

ADDENDUM TO THE 2020-2021 ELEMENTARY, MIDDLE SCHOOL & HIGH SCHOOL EXPECTATIONS BOOKS



If you need assistance with translating this document to your native language, please contact the District's English Learners Department at (920) 448-3564.

Spanish: Si necesita esta información en su idioma natal, comuníquese con el Departamento de Estudiante del Idioma Inglés del Distrito al (920) 448-7347.

Hmong: Yog koj xav tau tej ntaub ntawv no ua koj hom lus, thov cuag rau hauv District's English Learners Department rau ntawm (920) 492-2661.

Somali: Haddii aad ubaahan tahay macluumaadkan inaad ku hesho afkaaga hooyo, fadlan la xiriir Waaxda Bartayaasha Luqadda Ingiriisiga ee Degmada lamabarkuna waa (920) 272-7647.

The District's annual expectation books for both elementary schools and secondary schools are sent to the Print Center in early summer each year in order to allocate enough time to print nearly 21,000 books prior to the start of each school year. After printing of the 2020-2021 expectation books commenced, several important policies of the District were updated throughout the summer. Some of those policy revisions were related to legislative updates, including new Title IX requirements issued by the federal government, and others were related to changes in internal District practices, including considerations for off-site/virtual learning in light of the current health pandemic. Accordingly, the District is sharing this Addendum in order to notify students and families of those updates. Any further updates during the 2020-2021 school year can be found on the District's Website, by reviewing Board of Education Policies and Rules (as outlined below), and by visiting the District's GBAPS Forward page, www.gbaps.org/our_district/coronavirus.

BOARD OF EDUCATION POLICIES

We are very excited to announce that the District has navigated to housing and maintaining all of our Board of Education Policies, Rules and Exhibits in a new application, BoardDocs. Many districts across the State of Wisconsin have transitioned to using BoardDocs for the same purpose. We are confident that you will find BoardDocs to be a very user-friendly application. One of the most appealing features is the ability to conduct keyword searches of the text and titles of policies, which provides easier and more efficient access to policies.

Due to this transition, policy links contained in the original 2020-2021 expectation books may no longer function. You can now access our Policies and Rules through BoardDocs by visiting the District's Policy website, https://gbaps.org/our_district/board_of_education/board_policies and clicking the Board Docs link. Instructions for accessing and searching policies are listed on the welcome page.

SCHOOL CALENDARS

As communicated in the original expectation books, the District's general school calendar is available on the District's website, along with information on graduation dates, and early dismissal dates and times. On October 12, 2020, the Board of Education voted to approve several modifications to the District's 2020-2021 calendar. The updated 2020-2021 calendar is available on the District's website, www.gbaps.org/our_district/2020-21_calendar. Please note that that East High School, John Dewey Academy of Learning, N.E.W. School of Innovation, Aldo Leopold, Leonard da Vinci and Red Smith calendars may not coincide with the District's general calendar. School calendars are also available on each school's webpage, or may be obtained from the school.

PUPIL NON-DISCRIMINATION STATEMENT

The Green Bay Area Public School District prohibits all forms of unlawful discrimination against students and other persons in all aspects of the District's programs and operations. Accordingly, consistent with Wis. Stat. § 118.13, no person shall unlawfully be denied admission to any public school in this District, or be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, pupil service, recreational or other program or activity because of the person's sex, sexual orientation, race, color, national origin, ancestry, religion, creed, pregnancy, marital or parental status, or physical, mental, emotional or learning disability. The District likewise requires and enforces nondiscrimination in a manner consistent with the rights and obligations established under all applicable federal civil rights laws, including the current provisions of Titles IV and VI of the Civil Rights Act of 1964 (race, color, religion, sex, or national origin), Title IX of the Education Amendments of 1972 (sex), Section 504 of the Rehabilitation Act (disability), the Americans with Disabilities Act (including Title II of the ADA, which prohibits discrimination on the basis of disability in state and local government services), and the civil rights provisions associated with the District's participation in federal meal programs.

The District prohibits discrimination on the basis of sex in the education program it operates, and the District is required by Title IX of the Education Amendments of 1972 (Title IX) and 34 C.F.R. ch. 106 not to discriminate in this manner. Title IX's requirement not to discriminate in any education program or activity extends to District students, certain admissions processes and District employment.

All District career and technical education opportunities are offered to students on a nondiscriminatory basis. The District offers career and technical education programs in Animal Science, Architecture and Construction, Automotive Technician, Business Management, Culinary Arts, Education, Engineering, Health Sciences, Information Technology, Manufacturing, Marketing, and Plant Sciences.

Admission to these programs is based on interest and aptitude, age appropriateness, course prerequisites, and class space available. The District will take steps to assure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

Children of homeless individuals and unaccompanied homeless youth (youth not in the physical custody of a parent or guardian) as identified under federal law shall have equal access to the same free, appropriate public education, including comparable services, as provided to other children and youth who reside in the District. Homeless children and youth shall not be required to attend a separate school or program for homeless children and shall not be stigmatized by school personnel.

The District shall provide legally-required accommodations and appropriate educational services or programs for students who have been identified as having a disability, regardless of the nature or severity of the disability. The District shall also provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. Requests for religious accommodations shall be made in writing and approved by the building principal.

When acceptable to the complaining party, the District encourages informal resolution of discrimination complaints and related concerns. However, a formal complaint resolution procedure is available to address allegations of unlawful discrimination and/or any alleged violation of the District's equal educational opportunities policies.

Any questions concerning this notice, the District's nondiscrimination and equal educational opportunities policies, policy compliance, or the District's complaint procedures may be directed to the following persons:

Vicki Bayer
Deputy Superintendent
200 S. Broadway
Green Bay, WI 54303
(920) 448-2184
vlbayer@gbaps.org

Ellen Krueger
Title IX Coordinator
200 S. Broadway
Green Bay, WI 54303
(920) 448-2284
ekrueger@gbaps.org

Theresa Willems
Executive Director of Human Resources
200 S. Broadway
Green Bay, WI 54303
(920) 448-2013
tlwillems@gbaps.org

Claudia Henrickson
Section 504 Coordinator
200 S. Broadway
Green Bay, WI 54303
(920) 448-2081
cwhenrickson@gbaps.org

Discrimination-related complaints may be filed with the District's Title IX Coordinator (sex discrimination and sexual harassment issues and complaints) or the Section 504 Coordinator (disability rights, disability-based discrimination issues, and Americans with Disabilities Act issues and complaints) for all student and all non-employment related matters.

By following all required procedures and timelines, complaints of unlawful student discrimination may also be filed externally with the Wisconsin Department of Public Instruction, the Chicago office of the U.S. Department of Education's Office for Civil Rights, or, in appropriate circumstances, with any state or federal court or other agency of competent jurisdiction. In order to work collaboratively with the parent/guardian to seek a timely and amicable resolution, the District requests an appeal first to the Deputy Superintendent, and subsequently to the Superintendent of Schools and Learning, prior to submitting an appeal to the State Superintendent of Public Instruction.

Wisconsin Department of Public Instruction
P.O. Box 7841
Madison, WI 53707-7841
(800) 441-4563

Office for Civil Rights, Chicago Office
U.S. Department of Education
500 W. Madison Street, Suite 1475
Chicago, IL 60661
(312)730-1560
(312)730-1576 FAX
(800)877-8339 TDD
Email: ocr.chicago@ed.gov

SEXUAL HARRASSMENT AND SEXUAL VIOLENCE BY OR TOWARD STUDENTS (Board Policy 411.11 – Revised August 17, 2020)

I. PURPOSE

- A. It is the policy of the Green Bay Area Public School District to prohibit discrimination on the basis of sex, as required by Title IX of the Education Amendments of 1972. The District is committed to providing an environment where every student feels supported, welcomed, respected, and as such shall not discriminate against any person on the basis of sex in any of its curricular, career and technical education, co- curricular, career and technical education, student services, recreational or other programs or activities, or in admission or access to any programs or activities offered by the District or to employment. The District's policy is to protect all students, regardless of sexual orientation or gender identity.
- B. It is the policy of the Green Bay Area Public School District to prohibit discrimination on the basis of sex in the education program it operates, and the District is required by Title IX of the Education Amendments of 1972 ("Title IX") and 34 C.F.R. ch. 106 not to discriminate in this manner. Title IX's requirement not to discriminate in any education program or activity extends to District students, certain admissions processes, and District employment.
- C. Inquiries about the application of Title IX and 34 C.F.R. ch. 106 (i.e., the federal Title IX regulations) to the District may be referred to the District's Title IX Coordinator (designated below), to the Assistant Secretary for Civil Rights at the U.S. Department of Education, or both.
- D. Nothing in this policy or corresponding procedures shall restrict any rights guaranteed against government action by the U.S. Constitution (i.e., First Amendment Rights, Due Process Rights of the First and Fourteenth Amendments, Fourth Amendment Rights) nor shall this policy be used to deny any individual's rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., or any regulations promulgated thereunder.
- E. Nothing in these policies or procedures shall preclude an individual from filing a criminal complaint with outside law enforcement agencies. Such agencies independently determine the extent to which any given complaint falls within their realm of authority.

II. DEFINITIONS

- A. 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 District, or to any employee of an elementary and secondary school other than the respondent (in circumstances where the respondent is a District employee).
- B. Complainant. Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment or the victim of retaliation for engaging in a protected activity.
- C. Consent. Consent means engaging in sexual activity knowingly, voluntarily, and with clear permission by word or action. Reasonable reciprocation can be considered implied consent. Consent will be interpreted in accordance with Wisconsin law.
- D. Dating Violence. Dating violence, as defined in 34 U.S.C. §12291(a)(10), means violence on the basis of sex committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant.
1. The existence of such relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 2. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 3. Dating violence does not include acts covered under the definition of domestic violence.
- E. Domestic Violence. Domestic violence, as defined in 34 U.S.C. §12291(a)(8), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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.
- F. Education Program or Activity. Education program or activity means locations, events or circumstances where the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs. For purposes of Title IX, the sexual harassment must occur within the United States.
- G. Formal Complaint. Formal complaint means a document filed by an eligible complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment under Title IX.
- H. Notice. Notice as used in this policy includes, but is not limited to, a report of sexual harassment to the District's Title IX Coordinator.
- I. Preponderance of the Evidence Standard. The preponderance of the evidence standard means the evidence must show that the act of sexual violence or sexual harassment more likely than not did occur and more likely than not the respondent(s) committed the act.
- J. Respondent. Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or the perpetrator of retaliation for engaging in a protected activity.
- K. Retaliation. Acts of retaliation include, but are not limited to, harassment escalation, unsatisfactory academic evaluation, threats, differences in academic treatment, sarcasm or unwanted comments to or by peers.
- L. Sexual Assault. Sexual assault, as defined in 20 U.S.C. §1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including but not limited to rape, incest, sexual assault with an object, and fondling.
- M. Title IX Sexual Harassment. Title IX sexual harassment means conduct on the basis of sex in any District education program or activity and in the United States that satisfies one or more of the following:
1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or

3. Any of the following, as defined under the Title IX regulations by reference to other federal statutes:
 - a. Dating violence;
 - b. Domestic violence;
 - c. Sexual assault; or
 - d. Stalking.

- N. Stalking. Stalking, as defined in 34 U.S.C. §12291(a)(30), means engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:
 1. Course of conduct means two or more acts including, but not limited to, acts in which the stalker directly, indirectly or through third parties by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 3. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

- O. Supportive Measures. Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint of sexual harassment under Title IX or where no such formal complaint has been filed.

III. REPORTING

- A. Notice or Reports of Sexual Harassment and/or Retaliation. Except as otherwise required by law, any person, including a witness or other person who has not been harmed/victimized by the alleged conduct or challenged policy, may report the incident using the following methods:
 1. In person, by mail, by telephone, by electronic mail, or through an online portal or webpage provided for this purpose (where available) to the District's Title IX Coordinator using the contact information for the District's Title IX Coordinator as noted in this policy. When using the Title IX Coordinator's designated contact information, such a report may be made at any time, including non-business hours.
 2. By reporting the alleged sexual harassment to any District employee who shall be responsible for forwarding the complaint to the District's Title IX Coordinator for review and action as necessary.
 3. By any other means that results in the Title IX Coordinator actually receiving the person's verbal or written report, including by submitting the report in person (e.g., at any arranged meeting or when the coordinator is otherwise reasonably available during normal working hours).

- B. Filing a Formal Complaint.
 1. An individual who is alleged to be the victim of the conduct that could constitute sexual harassment under Title IX (i.e., a "complainant"), or a parent or guardian who is acting on behalf of such an individual, may file a formal complaint of sexual harassment, as defined under Title IX (34 C.F.R. § 106.30). A formal complaint may be filed in addition to or in lieu of any other report(s) of the same alleged conduct. All of the following apply to any such formal complaint:
 - a. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of the District.
 - b. The formal complaint must be in the form of a document or an electronic submission (e.g., an electronic mail message) that:
 1. Alleges sexual harassment against a respondent (if the identity of the respondent is not known, it is not necessary to identify the respondent by name);
 2. Requests that the District investigate the allegation of sexual harassment; and
 3. Contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
 - c. The formal complaint must be filed with the District's Title IX Coordinator by submitting the document or electronic submission in person, by mail, or by electronic mail, using the contact information that the District has established for the District's Title IX Coordinator. In addition, the District will accept submissions of a formal complaint through an online portal or webpage provided for this purpose (where available) so long as the electronic submission contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the formal complaint.
 - d. If the formal complaint is not filed in person, a complainant is strongly encouraged to contact the District to confirm that the complaint was actually received as intended.

2. If a complainant is not eligible to file a formal complaint of sexual harassment under Title IX, or chooses not to do so, the Title IX Coordinator may determine whether to sign a formal complaint regarding the alleged conduct.
 - a. The Title IX Coordinator may sign a Title IX formal complaint if he/she determines, on behalf of the District, that the District's interest in safety and/or potential sanctions for any respondent(s) make an investigation and determination pursuant to a formal complaint reasonably necessary under the circumstances. The Title IX Coordinator may consult with the District's legal counsel or other appropriate District administrators prior to making this determination.
 - b. A Title IX Coordinator shall not sign a formal complaint against the wishes of a complainant if involving an unwilling complainant in the grievance process would be clearly unreasonable in light of the known circumstances.
 - c. Upon signing a formal complaint, the Title IX Coordinator does not become a complainant or a party to the complaint, and any complainant who is identified in relation to the allegations retains his/her status as a complainant in connection with the grievance process.

IV. PROHIBITION ON RETALIATION

- A. No District official, employee, or agent or 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 or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or any proceeding conducted under the District's Title IX obligations.
- B. 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 sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.
- C. Complaints alleging retaliation in violation of this provision may be filed according to the reporting and grievance procedures that the District has established for general complaints of unlawful discrimination based on sex and any other legally-protected classification.

V. PROHIBITION ON ABUSE OF PROCESS/BAD FAITH CONDUCT

To the extent permitted by law, the District reserves authority to appropriately address and impose consequences for bad faith conduct by individuals who make a report or complaint, testify, assist, or participate in any manner in a Title IX investigation or other Title IX proceeding. For example, the District may impose lawful consequences for making a materially false statement in bad faith in the course of any proceeding that is conducted under the District's Title IX obligations. However, a determination that a report or complaint of any form of discrimination based on sex was not substantiated, standing alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

VI. JURISDICTION

- A. This policy will apply to conduct that takes place on property owned or controlled by the District or at District-sponsored events. This policy may apply to the effects of misconduct that occurs off property owned or controlled by the District if such misconduct effectively deprives an individual who is participating in or attempting to participate in the District's educational programs or activities or employment access to the District's educational program or employment.
- B. This policy will apply to online manifestations of Title IX sexual harassment when those behaviors occur in or have a substantial effect or disruption to the District's education program or activities; are made in an employee's official or work-related capacity; or use District's networks, technologies or equipment.

VII. CONFLICT OF INTEREST

- A. If the formal complaint identifies the District Title IX Coordinator as a respondent (i.e., the person reported as the perpetrator of the alleged sexual harassment), then a formal complaint may be filed directly with the Deputy Superintendent, or his/her designee, either in person, by mail, or using the following contact information:

Deputy Superintendent
Green Bay Area Public Schools 200 South Broadway
Green Bay, WI 54303 (920) 448-2068

- B. Concerns involving bias or conflict of interest by the Title IX Coordinator should be presented to the Deputy Superintendent or his or her designee. Concerns involving bias or conflict of interest by any other member of the Title IX team should be brought to the attention of the Title IX Coordinator.

VIII. IMPLEMENTATION

- A. Reports or formal complaints regarding the interpretation or application of this policy shall be processed in accordance with the District's sexual harassment and sexual violence complaint procedures.
- B. The Superintendent of Schools and Learning, or his/her designee, shall designate and assign qualified individuals to perform the roles that are defined for District agents within the District's grievance process for formal complaints of Title IX sexual harassment. The Title IX Coordinator and the Superintendent of Schools and Learning, or his/her designee, shall ensure that the individuals assigned to perform such roles have completed any training required by the federal Title IX regulations.
- C. Any person who is determined to be responsible for any violation of this policy, including any act of prohibited retaliation, is subject to appropriate disciplinary action and/or other appropriate consequences that are within the District's lawful authority.
- D. In addition, any employee or authorized agent of the District who, considering the duties, responsibilities and expectations established for their position/role, fails to reasonably report their knowledge of a possible violation of this policy or of Title IX sexual harassment is also subject to possible disciplinary action.

IX. DESIGNATION OF TITLE IX COORDINATOR

- A. Any questions regarding this policy or the District's Title IX requirement may be directed to the District's Title IX Coordinator, who oversees the school's response to Title IX reports and complaints, or the Assistant Secretary at the U.S. Department of Education, or both. The District's Title IX Coordinator is:

Ellen Krueger
Green Bay Area Public School District 200 South Broadway
Green Bay, WI 54303 (920) 448-2284
ekrueger@gbaps.org

- B. Notice of this policy and the name of the District's Title IX Coordinator will be circulated to all schools and departments in the District on an annual basis and incorporated in employee and student handbooks.

**SEXUAL HARRASSMENT AND SEXUAL VIOLENCE BY OR TOWARD
STUDENTS COMPLAINT PROCESS
(Board Rule 411.11 – Revised August 17, 2020)**

The complaint procedures outlined in this Rule are intended to establish and facilitate the District's compliance with the requirements of the federal regulations issued under Title IX of the Education Amendments of 1972 ("Title IX"). Specifically, this rule establishes expectations and procedures for the prompt and equitable resolution of reports and complaints that allege unlawful sexual harassment, as defined by the Title IX regulations, within the District's education program and activities or workplace. Nothing in this rule diminishes the District's obligations to respond to Title IX sexual harassment or allegations of Title IX sexual harassment in a prompt manner that is not deliberately indifferent under all circumstances in which the federal regulations deem the District to have actual knowledge of such harassment.

I. INITIAL SCREENING OF REPORTS OR COMPLAINTS OF SEXUAL HARASSMENT

- A. Any time the District Title IX Coordinator receives notice of sexual harassment or allegations of sexual harassment that would be prohibited by any law or any applicable District policy, rule or code of conduct, the Title IX Coordinator will promptly review the notice or allegations to determine if:
 - 1. The report or allegations could constitute sexual harassment under Title IX;
 - 2. The report or allegations could constitute a form of unlawful discrimination other than sexual harassment under Title IX; or
 - 3. The report or allegations could constitute a violation of District policies or rules applicable to District students or employees.

- B. The District will process all reports or allegations of sexual harassment according to the appropriate District procedures or, in the alternative, inform the person who reported the incident that the report or allegations do not meet the standards on which the District could proceed under its policies or procedures.

II. **RESPONSE TO REPORTS OF NOTICE TO THE DISTRICT OF TITLE IX SEXUAL HARASSMENT WHEN NO FORMAL COMPLAINT HAS BEEN FILED**

The following procedures apply any time that a District Title IX Coordinator determines that the District has notice of Title IX sexual harassment or allegations of Title IX sexual harassment, but no formal complaint of Title IX sexual harassment has been filed by a complainant or signed by a Title IX Coordinator:

- A. A District Title IX Coordinator must promptly contact the complainant to:
 - 1. Discuss the availability of supportive measures;
 - 2. Consider the complainant's wishes with respect to supportive measures;
 - 3. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
 - 4. Explain to the complainant the process for filing a formal complaint.
- B. In consultation with other District administrators as needed, the Title IX Coordinator will coordinate the identification, offering, and implementation of appropriate supportive measures for the complainant.
- C. If an eligible complainant elects to file a formal complaint of Title IX sexual harassment at any point, the formal complaint shall be processed as provided within this Rule.

III. **GRIEVANCE PROCESS FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX**

This grievance process applies to formal complaints of Title IX sexual harassment. Except to the extent a formal complaint is dismissed (in whole or in part), the District is obligated to investigate a formal complaint of Title IX sexual harassment pursuant to this process. No Title IX complainant is obligated to file a formal complaint, but a qualifying formal complaint is necessary for the District to start an investigation of Title IX sexual harassment allegations using this formal grievance process.

- A. District Standards.
 - 1. The District shall apply any provisions, rules, or practices other than those required by this section equally to all parties.
 - 2. Unless required by law, the District shall follow this grievance process before imposing disciplinary sanctions or other punitive actions against a respondent for any alleged Title IX sexual harassment, subject to the allowances made in the federal Title IX regulations for implementing supportive measures, implementing an emergency removal, and placing an employee, while a formal complaint is pending, on administrative leave in accordance with the Employee Handbook.
 - 3. The District shall presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process by the preponderance of the evidence standard.
 - 4. The District shall treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent.
 - 5. All persons who are authorized to act as agents in connection with the grievance process shall:
 - a. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility without respect to a person's status as a complainant, respondent or witness.
 - b. Ensure that they are free from any conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent.
 - c. Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client privilege), unless the person holding such privilege has waived the privilege.
 - d. Refrain from accessing, considering, disclosing, or otherwise using 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 District obtains that party's voluntary, written consent to do so for purposes

of the grievance process (if a party is under 18 years old, then the District must obtain the voluntary, written consent of a parent or guardian).

- e. Avoid restricting the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, except as expressly permitted or required by applicable law. This provision does not restrict the District or its agents from requiring the parties to a formal complaint (including their advisors) to refrain from disseminating certain evidence or other records to others, provided that any such requirements must be lawful and must not unreasonably interfere with the purposes of this grievance process. In some situations, established law may independently prohibit any such dissemination of particular evidence/records.

6. Emergency Removal.

- a. The District may act to remove a student respondent entirely or partially from its education programs or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.
- b. In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.
- c. Any emergency removal shall be in accordance with all rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act, as appropriate.
- d. The District may place a non-student employee respondent on administrative leave during the pendency of a grievance process under existing procedures, without modifying any rights provided under Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

B. Written Notice.

1. Normally within 15 business days of receiving a formal complaint, and always at least 5 calendar days before a party will be required to appear for an initial investigative interview, a Title IX Coordinator or his/her designee shall provide all known parties (i.e., complainants and respondent(s)) with written notice of the following:
 - a. The District's grievance process for formal complaints of Title IX sexual harassment, including a description of any informal resolution process.
 - b. Notice of the allegations potentially constituting sexual harassment as defined under the Title IX regulations, including sufficient details known at the time. Sufficient details include:
 1. The identities of the parties involved in the incident(s), if known;
 2. The conduct allegedly constituting sexual harassment under Title IX, and
 3. The date and location of the alleged incident, if known.
 - c. The written notice must also:
 1. Include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is 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, who may accompany the party when the party attends any District meeting or proceeding that is part of the grievance process (including investigative interviews).
 3. Inform the parties that they will have the right to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.
 4. Inform the parties that, by policy, the District prohibits a person from knowingly making false statements or knowingly submitting false information during the grievance process.
 2. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that were not included in the initial notice of allegations, the Title IX Coordinator must provide written notice of the additional allegations to all parties whose identities are known.

C. Investigation.

1. An investigator assigned by the District will conduct an investigation of the allegations of which the parties have been notified. The purpose of the investigation is to gather evidence.

2. The District has the burden of gathering evidence, both inculpatory and exculpatory, sufficient to reach a determination regarding responsibility. In addition, the District shall conduct a balanced and thorough investigation and shall not require either of the parties to put forth the evidence that would be necessary to either prove or defeat the allegations.
3. When conducting the investigation, an investigator will:
 - a. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of any investigative interview or other meeting held as part of the investigation, with sufficient time for the party to prepare to participate.
 - b. Allow any party to be accompanied to any investigative interview or other meeting held as part of the investigation by one advisor of their choice. Under any circumstances where a parent or guardian has a legal right to act on behalf of a party (e.g., because the party is a minor), the party's parent or guardian may also accompany the party to any such hearing.
 - c. Conduct one or more investigative interviews of the complainant(s), the respondent(s), and such witnesses as the investigator determines may provide relevant evidence that is able to be considered and that is not unduly duplicative.
 - d. Offer each party an opportunity to identify fact and expert witnesses who the party believes should be interviewed as part of the investigation, along with the nature of the evidence that the party believes the witness may be able to provide. If the investigator declines to interview a witness identified by a party or is unable to interview a witness (e.g., because the witness is not willing to participate or is not reasonably available), the investigator shall document the reason for such decision or unavailability and, unless prohibited by law from doing so, provide the parties with such explanation upon request.
 - e. Consider such documentary and other evidence as a party may wish to provide, except that no party or his/her advisor will be permitted to conduct direct, in-person questioning of another party or of any third-party witness. If the investigator rules that any evidence provided will not be accepted into the record of the investigation, the investigator shall document the reason for such ruling; return the evidence to the party that offered it (in the case of physical evidence); and, unless prohibited by law from doing so, provide the parties with the reason the evidence was rejected upon request.
 - f. Accept such other evidence into the record as the investigator deems relevant and directly related to the allegations, recognizing that nothing prohibits an investigator from initially accepting evidence that may not be relevant.
4. After the investigator completes the process of gathering evidence:
 - a. An investigator, or a designee acting on his/her behalf, must send to each party and the party's advisor, if any, the evidence obtained from the investigation that is subject to inspection and review. Such evidence may be provided in an electronic format or as a hard copy, and consists of the evidence obtained as part of the investigation that is directly related to the pending allegations, including:
 1. Evidence upon which the District does not intend to rely in reaching a determination regarding responsibility; and
 2. Both inculpatory or exculpatory evidence, whether obtained from a party or other source.
5. Beginning from the date that the evidence is delivered to the parties, the investigator must give the parties at least 10 calendar days to submit a written response to the evidence. Providing such a response is optional.
6. After receiving and giving due consideration to any timely written responses received from the parties, the investigator shall complete an investigative report that fairly summarizes the relevant evidence.
 - a. In the report the investigator may convey facts, observations, or impressions that address the credibility of particular persons or other evidence, but any such credibility determinations conveyed in the investigative report are not binding on the decision-maker.
 - b. The report shall not advocate for a specific determination or outcome.
7. An investigator or his/her designee shall send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy.
8. Beginning from the date that the investigative report is delivered to the parties, the parties will be given 10 calendar days to provide a written response to the report, which response (if any) will become part of the record to be reviewed by the decision-maker. Providing such a response is optional.
9. The investigator will forward the final investigative report and complete investigative record to the District-designated decision-maker for a determination of responsibility.

D. Determination of Responsibility.

1. A decision-maker assigned by the District will make a determination of responsibility with the respect to the allegations of which the parties have been notified and that have been subject to investigation based on an analysis of the relevant evidence. During this stage of the proceedings:
 - a. As early as the point at which the District sends the final investigative report to the parties, or shortly thereafter, the decision-maker, or his/her designee, shall inform each party that they have the opportunity to submit written, relevant questions that a party wants asked of any party or witness prior to the determination of responsibility, subject to the following:
 1. The notice of the opportunity to submit such questions shall identify a submission deadline and the allowable method(s) of submission. The District shall allow the parties at least 5 calendar days to submit the questions.
 2. If any questions are submitted by the parties, the decision-maker shall either:
 - i. Pose the submitted questions to the relevant person(s) and provide each party with the answers; or
 - ii. Explain to the party proposing the questions any decision to exclude a question as not relevant or as otherwise impermissible in the context of this grievance process.
 3. If any questions were submitted, posed, and answered as provided immediately above, then the decision-maker shall permit a limited opportunity for the parties to submit follow-up questions. Any such follow-up questions must be directly related to the initial question and answers and must not be duplicative of other evidence that is already in the record.
 - i. The decision-maker shall identify a submission deadline for such follow-up questions, which shall be a minimum of 3 calendar days from the date that the parties are provided with the answers to the initial questions.
 - ii. The decision-maker shall either pose the follow-up questions and provide each party with the answers or explain any decision to exclude a question, in the same manner provided above with respect to the initial questions.
2. In making determinations of responsibility with respect to the allegations addressed in the relevant investigative report, the decision-maker shall (in all cases) evaluate the available evidence and apply the preponderance of the evidence standard to determine whether any allegation has been substantiated and whether a party has committed any misconduct with respect to such allegation(s).
3. Neither a decision-maker nor any person acting as the decision-maker's designee may not hold a live, adversarial hearing involving the parties as part of this Title IX grievance process.
4. The decision-maker must issue a written determination regarding responsibility that includes all of the following:
 - a. Identification of the allegations potentially constituting sexual harassment under Title IX.
 - 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, methods used to gather other evidence;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of the relevant legal standards and the District's code of conduct (i.e., District policies and rules that apply to the party in question);
 - e. A statement of, and rationale for, the result as to each allegation, including all of the following:
 1. A determination regarding responsibility;
 2. Any disciplinary sanctions the District imposes on the respondent or, in cases where a particular disciplinary sanction is beyond the direct authority of the decision-maker, a statement of the disciplinary sanction(s) that the decision-maker is recommending as an appropriate consequence;
 3. Whether the District will provide the complainant with any remedies designed to restore or preserve the complainant's equal access to the District's education program or activity; and
 4. The District's procedures and permissible bases for the complainant and respondent to appeal. If a formal complaint of Title IX sexual harassment also constitutes a complaint of pupil discrimination under Wis. Adm. Code PI ch. 9, the District may also use this notice to inform the complainant of their right to appeal any adverse final determination of their complaint under state law to the State Superintendent of Public Instruction (DPI), as well as the procedures for making such an appeal to DPI.
 5. The decision-maker or a designee acting on his/her behalf must provide the written determination to the parties simultaneously.
 6. Disciplinary sanctions and any remedies that could not be offered as supportive measure shall not be enforced until the determination of the complaint becomes final. The determination regarding responsibility becomes final either:
 - a. If no appeal is filed, on the date on which an appeal would no longer be considered timely; or

- b. If an appeal is filed, on the date that the recipient provides the parties with the written determination of the result of the appeal (see below).

IV. **DISMISSAL OF FORMAL COMPLAINTS**

- A. Upon receipt of a formal complaint that alleges or purports to allege Title IX sexual harassment and at other points in the grievance process while a formal complaint is pending, the District is responsible for evaluating whether, pursuant to the federal Title IX regulations, the complaint must be dismissed (whether in whole or in part); or may be dismissed (whether in whole or in part) as an exercise of District discretion.
 1. Mandatory Dismissal. The District must dismiss a formal complaint, for purposes of Title IX and the District's Title IX grievance process, to the extent the conduct alleged in the complaint:
 - a. Even if proved, would not constitute sexual harassment as defined in the federal Title IX regulations; or
 - b. Did not occur within the scope of the District's education program or activity; or
 - c. Did not occur against a person in the United States; or
 - d. If at the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the District.
 2. Discretionary Dismissal. The District may dismiss the formal complaint, or any allegations therein, if at any time during the investigation and prior to the determination of responsibility:
 - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; or
 - b. The respondent is no longer enrolled in the District or employed by the District; or
 - c. Specific circumstances prevent the District from gathering evidence that is sufficient to reach a determination as to the formal complaint or any allegations therein.
- B. The Title IX Coordinator or his/her designee shall promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties (to the extent known).
- C. A dismissal is an appealable decision to the extent identified elsewhere in this grievance process.
- D. If a formal complaint or any allegation within a complaint is dismissed for purposes of Title IX, the District retains discretion to take action with the respect to the dismissed allegations under other District policies and procedures (e.g., if such alleged conduct could constitute discrimination other than Title IX sexual harassment or if such conduct could constitute a violation of any District policy, rule or code of conduct).

V. **VOLUNTARY INFORMAL RESOLUTION OF FORMAL COMPLAINTS**

- A. To the extent permitted by the Title IX regulations, the District may offer and facilitate a strictly voluntary informal resolution processes which may resolve the allegations of a formal complaint of Title IX sexual harassment, in whole or in part, without a full investigation and adjudication at any time prior to reaching a determination of responsibility. An informal resolution process may not be used in connection with allegations that a District employee sexually harassed a student.
- B. In order to offer and attempt an informal resolution process, a formal complaint must have been filed and the District must:
 1. Provide both parties with a written disclosure notice, as further outlined in the federal Title IX regulations, which includes written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the District; and
 2. Obtain each party's voluntary, written consent to participate in the informal resolution process.
- C. As examples of informal processes that may be appropriate in some circumstances, the District's agents may offer to mediate a resolution between the parties identified in a formal complaint; or explore the parties' willingness to voluntarily proceed without a full investigation and/or adjudication when the facts may be undisputed or where there appears that there may be an opportunity to reach stipulated facts.
- D. If a voluntary informal resolution has not reached a conclusion within 15 business days of the date that the District received the consent of the parties, the District and the parties may mutually and voluntarily agree to extend the timeframe for attempting an informal resolution. In the absence of a mutual

agreement to extend the timeframe, the District will provide reasonably prompt written notice to the parties that the informal process is being abandoned and that the District will resume the formal process.

VI. CONSOLIDATION OF FORMAL COMPLAINTS

The District may consolidate formal complaints of Title IX sexual harassment where the allegations of sexual harassment in the different complaints arise out of the same facts or circumstances.

VII. CONFIDENTIALITY

All persons acting as agents of the District must keep confidential the identity of any individual who has made a report or filed a formal complaint alleging Title IX sexual harassment; any complainant; any individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX; any respondent; and any witness, except as may be permitted by the Family Educational Rights and Privacy Act and its implementing regulations, or as required by law, or to carry out the purposes of the federal Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under the federal Title IX regulations.

VIII. SUPPORTIVE MEASURES, SANCTIONS AND REMEDIES

A. Supportive Measures.

1. Supportive measures are designed to restore or preserve equal access to the District's education program or activity or workplace without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or workplace, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, additional supervision or planned accompaniment, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security, supervision, or monitoring of certain areas of school grounds, and other similar measures.
2. The District will provide supportive measures to complainants to the extent required by the Title IX regulations. The District may provide supportive measures to a respondent, but it is not required to do so in all cases.
3. The District must maintain as confidential any supportive measures provided to the complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.
4. The range of supportive measures available to complainants and respondents during and in connection with this grievance process does not materially change based on the fact that a formal complaint of sexual harassment under Title IX is pending. At the same time, supportive measures are intended to be individualized and context-sensitive. If the proceedings related to this grievance process create any changed circumstances or special needs for a party, the party may contact the District Title IX Coordinator for the purpose of discussing potential modifications to supportive measures.
5. The Title IX Coordinator shall coordinate the identification, offering, and implementation of supportive measures that the District provides to a complainant or respondent, including appropriate monitoring of the implementation process, coordinating potential modifications to the measures, and, as applicable, determining the appropriate time to end specific supportive measures.

B. Disciplinary Sanctions. After a determination that a party is responsible for Title IX sexual harassment as a result of this grievance process, the disciplinary sanctions that the District may impose will depend on the nature of the misconduct and the individual's then-current status as student, employee, or other person connected to the District's education program or activity. Disciplinary sanctions that are issued or recommended as a result of a determination of responsibility for Title IX sexual harassment are intended as consequences for past misconduct and may also serve to deter future sexual harassment. To the extent that the District reaches a determination using this grievance process that a party engaged in conduct that was or was not Title IX sexual harassment but did violate some other law, regulation, or District policy or rule, this Rule does not directly address the disciplinary consequences for such conduct, even though the District may impose disciplinary consequences for such conduct.

1. **Students:** Possible disciplinary sanctions or recommended sanctions include but are not limited to suspension from school, expulsion from school, suspension of eligibility to participate in co-curricular activities, or suspension of eligibility to participate in other District-sponsored events. The District may also restrict or deny permission to be present on District property or at certain District-sponsored events or activities. This provision does not modify any student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.
2. **Employees:** In accordance with the Employee Handbook, possible disciplinary sanctions or recommended sanctions include but are not limited to a formal reprimand, a demotion or other disciplinary reassignment, suspension from work, contract nonrenewal, termination of employment,

or restrictions on permission to be present on District property or at certain District- sponsored events or activities.

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

- C. **Remedies to Benefit Complainants.** After a determination that a party to the grievance process was responsible for Title IX sexual harassment, the District may provide the complainant with remedies designed to restore or preserve equal access to the District’s education program or activity, including providing for a safe educational or working environment. Such remedies may include the continuation or addition of individualized accommodations, services, and interventions that could have been provided as “supportive measures” prior to the determination of responsibility. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. For example, as a means of limiting or preventing future contact between the complainant and respondent, the respondent may be burdened by an involuntary and long-term, perhaps even permanent, change in his/her educational program or in his/her work schedule, work location, or work assignment.

IX. APPEAL

- A. A complainant or respondent may file an appeal following:
 1. Receipt of the written determination regarding responsibility; or
 2. Receipt of notice of dismissal of a formal complaint or of any allegations within a complaint.
- B. Any appeal filed by a party is strictly limited to the following bases:
 1. A procedural irregularity that affected the outcome of the matter;
 2. 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
 3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest in the case or a bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- C. An appeal must be filed in writing and submitted either in person, via U.S. Mail, or via email to the Title IX Coordinator with a copy provided to the initial decision-maker. An appeal must be delivered to the District within 5 calendar days from the date the written determination or notice of dismissal is delivered to the party. The notice of appeal submitted by a party must do all of the following:
 1. Clearly identify the specific bases, from those listed above, on which the party is appealing; and
 2. With reasonable specificity, state the factual basis for the appeal and the reasoning as to why the decision or dismissal being appealed should be reversed or modified.
- D. In connection with an appeal, a party may not introduce new evidence that is outside of the existing record of the complaint proceedings except as an offer of proof to support a conflict of interest or bias claim or in the case of an appeal that is premised on a claim that the new evidence was not reasonably available at an earlier time.
- E. Upon receiving a notice of appeal from a party, the Title IX Coordinator, appeal decision-maker, or a designee acting on their behalf, shall promptly notify the other party (or parties), if known, that an appeal has been filed and provide a copy of appeal to the other party.
- F. The appeal decision-maker will establish and inform all parties of a deadline for submitting any additional written statement the party may wish to submit in support of, or challenging, the original outcome on the grounds raised by any pending appeal. The deadline for such submissions shall be at least five calendar days following the date such notice is delivered to the parties.
- G. An appeal decision maker shall deny an appeal that merely asserts that the District’s decision is wrong or that fails to present a reasonably-developed argument in support of the appeal.
- H. If the appeal decision-maker determines that there is a need to open the record to obtain and consider any additional evidence in order to resolve an appeal, the appeal decision-maker may offer additional equal opportunities for the parties to address and respond to any such new evidence if doing so is necessary to preserve the fairness of the proceedings.

- I. The District may continue an ongoing investigation into a formal complaint during an appeal with respect to dismissal of a complaint in part (i.e., dismissal of specific allegations). However, the investigation shall not be concluded until the appeal over the dismissed allegation(s) is decided.
- J. The appeal decision-maker shall:
 - 1. Issue a written decision describing the result of the appeal and the rationale for the result; and
 - 2. Provide the written decision simultaneously to both parties.
- K. The appeal decision-maker shall render the written decision within 15 business days of the receipt of the notice of appeal unless he/she communicates an extension of such time frame, as further described below.

X. MISCELLANEOUS CONSIDERATIONS

A. Time Frames, Extensions and Voluntary Waivers of Time Frames.

- 1. The District normally intends to conclude the grievance process within 90 calendar days of the date that a formal complaint is filed or signed by a Title IX Coordinator, recognizing that in certain circumstances it may be practical to complete the process in less time, and in other circumstances the process may reasonably require more time.
- 2. Any party or witness may, for good cause, request a temporary delay in the grievance process, the rescheduling of an investigative interview or other meeting, or a limited extension of a deadline that applies to the party. The party shall direct the request in writing to the investigator, decision-maker, or appeal decision-maker, given the applicable stage of the proceedings.
- 3. The investigator, decision-maker, or appeal decision-maker (as applicable) may grant such a request, and may also self-initiate such a delay, rescheduling, or extension upon determining that there is good cause and that approving the request would not be unduly prejudicial to any of the parties or unreasonably extend the conclusion of the grievance process. Though the agents of the District are expected to make reasonable efforts to accommodate the schedules of parties and witnesses, the District also may not, without good cause, deviate from its own designated timeframe for the process.
 - a. In some cases, the District may make the decision to deny a scheduling request and proceed with the grievance process in the absence of a party, witness, or a party's advisor.
 - b. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the complexity of the allegations; or the need for language assistance or accommodation of disabilities.
- 4. In the absence of extraordinary circumstances, a party's or witness's request for an extended deadline or rescheduled meeting shall normally be limited to no more than 5 calendar days. The District may grant a shorter delay or extension than was requested.
- 5. If a formal complaint of Title IX sexual harassment also constitutes a complaint of pupil discrimination under Chapter PI 9 of the Wisconsin Administrative Code, and if a requested or contemplated delay/extension would prevent the District from reaching a determination of the complaint within 90 calendar days, the District's agents shall evaluate whether it is necessary or appropriate to request the parties' consent to the delay/extension.
- 6. The appropriate agent of the District or a designee shall provide the complainant and respondent with prompt written notice of any decision to delay the grievance process or grant an extension of a deadline. Such notice shall include the reason(s) for the action. To the extent a given deadline applies to multiple parties, any extension of the deadline automatically applies to all such parties.
- 7. In instances where this grievance process gives the parties a minimum period of time to prepare and submit a response or prepare for an interview or meeting, a party may voluntarily waive all or part of such period of time if they communicate their voluntary waiver to the applicable investigator or decision-maker in writing.

B. Restrictions on Participation of Advisors.

- 1. An advisor of the party's choosing shall be permitted to accompany the party to any investigative interview or other meeting held in connection with this grievance process. However, no person who accompanies a party to a meeting or otherwise serves as an advisor to the party may unreasonably interfere with or unreasonably delay the District's investigation. Unreasonable interference by an advisor includes, for example:
 - a. Answering the District's questions on behalf of the party during an investigative interview, such that the District is denied the party's own, direct response.
 - b. Interrupting District questioning with the goal of signaling, prompting, or suggesting responses for the party
 - c. Interrupting District questioning in an attempt to conduct his/her own questioning of the party.

2. The District may place further reasonable restrictions on the extent to which an advisor may participate in the proceedings, provided that such restrictions apply equally to both parties.
- C. Concurrent Investigation and Consideration of Multiple Potential Grounds for a Determination of Responsibility/Misconduct.
1. If the allegations set forth in a formal complaint of Title IX sexual harassment also constitute or fairly encompass allegations of conduct that could constitute discrimination under a different law; a violation of a District policy or rule (including any District code of conduct that may be applicable to the respondent); or any other established grounds for the imposition of possible disciplinary sanctions, then the District may investigate the facts and circumstances related to such other allegations using this grievance process and apply the facts, as found through the investigation, to all potential grounds for a finding of responsibility/misconduct and possible discipline. Unless otherwise required by law, the investigation and determinations reached through this grievance process shall constitute sufficient processing of any such overlapping/intertwined complaint(s), allegations, or charges that may arise out of the same facts or circumstances as the allegations of Title IX sexual harassment.
 2. In all cases involving the concurrent investigation and concurrent consideration of any such overlapping/intertwined complaint(s), allegations, or charges, the District's agents in the grievance process are responsible for giving the parties adequate notice of the scope of the allegations to be investigated and of the different grounds for a potential finding of liability/responsibility (e.g., federal law, state law, or a local policy or rule). The District's agents are also responsible for adequately identifying the specific basis for any determinations of responsibility or substantiated misconduct. For example, a decision-maker might conclude in a given case that the facts as found do not rise to the level of Title IX sexual harassment, but that the complaint is substantiated with respect to prohibited harassment as defined under Chapter PI 9 of the Wisconsin Administrative Code and under District policy.
- D. Maintenance of Records. The District's Title IX Coordinator shall be responsible for maintaining adequate records of each report or formal complaint of sexual harassment filed with the District as required by law, including but not limited to the District's investigation, any determination of responsibility, any disciplinary sanctions imposed, and remedies provided to the complainant to restore or preserve equal access to the District's education program or activity or workplace, any appeal and the result therefrom, any informal resolution and the result therefrom, any actions (including supportive measures) taken in response to a report or formal complaint of sexual harassment, and all materials used to train District staff responsible for carrying out these procedures.
- E. Training. The District will provide training all appropriate individuals regarding sexual discrimination, sexual harassment, sexual violence and Title IX. The District will also provide additional training to all staff responsible for implementing the complaint procedures.

RESPONSIBLE, ACCEPTABLE, AND SAFE USE OF TECHNOLOGY RESOURCES

(Adopted from Board Policy 363.2 – Revised August 17, 2020)

This policy addresses appropriate use of technology resources by all students, staff and select community members who use the District's technology resources. This policy applies to the following: internet, telephones (including cell phones and the voicemail system), computers (whether used on or off campus), fax machines, digital communications (including email), wireless access points, printers, cameras, removable storage devices, and any other device or equipment that the District reasonably deems to fall within the scope of this policy.

The District and building level administrators are responsible for the maintenance and enforcement of rules and procedures concerning the acceptable, safe, and responsible use of the District's Internet access structure and other technology-related District resources. To the extent appropriate to various groups of users, the following shall be noted:

1. The District owns, controls, and oversees all of the schools' technology resources, including the District's technology-related equipment, software, applications, networks, network connections, and Internet access.
2. Unless otherwise prohibited by law, at all times and without further notice:
 - a. Each user of District technology resources is subject to direct and regular District oversight of, and access to, any and all data, files, communications, or other material that the user creates, stores,

- sends, deletes, receives or displays on or over the District's Internet connection, network resources, file servers, computers or other equipment.
- b. All aspects of any individual's use of the District's technology-related equipment and resources, including any online activities that make use of District-provided Internet access, (including use on personal devices that access the District's provided Internet) are subject to monitoring and tracking by District officials.
3. Any person who uses the District's technology resources does so solely at their own risk regarding possible damage to or any other potential loss of data, content, software, or equipment. The District makes no promises or warranties to users regarding potential damage or other loss. The District is also not responsible for the accuracy or quality of non-District content obtained through the District's technology resources.
 4. No person should use the District's technology-related resources unless the person is an authorized user as determined by the District.
 5. No authorized user shall use District resources to access and/or transmit inappropriate material via the Internet, email, or other forms of electronic communications.

In addition to the above, the following expectations and responsibilities shall apply to all users of District technology and information resources:

1. Authorized users of District technology are expected to abide by and comply with all existing District policies, rules and regulations as they apply to information and technology resources, as well as the following:
 - a. Students Records and Privacy:
 1. The District prohibits the unauthorized collection, disclosure, use and dissemination of personal and personally-identifiable information regarding students and minors, as particularly applicable to technology-based resources; however, the District may permit the recording of instruction held virtually for purposes of off-site instruction in accordance with the administrative procedures established by the District;
 2. District employees are obligated to follow the proper retention of District records, maintaining the confidentiality of student records, and avoiding inappropriate disclosures of District records;
 - b. Bullying, harassment, violence, and discrimination;
 - c. Academic integrity; and
 - d. Copyright law, licensing agreements and related issues.
2. All users that have access to District technology resources must comply with the following rules for maintaining and securing District property and resources:
 - a. Maintain a password for accounts and change passwords periodically as directed by the District. Users are not authorized to share their user name or passwords with any other person;
 - b. A computer or similar device should be secured whenever it is not in use by invoking the password on the computer and/or logging off the device. Leaving a computer open or logged in while you are away enables others to potentially access your e-mail and other sensitive files; and
 - c. All District technology should be physically secured according to standards set by building administrators or their designees when not in use.
3. Violations of the policies, rules and procedures that govern the acceptable, safe, and responsible use of the District's technology-related resources should be reported to the building administrator or their appointed designee.
4. If a student, staff or community member uses District technology resources in a manner that violates the policies, rules and procedures that govern the acceptable, safe, and responsible use of the District's technology-related resources, the user is subject to disciplinary measures. Consequences may include, but are not limited to, the following:
 - a. The suspension, restriction or revocation of the privilege of use or access;
 - b. The imposition of other disciplinary action by the District in accordance with District policies and procedures; and/or
 - c. Referral to law enforcement.

The administration shall take steps to ensure that instruction or training activities and reasonable structural and systemic supports are in place to facilitate and enforce individual user's compliance with the District's policies, rules, and procedures that govern the acceptable, safe, and responsible use of the District's technology-related resources. It shall be the responsibility of the Administration in consultation with such designees as they deem appropriate, to:

1. Maintain the District's systems and equipment that provide access to the Internet in a manner that uses technology protection measures designed to block or filter Internet access to visual depictions that are: (a)

obscene; (b) pornographic; or (c) as to computers and other devices that may be accessed by students or other minors, otherwise harmful to minors. Recognizing that prevention methods and filtering are not always foolproof, students, staff, as well as parents and guardians, are encouraged to report to building administrators any complaints or concerns regarding student access or exposure to any content, activities or communications that may be harmful, deceptive, or otherwise inappropriate or objectionable. The District will review the issue and report back to the person making the report to the extent they are able to do so.

2. Require all Green Bay Area Public School District staff to monitor students' and other authorized users' activities when using District-provided equipment or District-provided network access or Internet access.
3. Educate authorized users about acceptable and responsible use of technology and safe and appropriate online behavior prior to using District technology.

Building administrators and their designees shall have responsibility, within their respective schools, for overseeing the day-to-day implementation of the District's policies, rules and guidelines regarding the acceptable, safe, and responsible use of technology resources.

Additional information is available in Board of Education Policy 363.2, and the corresponding rules, which can be found at: <https://go.boarddocs.com/wi/gbapsd/Board.nsf/Public> > Clicking "Policies" in the upper right corner, and then clicking "300 Series" on left side of screen.

STUDENT ATTENDANCE AND TRUANCY PROCEDURES **(Board Rule 431 – Revised August 17, 2020)**

A. District Attendance Officer

The Director of Student Services will serve as the primary attendance officer for the District. This administrator will supervise the truant officers, facilitate attendance issues at the District level, and work closely with School Attendance Officers to carry out policies and procedures.

B. School Attendance Officer

The building principal or designee at each of the District's schools will serve as the School Attendance Officer and deal with all matters relating to school attendance and truancy, including attendance monitoring, notifying parents/guardians when their children are truant, and filing information with the courts regarding habitually truant children. The District may determine to designate an Attendance Officer for those students who are enrolled in off-site or blended learning to address all matters related to attendance and truancy in these models as described above.

C. General Attendance Accounting Procedures for On-Site Instruction

1. Each school shall determine daily which students enrolled in the building are absent from school and whether that absence is excused in accordance with Board policy and these procedures.
2. A full day of absence shall be defined as the total amount of time/periods for which an individual student is scheduled. One-half day of absence is defined as one-half of the total amount of time/periods for which an individual student is scheduled.
3. Attendance will be taken by the classroom teacher each period in all secondary schools. The absence will be recorded in the attendance office for each period. At the elementary level, attendance will be taken daily, in the morning and afternoon, with absences recorded in the school office. All attendance information will be maintained on the District's student information system.
4. Parents/guardians are asked to telephone their child's school informing them of any absence as soon as practical. Failure to contact the school may result in the School Attendance Officer or designee placing a phone call to the home/work site of the parent/guardian. Upon their return to school, students are required to present a written explanation of their absence from their parent/guardian if no prior written contact has been made. If parental contact is not made, the student will have 1 school day to prove the absence was with parental knowledge and consent or the absence will be classified as a truancy.

D. General Attendance Accounting Procedures for Off-Site Instruction

The procedures are designed to promote engagement, maximum academic achievement, develop time management skills, and foster success in the off-site environment.

1. Each school or the designated Attendance Officer for virtual instruction shall determine daily which students enrolled in the school or off-site instruction are absent from off-site instruction and whether that absence is excused in accordance with Board policy and these procedures.
2. Elementary Attendance: Attendance will be taken by the student's teacher and will be taken daily, with absences recorded in the student information system. All attendance information will be maintained on the District's student information system. A student will be deemed to have attended for that day by attending the virtual lesson or having an alternate contact with the student's teacher during that day.
 - a. A full day of absence shall be defined as one day without having contact with the teacher. Unless notification is made pursuant to Section F, the absent student is considered unexcused and recorded as such.
 - b. For students who are having technical difficulties or are not able to engage in work due to an absence reason noted in Section F, parents/guardians shall follow the student absence process to excuse the student as noted below.
3. Secondary Attendance: Attendance will be taken by the homeroom teacher and will be taken daily, with absences recorded in the student information system. All attendance information will be maintained on the District's student information system. A student will be deemed to have attended for that day by attending the virtual homeroom or having an alternate contact with the student's homeroom teacher during that day.
 - a. A full day of absence shall be defined as one day without having contact with the homeroom teacher. Unless notification is made pursuant to Section F, the absent student is considered unexcused and recorded as such.
 - b. For students who are having technical difficulties or are not able to engage in work due to an absence reason noted in Section F, parents/guardians shall follow the student absence process to excuse the student as noted below.
4. Parents/guardians are asked to telephone their child's school or designated Attendance Officer informing them of any absence as soon as practical. Failure to contact the school or Attendance Officer may result in the School Attendance Officer or designee placing a phone call to the home/work site of the parent/guardian. Students will be required to provide a written explanation of their absence from their parent/guardian if no prior contact has been made. If parental contact is not made, the student will have 1 school day to prove the absence was with parental knowledge and consent or the absence will be classified as a truancy.

E. General Attendance Accounting Procedures for a Blended Model of Instruction (On-Site and Off-Site Instruction)

1. When a student is on-site for instruction, attendance shall be taken in accordance with Section C above.
2. When a student is off-site for instruction, attendance shall be taken in accordance with Section D above.
3. Absences for the Blended Model of Instruction shall be defined in accordance with Sections C.2. and D.2.c or D.3.c. above based on the model of attendance for the student for that day.
4. Parents/guardians are asked to telephone their child's school informing them of any absence as soon as practical. Failure to contact the school may result in the School Attendance Officer or designee placing a phone call to the home/work site of the parent/guardian. Students will be required to provide a written explanation of their absence from their parent/guardian if no prior contact has been made. If parental contact is not made, the student will have 1 school day to prove the absence was with parental knowledge and consent or the absence will be classified as a truancy.

F. Student Absences and Excuses

1. Parent Pre-Excused Absences - Parent pre-excused absences are discretionary absences that are known in advance, such as family vacations and college visitation days. A student who is excused in writing by his/her parent/guardian before an absence occurs will be excused from school. A student may be excused by the parent/guardian under this provision for not more than 10 days in a school year. An excused student must complete the course work missed during the absence. It is the student's responsibility to make arrangements to complete any assignments or examinations that are or will be missed during the absence.
2. District-Excused Absences - In order for any absence to be excused, the student's parent/guardian must contact the school in writing indicating the reason for the absence in advance on the day of the absence or on the day following the absence. The following reasons shall qualify as District-excused absences:

- a. Illness, including reasonable treatment for such illness, where the student is temporarily not in the proper physical or mental condition to attend school or an educational program. The District may request the parent/guardian to obtain a written statement from a physician or licensed practitioner as proof of the physical or mental condition of the child, for any absence beyond 10 days. Such written statement shall state the period of time for which it is valid, not to exceed 30 days.
 - b. Funeral services as requested by the parent/guardian.
 - c. Religious holidays or instruction to the extent authorized by law.
 - d. A court appearance or other legal procedure which requires the attendance of the student.
 - e. Medical or other professional appointments that cannot be scheduled outside of school hours.
Parents/guardians are expected to make every effort to schedule such appointments during non-school hours.
 - f. Participation in school-authorized activities, programs or events during any part of the instructional day.
 - g. Serving as an election official. Students may be excused to serve as an election official provided they have at least a 3.0 grade point average or the equivalent and have the permission of their parents/guardians and the building principal.
 - h. Sounding Taps – A student in grades 6 to 12 may be excused for the purpose of sounding "Taps" during a military honors funeral for a deceased veteran.
 - i. Other special circumstances that show good cause which are approved by the School Attendance Officer or designee.
3. Suspension. Absence from school during a period of suspension or expulsion will also be considered an excused absence for purposes of these procedures. Students serving a suspension will be permitted to make up class work and examinations missed during their suspension from school under the same conditions as other excused absences.
4. Absence Related to Parent/Guardian Deployment Activities: A student may be excused by his or her parent/guardian before the absence occurs in order to:
- a. Visit his or her parent or guardian who is on active duty and has been called to duty or is on leave from deployment to a combat zone or combat support posting; or
 - b. Has returned from deployment to a combat zone or combat support posting within the past 30 days.
5. All students with a parent pre-excused absence, District-excused absence, suspension, or absence related to deployment activities will be given the opportunity to make up work missed in accordance with the following guidelines:
- a. It is the student's responsibility to contact the teacher(s) to make arrangements for making up the work missed during an absence from school.
 - b. Students with excused absences are allowed 2 school days for every day absent in which to complete their makeup work.
 - c. Student assessments missed during an excused absence will be permitted to be taken at a time mutually agreed upon by the student and the teacher.

G. Tardiness for On-Site Instruction (Including On-Site Instruction in a Blended Model)

- 1. A pattern of tardiness will be brought to the attention of the student's parent/guardian. Tardiness will be handled at the discretion of the individual building personnel.
- 2. Elementary students are considered tardy if they arrive up to 1.5 hours after the start of the period, either a.m. or p.m. Elementary students will also be considered as "left early" if leaving up to 1.5 hours before the end of the a.m. or p.m. periods.
- 3. Middle and high school students are considered tardy up to 1 minute before the end of the period. They are also considered as "left early" if they leave as early as 1 minute after the beginning of the period. "Left Early" attendance code will convert to an automatic tardy for reporting purposes.

H. Excessive Absences

- 1. The parent/guardian of a student who is excessively absent shall be contacted by the School Attendance Officer or designee.
- 2. A student's parent/guardian may be notified anytime a student has accumulated 10 days of excused/unexcused absences or equivalent in a school year. Discretion should be used by the school attendance office in cases where they are aware that the student has been under a physician's treatment.

3. A student's parent/guardian may be notified anytime a student has accumulated 20 days of excused/unexcused absences or equivalent in a school year. Discretion should be used by the school attendance office in cases where they are aware that the student has been under a physician's treatment.

I. Student Truancy and Habitual Truancy

1. Definitions

a. "Truancy" means:

- i. On-Site Instruction (including on-site instruction in a Blended Model): any absence of part or all of 1 or more school days, including tardiness, during which the school (School Attendance Officer, principal or teacher) has not been notified of the legal and excusable cause of such absence by the parent/guardian of the absent student, and also means intermittent attendance carried on for the purpose of defeating the intent of the compulsory attendance law.
- ii. Off-Site Instruction (including off-site instruction in a Blended Model): any absence of 1 or more days during which the school (School Attendance Officer, principal or teacher) has not been notified of the legal and excusable cause of such absence by the parent/guardian of the absent student, and also means intermittent attendance carried on for the purpose of defeating the intent of the compulsory attendance law.

b. "Habitual Truant" means:

- i. On-Site Instruction (including on-site instruction in a Blended Model): a student who is absent from school without an acceptable excuse for part or all of 5 or more days on which school is held during a trimester or semester.
- ii. Off-Site Instruction (including off-site instruction in a Blended Model): a student who is not meeting the minimum attendance requirement for 5 or more days on which school is held during a trimester or semester.
- iii. Blended Model of Instruction: a student who has accumulated absences in accordance with (a) and (b) for part or all of 5 or more days on which school is held during a trimester or semester.

2. Truancy Procedure

- a. The School Attendance Officer or designee will notify the parent/guardian by telephone, personal contact or by an electronic communication, except when the parent/guardian has refused to receive electronic communication. In the event contact cannot be established by one of these methods, the notice shall be sent by First Class mail. A written record of such notice shall be maintained, including documenting any such notice that is given in person or by telephone or, if applicable, the unsuccessful attempt to give notice that caused the notice to be provided by First Class mail. This notice must be given to the parent/guardian before the end of the second school day after receiving a report of the unexcused absence. The parent/guardian will be directed to return the student to school no later than the next school day or to provide an excuse for the absence.
- b. The District's truant officers may be utilized as a resource to locate the student and may return the student to school.
- c. Appropriate District staff may be requested to work with the student to identify causes for the truancy and develop solutions to the concerns.
- d. Educational/Behavioral Interventions may occur as a consequence of a student's truancy.

3. Habitual Truancy Procedure

The parent/guardian of a student who is a habitual truant shall be notified in writing, pursuant to state law, by the School Attendance Officer or designee. This notice shall be sent by registered, certified, or First Class mail when the student initially becomes truant. The notice shall include the following:

- a. A statement of the parent's/guardian's responsibility to cause the student to attend school regularly.
- b. A statement that the parent/guardian or the student may request academic program or curriculum modifications for the student and that the student may be eligible for enrollment in a program for children at risk.
- c. A request that the parent/guardian meet with appropriate personnel to discuss the student's truancy. The notice shall include the name of the school personnel with whom the parent/guardian should meet; a date, time and place for the meeting; and the name, address and telephone number of a person to contact to arrange a different date, time or place to meet. The date for the meeting must be within 5 school days after the date that the habitual truancy notice has been sent to the student's parent/guardian. However, with the consent of the student's parent/guardian, the date for the meeting may be extended for an additional 5 school days.
- d. If a meeting between the school personnel and the parent/guardian is not held within 10 school days after the date the notice is sent, the parent/guardian may be prosecuted for failing to cause a student to attend school regularly, and municipal or juvenile court proceedings relating to the student may be initiated without the meeting between the parent/guardian and school personnel.

- e. A statement of the penalties which can be imposed under state law on the parent/guardian if he/she fails to cause the student to attend school regularly. After a notice of habitual truancy has been issued to the student's parent/guardian in any school year, the School Attendance Officer, or his or her designee, shall notify the parent/guardian of any further unexcused absences as provided in the District's truancy management plan.
4. According to state law, a school may not deny a student credit in a course solely because of the student's unexcused absences from school. The student may be failed if he/she does not satisfactorily complete the make-up work assigned due to the absence. Opportunity will be provided to make up examinations. A minimum of 2 days must be provided to make up the work. The classroom teacher or building administrator may extend this for extenuating circumstances.
5. Truancy Interventions
Interventions to correct a truancy problem may include one or more of the following:
 - a. Meeting with parents/guardians.
 - b. Referral to the building consultation team for consideration of alternatives for the student.
 - c. Modification of the student's current academic program.
 - d. Referral to appropriate school or community resources.
 - e. Enrollment of the student in a job experience or alternative education program.
6. If the above interventions have been unsuccessful, the following courses of action may be taken:
 - a. Referral to the City of Green Bay Municipal Court via the School Resource Officer or a District truant officer.
 - b. Referral to the District Attendance Officer to access services from the Brown County District Attorney's Office.
 - c. Referral to the School Resource Officer for citation of the parent/guardian if it is determined that he/she is contributing to the truancy of the student.
7. Referrals to the appropriate authorities for legal proceedings may be made for students who are habitually truant, and for parents/guardians for failing to cause a student to attend school regularly. Prior to the commencement of any such legal proceedings, the School Attendance Officer must provide evidence that appropriate school personnel have, within the school year during which the truancy occurred, done all of the following:
 - a. Documented the student's truanancies and notified the student's parent/guardian of the truanancies as required by law and these procedures.
 - b. Met with the student's parent/guardian to discuss the student's truancy and various options or attempted to meet with the parent/guardian and received no response or been refused.
 - i. This meeting is not required if it is not held within 10 days of the District's initial notice to the parent/guardian that the student is a habitual truant.
 - ii. This meeting may also be used to obtain parent consent for any evaluation(s) (e.g., special education) which the District has determined are necessary and which require the consent of the student's parent/guardian.
 - c. Provided an opportunity for educational counseling to the student to determine whether a change in the student's curriculum would resolve the truancy and to consider curriculum modifications. If the student has a disability and either an individualized education program (IEP) or Section 504 plan, the relevant team shall be involved in any decisions affecting the student's curriculum, educational program or placement.
 - d. Evaluated the student to determine whether learning problems may be the cause of the student's truancy and, if so, taken steps to overcome the learning problems, except that the student need not be evaluated if tests administered within the previous year indicate that the student is performing at his/her grade level.
 - e. Conducted an evaluation to determine whether social problems may be the cause of the student's truancy, and, if so, taken appropriate action or made appropriate referrals.

The activities in items (c), (d) and (e) above need not be carried out if the School Attendance Officer provides evidence that appropriate school personnel were unable to carry out the activity due to the student's absences from school.