facilitator of the informal resolution process, the Complainant and/or Respondent may submit a written objection to the Title IX Coordinator concerning the investigator, decision-maker and/or facilitator of the informal resolution process, based upon an actual or perceived conflict of interest or bias for or against complainants and/or respondents generally or either party to the Formal Complaint. The objecting party must explain the basis for the contention that the investigator, decision-maker, and/or facilitator of the informal resolution process has a conflict of interest or is biased and submit any substantiating evidence. Within two (2) days of receiving the written objection, the Title IX Coordinator will decide whether to replace the investigator, decision-maker and/or facilitator of the informal resolution process and notify the parties of the decision, including the reasons for it. ~~[DRAFTING NOTE: The timelines identified in the preceding paragraph are not mandated by the Title IX regulations, but rather are suggested as a means of conveying the need for these issues to be raised promptly so as not to unnecessarily delay the grievance process; the Board may select different timelines, but should certainly impose some timeframe to ensure such matters are brought to the Title IX Coordinator's attention in a timely manner.]~~

If there is an ongoing criminal investigation involving the incident that is the subject of the formal complaint, the Title IX Coordinator will seek to implement the District's grievance process in a manner that does not unduly impact the criminal investigation. To the extent appropriate, the Title IX Coordinator and/or the District-assigned investigator will consider whether information can be shared among the criminal investigators and the District-assigned investigator so that the Complainant(s) is/are not unnecessarily required to give multiple statements about an alleged traumatic event. If the investigation includes forensic evidence, the District-assigned investigator may consult with ~~(-) a school resource officer, [END OF OPTION]~~ local law enforcement; or a forensic expert to ensure that the District-assigned investigator is correctly interpreting the evidence.

While the District will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own Title IX investigation, it may delay temporarily the investigation portion of the grievance process while the police are gathering evidence. During this delay in the Title IX investigation, the Title IX Coordinator will implement supportive measures. The Title IX Coordinator will also continue to provide reasonable updates to the parties on the status of the investigation and inform the parties when the school resumes its Title IX investigation.

If the Title IX Coordinator delays the investigation portion of a Title IX investigation due to an ongoing criminal investigation, it will promptly resume and complete the investigation once the District learns that the applicable law enforcement has completed its evidence-gathering stage of the criminal investigation. The District will not unreasonably delay its investigation or the determination of responsibility until the ultimate outcome of the criminal investigation or the filing of any charges. The District may work with its ~~(-) school resource officer(s), [END OF OPTION]~~ local law enforcement; and local prosecutor's office to learn when the evidence-gathering stage of the criminal investigation is complete.

Off-Campus Sexual Harassment

The District is required to investigate a formal complaint that involves conduct that occurred in the District's education program or activity, even if the conduct occurred off school property. The District's education program or activity includes locations, events, and circumstances in the United States over which the Board exercises substantial control over the Respondent and the context in which the sexual harassment occurs. The Title IX Coordinator shall determine whether any alleged off-campus sexual harassment occurred in an educational program context or school activity. If it did, the grievance process and procedures shall apply and are implemented in the same manner as with an on-campus complaint. Whether the alleged misconduct occurred in this context may not always be apparent from the initial complaint, so the Title IX Coordinator may need to gather additional information to make such a determination. Off-campus educational programs and activities include school-sponsored field trips, athletic team travel, and school club events.

Upon receipt of a report of sexual harassment made pursuant to Policy 2266, the Title IX Coordinator will conduct a preliminary assessment to determine:

- A. Whether the alleged conduct, as reported, falls, or could fall, within the scope of Policy 2266; and
- B. Whether the alleged conduct, as reported, constitutes, or could constitute sexual harassment.

If the Title IX Coordinator determines that the alleged conduct could not fall within the scope of Policy 2266, and/or could not constitute sexual harassment, even if investigated, the Title Coordinator will close the matter and notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). The Title IX Coordinator may refer the report to the Principal or another staff member, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of Policy 2266, and/or could constitute sexual harassment, if investigated, the Title IX Coordinator shall contact the Complainant.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

Upon receipt of a formal complaint, the Title IX Coordinator will confirm whether the alleged conduct falls within the scope of Policy 2266, including whether the conduct, as reported, constitutes or could constitute sexual harassment, and whether the incident(s) occurred within the context of the District's education program or activity. If the Title IX Coordinator determines the conduct did not occur in the context of an educational program or activity, or could not constitute sexual harassment, even if investigated, the Title IX Coordinator will dismiss the Formal Complaint but may refer the matter to the Principal to consider whether the alleged misconduct, while not a Title IX violation, may still involve the creation of an impermissible hostile or discriminatory environment that is prohibited under the Board's other nondiscrimination and anti-harassment policies.

Supportive Measures

Supportive measures involve non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Supportive measures must be offered to the Complainant after a report of sexual harassment is made and regardless of whether a formal complaint is filed, and to both the Complainant and the Respondent after a formal complaint is filed.

The District will implement supportive measures that 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 protect the safety of all parties or the District's educational environment or deter sexual harassment. The District will contact the Complainant 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 formal complaint, and explain to the Complainant the process for filing a formal complaint.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), and other similar measures (e.g., instituting changes to extracurricular activities, transportation, and lunch in order to allow the Complainant and Respondent to avoid contact; informing the Complainant of other available resources, such as victim advocacy, academic support, disability services, health and mental health services, the right to report a crime to local law enforcement, the right to seek judicial no-contact, restraining and protective orders, and other forms of legal assistance).

The Title IX Coordinator will determine appropriate supportive measures on a case-by-case basis.

Notice Provided Prior to a Meeting, Interview ~~()~~ or Hearing

In advance of any interview or; meeting ~~()~~ or hearing, **[END OF OPTION]** the Title IX Coordinator, investigator and/or decision-maker will transmit a written notice to the Complainant and Respondent that includes:

- A. A physical copy of Policy 2266 or a hyperlink to Policy 2266;
- B. Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, including the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident (if known);
- C. A statement that the Respondent is presumed not responsible for the alleged sexual harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- D. Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice;
- E. Notifying the Complainant and Respondent of their right to inspect and review evidence;
- F. Notifying the Complainant and Respondent of the District's prohibitions on retaliation and false statements; and
- G. Information about resources that are available at the District and in the community.

Should the Title IX Coordinator decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the Title IX Coordinator will provide a supplemental written notice describing the additional allegations to be investigated.

Role of Advisors

All parties are entitled to have an advisor of their choosing to assist them throughout the grievance process. The advisor may be a parent/guardian, relative, friend, attorney, or any other supporter that the party chooses to advise them who is eligible and

available. A party may not select a person who is identified as or may be called as a witness to serve as an advisor, with the exception of a parent/guardian.

The parties are expected to notify the Title IX Coordinator, investigator, and/or decision-maker of the identity of their advisors at least two (2) days before any meeting, interview ~~()~~ or hearing **[END-OF-OPTION]**. A party may change advisors during the grievance process but needs to provide a minimum of two (2) days advanced notice to the Title IX Coordinator, investigator, and/or decision-maker, as appropriate.

~~() If a party is unable to identify and secure an advisor, upon request, the Title IX Coordinator will appoint an advisor, who may or may not be an attorney. Unless a party presents evidence of a conflict of interest or bias, the party may not decline the advisor assigned by the Title IX Coordinator. **[DRAFTING NOTE: This option should only be selected if the Board provides for a hearing that involves live cross-examination of parties and witnesses by an advisor; if the Board provides for such a hearing, it must offer an advisor to a party who is otherwise unable to secure one.]**~~

A party's advisor is permitted to accompany the party in all meetings and interviews at which the party is entitled to be present, including intake, investigative interviews, ~~()~~ hearings, **[End-of-Option]** and appeals. Advisors should help their advisees to prepare for each meeting ~~()~~ or hearing **[END-OF-OPTION]**.

Advisors are expected to conduct themselves in a professional and ethical manner, with integrity and in good faith.

All advisors are subject to the same rules, regardless of whether they are an attorney or not. The Title IX Coordinator, the investigator, and the decision-maker shall have the discretion to determine whether advisors may be permitted to present on behalf of the Complainant or Respondent in a meeting or interview ~~()~~ or hearing **[End-of-Option]**. Under no circumstances would a parent/guardian be prevented from doing so. Any limitations placed on the advisors shall apply to the advisors for all parties. If it is determined the advisors are not permitted to present on behalf of the Complainant or Respondent, the advisor should request or wait for a break in the proceeding before interacting with District officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. Advisors may request breaks, as needed, in order to confer with their advisees.

Prior to the first meeting or interview ~~()~~ or hearing **[End-of-Option]**, the Title IX Coordinator, the investigator, or the decision-maker will meet or speak with the advisors to clarify their roles and answer any questions they may have.

Advisors are prohibited from interfering with the investigation or the grievance process. If an advisor acts in a disruptive manner or outside the role at a meeting or interview ~~()~~ or hearing **[End-of-Option]**, the District official in charge of the meeting or interview ~~()~~ or hearing **[End-of-Option]** will warn the advisor. If the advisor continues to disrupt the proceeding or act in an unprofessional manner, the advisor will be asked to leave and will be dismissed from the meeting or interview ~~()~~ or hearing **[End-of-Option]**. **(X)** Except with respect to a hearing **[End-of-Option]**, the meeting or interview will typically continue after the advisor is excused. The Title IX Coordinator will subsequently decide whether the original advisor will be reinstated or will need to be replaced by a different advisor.

In order for the District to share documentation related to the allegations pertaining to a student with the student party's advisor, the eligible student or the student party's parent/guardian must provide written consent authorizing such sharing.

The parties are not restricted from discussing or sharing information related to the allegations with their advisor or others who may support or assist them in the process.

Consistent with the Title IX regulations, advisors are required to maintain the privacy of records shared with them by the District during the grievance process; ~~-~~ pursuant to FERPA, the records may not be shared with third parties, disclosed publicly, or used for purposes unrelated to the grievance process.

If an advisor is unable to attend a meeting in person, the District official in charge of the meeting will attempt to arrange for the advisor to participate by telephone, video, and/or virtual meeting. **(X)** However, an advisor's inability to attend a meeting will ordinarily not excuse or prevent the meeting from occurring. **[END-OF-OPTION]**

If a party is a Board employee who is entitled to a union representative, the Board employee may be accompanied by both a union representative as well as another advisor at any meeting or interview ~~()~~ or hearing **[End-of-Option]**.

Remedies

If the decision-maker(s) determines the Respondent is responsible for violating Policy 2266, the District will take prompt and effective steps to end the sex discrimination/sexual harassment, ~~()~~ eliminate the hostile environment, **[END-OF-OPTION]** prevent its recurrence, and remedy its effects. The decision-maker's(s') written determination should recommend to the Title IX Coordinator and the District Administrator appropriate remedies that may include, but are not limited to:

- A. Providing an escort for the Complainant to move safely between classes and activities;
- B. Ensuring the Complainant and Respondent do not share classes or extra-curricular activities (e.g., re-arranging schedules at the Complainant's request);
- C. ~~Moving the Respondent or Complainant to another school within the District;~~
- D. Providing medical, counseling, and academic support services to the Complainant and/or Respondent;
- E. Affording/arranging for the Complainant to have extra time to complete or re-take classes or exams without academic penalty (e.g., the Complainant is provided extensions on due dates for papers, assignments, quizzes, tests, etc.);
- F. Reviewing disciplinary proceedings/actions against the Complainant to see if there is a causal connection between the sexual harassment and the misconduct that may have resulted in the Complainant being disciplined;
- G. Initiating evaluations for special education or accommodations/modifications under the Individuals with Disabilities Education Improvement Act (IDEA) or Section 504 of the Rehabilitation Act of 1973;
- H. Imposing disciplinary sanctions/consequences, up to and including expulsion or permanent exclusion on a student Respondent and termination on an employee Respondent; and
- I. Ordering other global remedies such as:
 - 1. Training or re-training employees;
 - 2. Developing and distributing materials on sexual harassment;
 - 3. Conducting sexual harassment prevention programs; and/or
 - 4. Conducting climate checks/surveys.

Training

All Employees

Given that the District is considered to have actual knowledge of sexual harassment or allegations of sexual harassment if any Board employee has notice of same, all Board employees shall receive training in:

- A. The definition of Sexual Harassment (as that term is used in Policy 2266) ~~(-), and practical information about preventing and identifying sex discrimination and Sexual Harassment [End of Option];~~
- B. The behaviors and conduct that lead to and result in Sexual Harassment;
- C. The attitudes of bystanders allowing the misconduct to continue;
- D. The potential for re-victimization by Board employees and its effect on students;
- E. Appropriate methods for responding to a student who may have experienced Sexual Harassment, including the use of nonjudgmental language;
- F. The impact of trauma on victims;
- G. The person(s) to whom such misconduct must be reported, including the contact information for the Title IX Coordinator(s); and
- H. What information should be included in a report, the consequences for failing to report, and what information must be provided to the student and/or parent. For example, Board employees will be trained to inform students about: (1) the employee's reporting responsibilities; and (2) their right to file a Title IX complaint with the school and to report a crime to local law enforcement. Board employees shall be trained to report to the Title IX Coordinator(s) both allegations of and actual incident(s) involving sexual harassment, without determining first whether the incident or allegations meet the applicable definition of sexual harassment or are substantiated.

Title IX Coordinator(s)/Investigator(s)/Decision-Maker(s)/Facilitators of Informal Resolution Process

The District's Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or persons designated to facilitate an informal resolution process, shall receive training on the definition of sexual harassment (as that term is used in Policy 2266), the scope of the District's education program or activity, how to conduct an investigation and grievance process including ~~hearings~~ **[End of Option]**, appeals and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

The training shall include information on the following topics:

- A. Working with and interviewing persons subjected to sexual harassment;
- B. Particular types of conduct that constitute sexual harassment;
- C. The proper standard of review for formal complaints (i.e., **(X)** preponderance of the evidence ~~(**(**) clear and convincing evidence~~);
- D. Consent, incapacity, coercion, force, and the role age, mental or physical disability, and/or drugs or alcohol can play in a person's ability to consent;
- E. **(X)** ~~The~~ importance of accountability for Respondents determined responsible for engaging in sexual harassment;
- F. The need for remedial actions for the Respondent, Complainant, and school community;
- G. How to determine credibility;
- H. How to evaluate evidence and weigh it in an impartial manner;
- I. How to conduct investigations;
- J. Confidentiality;
- K. **(X)** ~~The~~ effects of trauma, ~~including neurobiological change~~; and
- L. **(X)** ~~C~~ultural awareness training about how sexual harassment may impact students differently depending on their cultural backgrounds.

~~Decision makers must also receive training on (**(**) any technology to be used at a live hearing and on **[Drafting Note: Add the preceding option if pursuant to Policy 2266, the Board permits live hearings.]** issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.~~

Investigators must receive training on how to prepare an investigative report that fairly summarizes relevant evidence.

Any materials used to Train IX Coordinators, investigators, decision-makers, and any persons who facilitate an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Students

The District shall provide age-appropriate education about sexual harassment to students ~~(**(**) and their parents~~ **[END OF OPTION]**. In the younger grades, the District will cover these topics in its anti-bullying and harassment training. In the older grades, students will receive training in specific topics, including:

- A. Title IX and what constitutes sexual harassment under the school's policies;
- B. The school's definition of consent applicable to sexual conduct, including examples;
- C. How the school analyzes whether the conduct was unwelcome under Title IX;
- D. How the school analyzes whether unwelcome sexual conduct creates a hostile environment;

- E. Reporting options, including how to file a formal complaint and any timeframes set by the school for reporting;
- F. The school's grievance process and procedures used to address reports of and formal complaints alleging sexual harassment;
- G. Disciplinary code provisions relating to sexual harassment and the consequences of violating those provisions;
- H. **(X)** Effects of trauma, ~~including neurobiological changes~~;
- I. **(X)** The role alcohol and drugs often play in sexual harassment incidents, including the deliberate use of alcohol and/or other drugs to perpetrate sexual harassment;
- J. **(X)** Strategies and skills for bystanders to intervene to prevent possible sexual harassment;
- K. How to report sexual harassment to school officials and local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and
- L. Title IX's protections against retaliation.

The training will also encourage students to report sexual harassment, even if they are unsure whether the incident meets the definition of sexual harassment contained in Policy 2266. The District will emphasize that its primary concern is student safety, and that use of alcohol or drugs never makes the alleged victim at fault for sexual harassment.

The District shall specifically inform students that all Board employees are responsible for reporting information involving Sexual Harassment to the Title IX Coordinator(s), including the need to report the names of the alleged Complainant and Respondent, as well as relevant facts including the date, time and location. The issue of confidentiality will be discussed during the training.

(X) Further, the District shall identify the individuals with whom students can speak confidentially and offer information about resources such as victim advocacy, academic support, counseling, disability services, and health and mental health services.

The District shall provide the above training on a regular basis and periodically review their efficacy.

Retaliation

Federal law strictly prohibits retaliation against a Complainant, Respondent, or witness. The Title IX Coordinator will inform the Complainant, Respondent, and other individuals who participate in the grievance process of this prohibition and direct the Complainant to report any retaliation, whether by students, Board employees, or other members of the School District community or Third Parties. Upon learning of alleged retaliation, the Title IX Coordinator and/or the District Administrator will take strong responsive action as appropriate.

Contact Information for the Office of Civil Rights

Individuals may submit questions or file complaints relating to Title IX with the U.S. Department of Education's Office for Civil Rights at any time. OCR's regional office in Chicago has jurisdiction for all of Wisconsin:

U.S. Department of Education
 Office for Civil Rights
 Chicago Office
 John C. Kluczynski Federal Building
 230 S. Dearborn Street, 37th Floor
 Chicago, IL 60604
 (312) 730-1560
 Fax: (312) 730-1576
 Email: OCR.Chicago@ed.gov
 Web: <http://www.ed.gov/ocr>

Retention of Investigatory Records and Materials

The Title IX Coordinator is responsible for overseeing the retention of all records that must be maintained pursuant to Policy 2266. All investigators, decision-makers (including decision-makers of appeals) and facilitators of informal resolution processes shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, determination of responsibility, or informal resolution process, which may include but are not limited to:

- A. All written reports, allegations, formal complaints, statements, and responses pertaining to an alleged violation of Policy 2266;
- B. Any narratives that memorialize oral reports, allegations, formal complaints, statements, and responses pertaining to an alleged violation of Policy 2266;
- C. Any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation, determination of responsibility, and/or the District's response to an alleged violation of Policy 2266;
- D. Written witness statements;
- E. Narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. E-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of Policy 2266 (i.e., not an after-the-fact commentary about or media coverage of the incident);
- G. Notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. Written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of Policy 2266;
- A. Dated written determinations of responsibility/investigative reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of Policy 2266;
- J. Documentation of any supportive measures offered and/or provided to Complainants and/or Respondents, including no-contact orders issued to both parties, the dates the no-contact orders were issued, and the dates the parties acknowledged receipt of the no-contact orders;
- K. Documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. Copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of Policy 2266 (e.g., Student Code of Conduct and/or Employee/Administrator Handbooks);
- M. Copies of any documentation that memorializes any informal resolution to a formal complaint of sexual harassment;

~~[DRAFTING NOTE: The following options may be selected if the Board determines that they are not adequately encompassed in the preceding paragraphs.]~~

- N. documentation of any training provided to Board employees related to Policy 2266, including but not limited to, notification of the prohibitions and expectations of staff set forth in the policy and the role and responsibility of all Board employees related to enforcement of Policy 2266, including their duty to report alleged violations of the policy and/or conducting an investigation and making a determination of responsibility related to any formal complaints of sexual harassment; **~~[REMINDER: Documentation of training must be maintained regardless of whether there is an investigation of a report of an alleged violation of Policy 2266. The Board should maintain a log of all Board employees who participate in training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]~~**
- O. documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- P. copies of any notices sent to the Respondent that detail allegations of conduct that may constitute a violation of Policy 2266;
- Q. copies of the notices sent to the Complainant and Respondent in advance of any interview, ~~hearing~~ or meeting;
- R. copies of any documentation or evidence used during an investigatory meeting or hearing, including the investigative report, and any written responses submitted by the Complainant or the Respondent to it.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., Wis. Stat. § 118.125) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation or proceeding related to the determination of responsibility shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than seven (7) calendar years, but longer if otherwise required by the District's records retention schedule.

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Last Modified by Melanie Oppor on July 31, 2020



Book	Policy Manual
Section	For Board Review - Title IX Regulations
Title	NEW POLICY - SPECIAL UPDATE - TITLE IX REGULATIONS - JULY 2020 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES
Code	po2266
Status	Proposed to Policy & Human Resources Committee

NEW POLICY - SPECIAL UPDATE - TITLE IX REGULATIONS - JULY 2020

2266 – NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

Introduction

The Board does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. **~~[DRAFTING NOTE: In the new Title IX regulations, the term “admission” refers to admission to postsecondary institutions (i.e., institutions of graduate higher education, institutions of undergraduate higher education, institutions of professional education, and institutions of vocational education); thus, if a K-12 school does not operate a vocational program (e.g., a school or institution that has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study), the K-12 school does not officially need to include “admission and” in the preceding sentence (and where that phrase is used throughout this policy); Neola, however, has elected to include it because all K-12 schools “enroll” students and often the term “enroll” is viewed as synonymous with the term “admit.” Since K-12 schools cannot discriminate when enrolling students into the education programs or activities that they operate, it seems appropriate to include the term “admission.”]~~** The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits sexual harassment that occurs within its education programs and activities. When the District has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating sexual harassment and will take appropriate action when an individual is determined responsible for violating this policy. Members of the School District community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. Third parties who engage in sexual harassment are also subject to the disciplinary sanctions listed in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing supportive measures as reasonably necessary to restore or preserve access to the District’s education programs and activities.

Coverage

This policy applies to sexual harassment that occurs within the District’s education programs and activities and that is committed by a Board employee, student, third-party vendor or contractor, guest, or other members of the school community.

This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the Board’s education programs and activities; such sexual misconduct/sexual activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws (X) and/or Employee/Administrator Handbook(s) **[End of Option]** if committed by a Board employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the District's education programs or activities. Sexual harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by other applicable Board policies and administrative guidelines, applicable State and/or Federal laws (X) and/or Employee/Administrator Handbook(s) [End of Option] if committed by a Board employee.

Complaints alleging sexual harassment and/or discrimination on the basis of sex are also covered by and subject to the investigation procedures in Board Policy 5517 - Student Anti-Harassment. Complaints not covered by this policy may still be governed by and subject to the procedures in Policy 5517 - Student Anti-Harassment.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- B. 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
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

- 1. "Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.
 - a. Rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ 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. Attempted rape is included.
 - 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. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
 - 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 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 or 948.09, or whose status as a student prohibits such sexual contact per Wis. Stat. §948.095.
 - g. (X) Other Sexual Contact includes the intentional emission of bodily fluids on the complainant, or at the direction of the Respondent, for the purposes of sexual gratification as defined in Wis. Stat. § 940.225(5) (b).

h. Consent refers to words or actions that a reasonable person would understand as 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 not capable of giving consent. ~~[DRAFTING NOTE: The Title IX regulations do not require the Board to adopt a particular definition of "consent," but it is advisable to adopt a definition because "consent" is an element of each of the first four terms listed above. Since there are a number of different definitions of consent from which to choose, the Board should consult its local legal counsel concerning selecting a specific definition of consent that represents its position on the topic; the investigator(s) and decision-maker(s) will then uniformly apply the adopted definition.]~~

i. Incapacitated refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep. ~~[DRAFTING NOTE: Depending on the definition of "consent" that the Board adopts, it may be necessary to define "incapacitated" in the policy. If it is not defined in the policy, it should certainly be defined in the Administrative Guideline; even if defined in the policy, the Administrative Guideline provides an opportunity to expand on the concept of "consent" and what the Board means by the term "incapacitated."]~~

2. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

- a. A current or former spouse or intimate partner 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;
- d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
- e. 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.

3. "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.

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.

Complainant: "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent: "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Formal Complaint: "Formal complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation(s) of sexual harassment. At the time of filing a formal complaint with the District, a Complainant must be participating in or attempting to participate in the District's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or a party to the formal complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent. Imputation of knowledge-based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

Supportive Measures: "Supportive measures" 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 or where no 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 protect the safety of all parties or the District's educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), (X) referral to Employee Assistance Program ~~{End of Option}~~, and other similar measures.

Education Program or Activity: "Education program or activity" refers to all operations of the District over which the Board exercises substantial control, including in-person and online educational instruction, employment, extra-curricular activities, athletics, performances, and community engagement, and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off-school property/grounds if the Board exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

School District community: "School District community" refers to students and Board employees (i.e., administrators, and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: "Third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Inculpatory Evidence: "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged sexual harassment.

Exculpatory Evidence: "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of sexual harassment.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays),

Eligible Student: "Eligible student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Title IX Coordinator(s)

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations: ~~{DRAFTING NOTE- Neola suggests the Board consider appointing both a male and a female Title IX Coordinator. The Board must list either the Name or Title of the Title IX Coordinator, while the Board may list both the Name and Title, Neola suggests that the Board consider only listing the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) (-) and in the Administrative Guideline.}~~

Carmen O'Brien
(Name)

Business Manager
(School District Title)

920-596-5332
(Telephone Number)

800 Beech Street
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(Office Address)

cobrien@manawaschools.org
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Daniel Wolfram
(Name)

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(School District Title)

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Manawa, WI 54949
(Office Address)

dwolfram@manawaschools.org
(District-issued E-mail Address)

The Title IX Coordinator shall report directly to the District Administrator. Questions about this policy should be directed to the Title IX Coordinator.

The District Administrator shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of the _____ School District of Manawa does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The District's Title IX Coordinator(s) is/are:

NAME(S)

TITLE(S)

PHONE NUMBER(S)

OFFICE ADDRESS(ES)

EMAIL ADDRESS(ES)

Any inquiries about the application of Title IX and its implementing regulations to the District may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process and procedures are included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: <https://www.manawaschools.org/district/policies.cfm> ~~insert the web address at which Policy 2266 can be found; or insert a hyperlink tied to the title of the policy~~ The grievance process and procedures specifically address how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

The District Administrator shall also prominently display the Title IX Coordinator's(s') contact information – including Name(s) and/or Title(s), Phone Number(s), Office Address(es), and Email Address(es) – and this policy on the District's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The District's response to allegations of sexual harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this grievance process before the imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or

an individual complainant or respondent.

If a determination of responsibility for sexual harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the District's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

The Process described herein relates exclusively to complaints brought under this Policy. The District will continue to handle complaints subject to the District's other nondiscrimination and anti-harassment policies, including: Policy 5517 - Student Anti-Harassment; Policy 5517.01 - Bullying; 2260 - Nondiscrimination and Access to Equal Educational Opportunity; Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.

Report of Sexual Discrimination / Harassment

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s). ~~(-) Anonymous reports may be submitted using [] the online reporting form posted at [insert the web address for the reporting form, or insert a hyperlink tied to the phrase "online reporting form"] [or] [] the hotline reporting number ([insert phone number]). [DRAFTING NOTE: Inclusion of this optional language is not recommended, however, it is recommended that the Title IX Coordinator(s) be trained on evaluation of anonymous reports to determine if sufficient information is provided so as to proceed under either this Policy or another related policy.]~~

Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee, who will, in turn, notify the/a Title IX Coordinator. ~~[DRAFTING NOTE: All Board employees are mandatory reporters pursuant to the Title IX regulations. Existing policy, however, also requires students and Board members to report any information they have concerning allegations of sex discrimination or sexual harassment. Neola suggests that the Board continue this additional requirement in this policy, along with the language encouraging other individuals to make such reports; this will coincide with similar requirements that are imposed on Board members and students in other nondiscrimination and anti-harassment policies. If the Board decides it does not want to go beyond the scope of the regulations for purposes of this policy, it should replace the first sentence of this paragraph with either of the following: "Board employees are required to report allegations of sex discrimination or sexual harassment promptly to the Title IX Coordinator." OR "Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee, who in turn will notify the/a Title IX Coordinator."]~~ Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of sexual harassment by or involving the Title IX Coordinator, the person making the report should submit it to the District Administrator, or another Board employee who, in turn, will notify the District Administrator of the report. The District Administrator will then serve in place of the Title IX Coordinator for purposes of addressing that report of sexual harassment. ~~[DRAFTING NOTE: If the District Administrator is the Title IX Coordinator, substitute "Board President" in place of "District Administrator."]-~~

The Board does business with various vendors, contractors, and other third parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a formal complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of sexual misconduct/sexual activity not involving sexual harassment will be addressed through the procedures outlined in Board policies (X) and/or administrative guidelines, ~~[END of OPTION]~~ the applicable Student Code of Conduct, or Employee/Administrator Handbook(s).

Because the Board is considered to have actual knowledge of sexual harassment or allegations of sexual harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of sexual harassment

or allegations of sexual harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or sexual harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. ~~**DRAFTING NOTE: The regulations do not specify within how many days the Board employee must notify the Title IX Coordinator of receiving a report of sexual harassment; Neola suggests "two (2) days". Alternatively, the Board could make this language more open-ended—e.g., " * * * must immediately/promptly notify the/a Title IX Coordinator of such information or report."**~~ The Board employee must also comply with mandatory reporting responsibilities pursuant to Wis. Stat. 48.981 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

If a Board employee fails to report an incident of sexual harassment of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of sexual harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days) ~~**[DRAFTING NOTE: The regulations do not define "promptly" or otherwise specify within how many days the contact has to be made; Neola suggests "two (2) days".]**~~ of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) 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 formal complaint, and explain to the Complainant the process for filing a formal complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related District policies, including Policy 5120 - Assignment within District; Policy 5605 - Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion, and Policy 5611 – Due Process Rights. ~~**[DRAFTING NOTE: The Board may substitute "District Administrator" or "Title IX Coordinator" in place of "District" in the first sentence. Alternatively, the District Administrator could designate, through the administrative guideline, one or more administrators, including the Title IX Coordinator, to make emergency removal decisions after conducting the individualized safety and risk analysis. In Wisconsin, emergency removals may only be imposed in the manner delineated in Wis. Stat. § 120.13. Additionally, emergency removals must be conducted in compliance with the Individuals with Disabilities Education Improvement Act and/or Section 504 of the Rehabilitation Act of 1973.]**~~

If the Respondent is a non-student employee, the District may place the Respondent on administrative leave during the pendency of the grievance process. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements.

For all other Respondents, including other members of the School District community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of sexual harassment or otherwise.

Formal Complaint of Sexual Harassment

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above () and by _____ ~~**[DRAFTING NOTE: The Board may set forth additional method(s) by which a formal complaint may be filed (e.g., online portal submission).]**~~ If a formal complaint involves allegations of sexual harassment by or involving the Title IX Coordinator, the Complainant should submit the formal complaint to the District Administrator, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that formal complaint. ~~**[DRAFTING NOTE: If the District Administrator is the Title IX Coordinator, substitute "Board President" in place of "District Administrator" in the preceding sentence.]**~~

The Complainant's wishes with respect to whether a formal complaint is filed will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

When the Title IX Coordinator receives a formal complaint or signs a formal complaint, the District will follow its grievance process and procedures, as set forth herein. Specifically, the District will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person’s status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of sexual harassment or submitting a false formal complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct (X) and the Employee/Administrator Handbook. ~~[DRAFTING NOTE: The Board should confirm/verify that its Student Code of Conduct and any Employee/Administrator Handbook(s) include a prohibition against intentionally making a false report, submitting a false formal complaint, or making a false statement or submitting false information during a Title IX grievance process. Such misconduct should be a sanctionable offense pursuant to the Student Code of Conduct and Employee/Administrator Handbook(s).]~~

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The District will seek to conclude the grievance process within ninety (90) calendar days of receipt of the formal complaint, followed by the appeal process which shall be processed in a timely manner. ~~[DRAFTING NOTE: The Title IX regulations do not specify a deadline for completing the grievance process; Neola suggests ninety (90) calendar days based on the requirements found in PI 9 relative to investigations pursuant to Wis. Stat. 118.13 and Policy 5517 – Student Anti-Harassment.]~~

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action, except that any complaint covered by Policy 5517 - Student Anti-Harassment as well must comply with the timelines in that Policy, however, an investigation may still proceed as required under this Policy. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or an accommodation of disabilities. ~~[DRAFTING NOTE: The Board should consult with its local legal counsel on a case-by-case basis to determine whether there may be other reasons/good cause for a delay or extension of time – e.g., the complexity and severity of the matter, or school breaks.] (-) The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.~~

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board’s grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must:
 1. Include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 2. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
 3. Inform the parties of any provision in the Student Code of Conduct (X), this policy, (X) and/or Employee/Administrator Handbook ~~[DRAFTING NOTE: While the Title IX regulations only reference “code of conduct” Neola suggests that the Board reference other applicable documents that expressly prohibit an individual from making false statements or knowingly submitting false information as part of the grievance process]~~ that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

~~[DRAFTING NOTE: The Title IX regulations do not define “upon receipt” or otherwise specify within how many days the notice must be sent; Neola suggests the Title IX Coordinator send the notice within “two (2) days” of receipt of the formal complaint; this suggestion is memorialized in the corresponding administrative guideline. Please note,~~

~~however, that it could be argued that the notice should be sent sooner. Regardless, the Title IX Coordinator should have a template notice form available that can be quickly completed with the requisite information after receipt of the formal complaint.}~~

If during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The District shall investigate the allegations in a formal complaint unless the conduct alleged in the formal complaint:

- A. Would not constitute sexual harassment (as defined in this policy) even if proved;
- B. Did not occur in the District's education program or activity; or
- C. Did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator shall dismiss the formal complaint. If the Title IX Coordinator dismisses the formal complaint due to one of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator may dismiss a formal complaint, or any allegations therein, if at any time during the investigation ~~()~~ ~~or hearing~~ **[DRAFTING NOTE: Select this option if the Board permits hearings.]:**

- A. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
- B. The Respondent is no longer enrolled in the District or employed by the Board; or
- C. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the Title IX Coordinator dismisses a formal complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment 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 sexual harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

~~**[DRAFTING NOTE: The Board may adopt provisions, rules, or practices other than those required by the Title IX regulations as part of its grievance process for handling formal complaints of sexual harassment, provided they apply equally to both parties and do not violate the language in the regulations. The Board should discuss this option with its local legal counsel.]**~~

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a formal complaint of sexual harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a formal complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The

informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. The allegations;
- B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and
- C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Board employee ~~() or another adult member of the School-District community or Third Party [END of OPTION]~~ sexually harassed a student. ~~[DRAFTING NOTE: The Title IX regulations prohibit the use of an informal resolution process when the allegations involve a Board employee sexually harassing a student; Neola suggests that it also may not be appropriate to use informal resolution processes when a Third Party is alleged to have sexually harassed a student. Since this is not a requirement, it is offered as an option. If the optional language is not selected, the Board retains the discretion to use informal resolution processes as may be determined appropriate by the Title IX Coordinator on a case-by-case basis.]~~

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent. ~~[DRAFTING NOTE: While this language is not required by the Title IX regulations, Neola suggests the Board select this option because of the severity of this type of sexual harassment.]~~

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the District, not the parties.

In making the determination of responsibility, the decision-maker(s) is (are) directed to use the preponderance of the evidence standard ~~() clear and convincing evidence standard [END OF OPTIONS]~~. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

~~[DRAFTING NOTE: Neola suggests the Board adopts the "preponderance of the evidence standard." The preponderance of the evidence standard is an equitable standard of proof and the legal standard by which most civil lawsuits, including civil rights claims, are adjudicated in the United States. This standard requires the decision-maker(s) to determine that there is a greater than fifty percent (50%) likelihood (i.e., it is more probable/likely than not) that the Respondent engaged in the alleged sexual harassment.~~

~~The "clear and convincing evidence standard," on the other hand, is a higher standard of evidence, in which the District would need to show to the decision-maker(s) that the truth of the allegations is highly probable (i.e., that the contention is substantially more likely to be true than untrue). Some argue that using the clear and convincing standard may skew the playing field toward the Respondent by enhancing protection for the Respondent at the expense of the Complainant.~~

~~The same standard of evidence must be applied for formal complaints against students as is applied to formal complaints against employees, and the same standard of evidence must be used for all formal complaints of sexual harassment. The Board should discuss this option with its local legal counsel.]~~

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of

treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an eligible student, the District must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. Present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. Have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.
- C. The District establishes the following restrictions, which apply equally to both parties, regarding the extent to which an advisor may participate in the proceedings: **[DRAFTING NOTE: The Board should consult with its local legal counsel concerning any restrictions it may want to place on an advisor's participation in the proceedings, including rules of decorum.] In Process**
- D. Board Policy 2461 – Recording of District Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, ~~[DRAFTING NOTE: Select this option if the Board permits hearings.]~~ investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings ~~() and _____ days' notice with respect to hearings [End of Option]. [DRAFTING NOTE: The Board should consult with its local legal counsel concerning whether to set a minimum amount of advance notice – i.e., define "sufficient time"; Neola suggests a minimum of three (3) days' advance notice for hearings and one (1) day's advanced notice for investigative interviews and other meetings.]~~

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the ~~()~~ investigator Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. ~~[DRAFTING NOTE: The Board should select the following option if it provides for a hearing before the decision-maker] () The District will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. [END OF OPTION]~~

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to: ~~[DRAFTING NOTE: Select one of the following two options. The Board should select the second option if it is providing a hearing or permitting the decision-maker(s) to decide whether to conduct a hearing on a case-by-case basis.]~~

the decision-maker(s) issuing a determination regarding responsibility.

~~() a hearing or the decision-maker(s) issuing a determination regarding responsibility.~~

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

~~**[DRAFTING NOTE: The Board may, but need not, provide for a hearing before the decision-maker(s) reaches a determination of responsibility. Neola suggests that the Board not provide for a hearing. If the Board decides not to provide for a hearing, the Board should select OPTION 1; if the Board elects to provide a hearing or to provide the decision-maker(s) with the discretion to conduct a hearing on a case-by-case basis, the Board should select OPTION 2. Additionally, if the Board operates a vocational program (see the Drafting Note contained in the first paragraph for the definition of "vocational program"), Neola suggests that the Board consult its local legal counsel concerning whether it must provide for a live hearing related to formal complaints involving parties associated with the vocational program. If the Board determines with its legal counsel, that it must provide for a live hearing it should select Option E of Option 2, at least with respect to formal complaints involving parties involved in the vocational program (i.e., it does not need to provide for a live hearing for its regular K-12 education programs and activities that it operates.)]**~~

~~**[OPTION 1]**~~

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the question of any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

~~**[END OF OPTION 1 — NOTE: If Option 1 is selected proceed to [END OF OPTION 2] and commence with Determination Regarding Responsibility]**~~

~~**[OPTION 2 — NOTE: Option 2 is inclusive of all Letter Options (A) — (E)]**~~

~~After the investigator sends the investigative report to the parties and the decision-maker(s), and prior to the decision-maker(s) issuing a determination of responsibility, the decision-maker(s) () may () will [END OF OPTIONS] conduct a hearing.~~

~~**[DRAFTING NOTE: Select Option A or Option B. If the Board selects "may," it should select Option A; if it selects "will," it should select Option B.]**~~

~~**[Option A]**~~

~~If the decision-maker(s) decides not to conduct a hearing, the decision-maker(s) will state in writing the reason for not conducting a hearing and provide that explanation to the parties. Additionally, before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.~~

~~If the decision-maker(s) elects to conduct a hearing, the hearing will proceed as follows:~~

~~**[End of Option A]**~~

~~**[Option B]**~~

~~The hearing will proceed as follows:~~

~~**[End of Option B]**~~

~~**[DRAFTING NOTE: Select Option C or Option D or Option E; Neola suggests Option C. The Board should discuss this option with its local legal counsel.]**~~

~~**[Option C]**~~

~~At the hearing, the decision-maker(s) will allow each party or each party's advisor to submit relevant questions to the decision-maker(s) who will ask the questions to the other party and any witnesses. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Only relevant cross-examination and other questions, including follow-up questions and questions challenging credibility, will be permitted. Such cross-examination and questioning at the live hearing shall be conducted orally and in real time.~~

~~() If a party does not have an advisor present at the live hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party.~~

[End of Option C]

[Option D]

~~Prior to commencing the hearing, the decision maker(s) will decide whether to allow each party's advisor to ask questions directly of the other party and any witnesses, or instead to have the questions submitted to the decision maker(s) who will ask the other party and any witnesses the questions.~~

~~If the decision maker(s) permits each party's advisor to ask the other party and any witnesses relevant questions and follow up questions, including questions challenging credibility, such cross examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If the decision maker(s) permit each party's advisor to ask questions directly to the other party and any witnesses, the decision maker(s) shall not restrict the extent to which advisors may participate in the hearing.~~

~~If, on the other hand, the decision maker(s) decides to have each party's advisor (or the party, if the party does not have an advisor) submit relevant questions to the decision maker(s), the decision maker will ask the questions to the other party and any witnesses. Such cross examination at the hearing will be conducted orally and in real time by the decision maker(s) based upon questions submitted by a party's advisor or the party.~~

~~Only relevant cross examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross examination or other question, the decision maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.~~

~~If the decision maker(s) permits the parties' advisors to ask the questions directly, and a party does not have an advisor present at the live hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party.~~

~~(-) If the decision maker(s) decides not to have the parties' advisors ask the questions directly, and a party does not have an advisor present at the hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party.~~

[End of Option D]

[Option E]

~~At the live hearing, the decision maker(s) shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow up questions, including those challenging credibility. Such cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally; notwithstanding anything to the contrary in this policy, the decision maker shall not restrict the extent to which advisors may participate in the hearing.~~

~~Only relevant cross examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross examination or other question, the decision maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.~~

~~(-) If a party does not have an advisor present at the live hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party.~~

[End of Option E]

~~Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.~~

~~If a party or witness does not submit to cross examination at the live hearing, the decision maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.~~

~~Hearings may be conducted with all parties physically present in the same geographic location or, at the discretion of the (-) decision maker(s) (-) Title IX Coordinator(s) [END OF OPTIONS], any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the decision maker shall provide for the hearing to occur with the parties located in separate rooms with technology enabling the decision maker(s) and parties to simultaneously see and hear the party or witness answering questions. The District will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review.~~

[END OF OPTION 2]

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the (X) preponderance of the evidence standard (-) clear and convincing evidence standard. **[DRAFTING NOTE: Be sure to select the evidence standard selected previously (i.e., above).]**

The written determination will include the following content:

- A. Identification of the allegations potentially constituting sexual harassment pursuant to this policy;
- B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence, ~~() and hearings held;~~ **[DRAFTING NOTE: The Board should only select this option if it permits hearings.]**
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the District impose on the Respondent(s) and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

[OPTION 1]

Informal or formal disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in sexual harassment).

[END OF OPTION]

[OPTION 2]

~~Disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in sexual harassment) including but not limited to:~~

~~A. Informal Discipline~~

- ~~1. () writing assignments;~~
- ~~2. () changing of seating or location;~~
- ~~3. () pre-school, () lunchtime, () after-school detention;~~
- ~~4. () in-school discipline;~~
- ~~5. () Saturday school~~

~~B. Formal Discipline~~

- ~~1. () suspension of bus riding/transportation privileges;~~
- ~~2. () removal from co-curricular and/or extra-curricular activity(ies), including athletics;~~
- ~~3. () emergency removal;~~
- ~~4. () suspension for up to five (5) school days;~~
- ~~5. () suspension for up to fifteen (15) consecutive school days if a notice of expulsion hearing has been sent;~~
- ~~6. () suspension for up to ten (10) consecutive school days for each incident if the student is eligible for special education services under Chapter 115, Wis. Stats.;~~
- ~~7. () expulsion;~~
- ~~8. () permanent exclusion from co-curricular and/or extra-curricular activity(ies), including athletics or current class enrollment; and~~

9. ~~(-) any other sanction authorized by the Student Code of Conduct.~~

[END OF OPTION]

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion, Policy 5610.01 – Alternative Expulsion Hearing Procedure, Policy 5610.02 – In-School Discipline, and Policy 5611 – Due Process Rights. The discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

Disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy including but not limited to (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. ~~(-) demotion;~~
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in sexual harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual. ~~**[DRAFTING NOTE: The Board should review applicable policy(ies)/administrative guidelines/employee handbooks to determine whether changes are needed to stated timelines related to the imposition of discipline as a result of possible delays caused by the Board's obligation to follow this grievance process and procedures.]**~~

The discipline of an employee will be implemented in accordance with Federal and State law, and Board policy.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School District community or Third Party determined responsible for violating this policy (i.e., engaging in sexual harassment):

- A. oral or written warning;
- B. suspension or termination/ cancellation of the Board's contract with the third-party vendor or contractor;
- C. ~~(-) mandatory monitoring of the third party while on school property and/or while working/interacting with students;~~
- D. restriction/prohibition on the third-party's ability to be on school property; and
- E. any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in sexual harassment), the decision-maker(s) will recommend appropriate remedies, including the imposition of sanctions. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the District Administrator will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

The District's resolution of a formal complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process and procedures, the District Administrator may involve local law enforcement and/or file criminal charges related to allegations of sexual harassment that involve a sexual assault.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility or from the Title IX Coordinator's dismissal of a formal complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against **Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.**

~~**[DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed.]**~~

(X) The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within ~~five~~ (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein. ~~**[DRAFTING NOTE: Neola suggests that the deadline for submitting a written appeal be set at "within five (5) days" of the appealing party's receipt of the decision-maker's(s)' determination of responsibility.]**~~

Nothing herein shall prevent the District Administrator from imposing any remedy, including disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. ~~**[DRAFTING NOTE: Select OPTION 1, OPTION 2, OPTION 3, or OPTION 4.]**~~

~~**[OPTION 1] The decision-maker(s) for the appeal shall determine when each party's written statement is due. [END OF OPTION 1]**~~

~~**[OPTION 2] The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal. [END OF OPTION 2]**~~

~~**[OPTION 3] The appealing party's written statement must be submitted within _____ days after the Title IX Coordinator receives notice of the appeal. The other party's written statement must be submitted within _____ days after the Title IX Coordinator provides that party a copy of the appealing party's written statement. () The appealing party will have _____ days to submit a rebuttal to the other party's written statement. [DRAFTING NOTE: Neola does not suggest that the Board**~~

~~select this extra option.} [END OF OPTION 3]~~

[OPTION 4] Specifically, the appealing party must submit with the notice of appeal a written statement challenging the determination of responsibility. The nonappealing party shall have up to ____ days after receipt of the appealing party's written statement to submit his/her written statement in support of the determination of responsibility. **[END OF OPTION 4]**

~~[DRAFTING NOTE: Neola suggests that the deadline for both parties to submit a written statement pursuant to OPTION 2 be set at "within five (5) days" of the Title IX Coordinator providing notice to the non-appealing party of the appeal.]~~

~~If the Board selects OPTION 3, Neola suggests that the party's respective written statements be submitted within three (3) days of the triggering event (i.e., submission of the notice of appeal for the appealing party, and receipt of the appealing party's written statement for the nonappealing party), and if the Board selects the extra option in OPTION 3, Neola suggests the appealing party only have two (2) days after receipt of the non-appealing party's written statement to submit the rebuttal. Alternatively, in order to expedite the appeal, the Board could select OPTION 4 and require the appealing party to submit his/her written statement challenging the determination of responsibility at the same time s/he submits his/her notice of appeal. The nonappealing party would then be permitted to submit a written statement in support of the determination of responsibility within the same number of days that the appealing party had to submit the notice of appeal/statement challenging the determination of responsibility (e.g. three or five days, depending on the appeal deadline selected above.)~~

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) _____ days of when the parties' written statements were submitted.

~~[DRAFTING NOTE: Neola suggests that the deadline for the decision-maker(s) of the appeal to issue the final decision be set at "within five (5) days" of the date the parties submitted their written statements, or the date a last written statement is submitted pursuant to Option 3 or Option 4.]~~

The determination of responsibility associated with a formal complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted. **[END OF OPTION]**

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation ~~(-) and/or hearing~~ **[DRAFTING NOTE: Select this option if the Board permits hearings.];** is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or FERPA's regulations, and State law under Wis. Stat. § 118.12, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain

confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

Training

The District's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. The definition of sexual harassment (as that term is used in this policy);
- B. The scope of the District's education program or activity;
- C. How to conduct an investigation and implement the grievance process ~~(-) that includes hearings, [DRAFTING NOTE: Select this option if the Board permits hearings.]~~ appeals and informal resolution processes, as applicable; and
- D. How to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report sexual harassment to the Title IX Coordinator. This training will include practical information about how to identify and report sexual harassment. ~~[DRAFTING NOTE: While the Title IX regulations do not specifically require this training, it is critical that the Board train all of the employees concerning this legal obligation since the Board will be considered to have "actual knowledge" of Sexual Harassment if any Board employee has notice of such conduct.]~~

Recordkeeping

As part of its response to alleged violations of this policy, the District shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a Complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

The District shall maintain for a period of seven (7) calendar years the following records pursuant to Wis. Stat. § 19.21(6):

- A. Each sexual harassment investigation including any determination regarding responsibility ~~(-) and any audio or audiovisual recording or transcript that is made of any hearing [DRAFTING NOTE: Select this option if the Board permits live hearings.]~~; any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website. ~~(-) If a person is unable to access the District's website, the Title IX Coordinator will make the training materials available upon request for inspection by members of the public.~~

Outside Appointments, Dual Appointments, and Delegations

The Board retains the discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains the discretion to appoint two (2) or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The District Administrator may delegate functions assigned to a specific Board employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation, may be rescinded by the District Administrator at any time.

~~[DRAFTING NOTE: The following option expressly sets forth authority that the Board has regardless of whether it is included in this policy, but is offered for those boards of education that may want to affirmatively communicate to / address these issues for readers of this policy.]~~

(X) Discretion in Application

The Board retains the discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains the discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains the discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

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Legal	20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
	20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
	42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
	42 U.S.C. 2000d et seq.
	42 U.S.C. 2000e et seq.
	42 U.S.C. 1983
	34 C.F.R. Part 106
	19.21(6), Wis. Stats.
	118.25, Wis. Stats.
	120.13, Wis. Stats.
	948.02, Wis. Stats.
	OCR's Revised Sexual Harassment Guidance (2001)
	20 U.S.C. 1092(F)(6)(A)(v)
	34 U.S.C. 12291(a)(10)
	34 U.S.C. 12291(a)(8)
	34 U.S.C. 12291(a)(30)

Last Modified by Melanie Oppor on July 31, 2020

SDM Exit Interview Survey

Exit interviews are voluntary and may be filled out at any time within 6 months from last workday. Each exit interview will be shared with the Board within 48 hours of being filed.

*1. Name

Last Name

First Name

*2. Length of Service with Manawa School District

Years

Months

*3. What was the separation date from your position?

MM DD YYYY

Date:

 / /

*4. Please indicate the reasons for separation. You must select at least one but no more than five of your top reasons

Not a voluntary separation

Return to continue education

Benefits

Resignation in lieu of an

Health problems

Lack of opportunity for

involuntary separation

Stress

advancement

Retirement

Family Reasons

Inadequate professional

Relocation

Personal Reasons

development

Promotion

Salary or Wages

Dislike/Unsuitability for
assigned duties

Transfer

Dissatisfaction with supervisor

Other

Other (please specify)

5. Future employment: Please select one of the following that best describes your future employment.

Accepted another teaching position

Accepted another position that is the same as the position I am leaving

Accepted another position in the field of education

Accepted a position other than teaching or in the field of education

Accepted another position different than the one I am leaving

Not accepted employment elsewhere

Decline to disclose future plans

6. Do you have suggestions for improving the job and/or the School District of Manawa?

Exit Interviews Process:

District Office mails the Exit Interview Survey to exiting employees

- Include a stamped addressed envelope to Board Contact: (Bobbi Jo Pethke)

Board Contact:

Receives the Exit Interview from former employee in the mail

- Scan and share the document with the BOE and District Administrator
- Send / deliver the exit interview document to District office contact for filing (Julie)

District Office

Those Exit Interviews that are returned signed are filed in Personnel File. (Julie)

The unsigned are kept in an individual file (Jeanne kept previously – will share with Julie)



Book	Policy Manual
Section	7000 Property
Title	COMMEMORATION OF EXCEPTIONAL INDIVIDUALS/GROUPS
Code	po7250
Status	Active
Adopted	November 21, 2016

7250 - **COMMEMORATION OF EXCEPTIONAL INDIVIDUALS/GROUPS**

From time-to-time, the Board of Education may wish to honor a person or a group by affixing a plaque or naming a school or District facility. Such commemoration should be reserved only for those individuals who have made a significant contribution to the enhancement of education generally or the District in particular or to the well-being of the District, community, state, or nation.

Any employee of the District thus honored must be no longer employed by the District prior to the Board's selection of his/her name for a plaque or for the naming of a facility.

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Last Modified by Kayla Reichley on September 9, 2019