

**HAMILTON SCHOOL DISTRICT  
Sussex, WI**

**STUDENT DISCRIMINATION COMPLAINT PROCEDURES**

Any complaint regarding the interpretation or application of Hamilton School District's student nondiscrimination policies shall be processed in accordance with the following complaint procedure:

1. Any student, parent, or resident of the district complaining of discrimination on the basis of sex, race, national origin, color, religion, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap in school programs or activities shall report the complaint in writing to the district administrator.
  - a. Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of students with disabilities shall be processed in accordance with established appeal procedures outlined in the district's special education handbook.
  - b. Discrimination complaints relating to programs specifically governed by federal law or regulation shall be referred directly to the State Superintendent of Public Instruction.
2. The district administrator, upon receiving such a written complaint, shall acknowledge receipt of that complaint in writing within five (5) days and shall immediately undertake an investigation of the suspected infraction. The district administrator will review with the building principal, or other appropriate persons, the facts comprising the alleged discrimination. Within 15 calendar days after receiving the complaint, the district administrator shall decide the merits of the case, determine the action to be taken, if any, and report in writing the findings and the resolution of the case to the complainant. The decision of the district administrator shall include a notice to the complainant of his or her right to appeal the determination to the school board.

3. If the complainant is dissatisfied with the decision of the district administrator, he/she may, within 15 calendar days of receipt of the decision, appeal the decision in writing to the Board. The Board shall hear the appeal at its next regular meeting, or a special meeting may be called for the purpose of hearing the appeal. In either case, the Board shall hear the appeal within 30 calendar days of its receipt. The Board shall make its decision in writing within 15 calendar days after the hearing. Copies of the written decision shall be mailed or delivered to the complainant and the district administrator. The decision of the school board shall include a notice to the complainant of his or her right to appeal the determination to the State Superintendent of Public Instruction.
4. If the complainant is dissatisfied with the Board's decision, he/she may within 30 calendar days appeal the decision in writing to the State Superintendent of Public Instruction.

**Maintenance of Complaint Records**

The maintenance of complaint records is recommended for the purpose of documenting compliance. Records should be kept for each complaint filed, and, at a minimum, should include:

1. The name and address of the complainant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action requested by the complainant.
4. The name and address of the respondents.
5. The levels of processing followed, and the resolution, date and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A determination of the facts, statement of the final resolution, and the nature and date(s) of any corrective or remedial action taken.

LEGAL REF.:           Section 118.13 Wisconsin Statutes  
                              PI 9 and 41, Wisconsin Administrative Code  
                              Title IX, Education Amendments of 1972  
                              Title VI, Civil Rights Act of 1964  
                              Section 504, Rehabilitation Act of 1973  
                              Americans with Disabilities Act of 1990

## **Student Discrimination Complaint Procedures**

CROSS REF.: Special Education Handbook

APPROVED: September 21, 1987

REVISED: February 5, 1991  
September 3, 1991  
August 21, 1995  
January 2, 2001

**HAMILTON SCHOOL DISTRICT**  
**Sussex, WI**

**EQUAL EDUCATIONAL OPPORTUNITIES**

The Hamilton School District will not deny any person admission to any public school or deny any person participation in, deny any person the benefits of, or discriminate against any person in any curricular, extracurricular, pupil services, recreational or other program or activity because of a person's sex, race, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, physical, mental, emotional or learning disability, or any other reason prohibited by state or federal laws or regulations. The District shall provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. Requests for accommodations shall be made in writing and approved by the building principal (See Board policy 334 and its implementing rule). Any accommodations or program modifications granted under this policy shall be provided to students without prejudicial effect.

Requests for accommodations for children with disabilities under Section 504 of the Rehabilitation Act shall be processed pursuant to the Section 504 Procedures.

Complaints regarding the interpretation or application of this policy shall be processed pursuant to Board Policy 411-Rule.

The Nondiscrimination and Harassment Policy and accompanying complaint procedures shall be published at the beginning of the school year and posted in each school building in the district. A copy of the Policy and complaint procedures shall also be provided upon request. In addition, a student nondiscrimination statement shall be included on student and staff handbooks, course selection handbooks and other published materials distributed to the public describing school activities and opportunities.

LEGAL REF.:      Section 118.13 Wisconsin Statutes  
                         PI 9 and 41, Wisconsin Administrative Code  
                         Title IX, Education Amendments of 1972  
                         Title VI, Civil Rights Act of 1964  
                         Section 504 of the Rehabilitation Act of 1973  
                         Americans with Disabilities Act of 1990  
                         Individuals with Disabilities Education Act  
                         McKinney-Vento Homeless Education Assistance Act

CROSS REF.: 334, Parent Rights and the Curriculum  
411-Rule, Student Discrimination Complaint Procedures  
411.1, Multicultural Relations  
411.2, Discrimination and Harassment Prohibited  
411.2-Rule, Discrimination and Harassment Complaint Procedures  
420-Rule 3, Procedures for Enrollment and Placement of Homeless  
Children and Youth  
Special Education Handbook

APPROVED: September 21, 1987

REVISED: February 5, 1991  
September 3, 1991  
August 21, 1995  
January 2, 2001  
August 19, 2002  
June 21, 2004  
June 3, 2008

REVIEWED: June 21, 2010

REVISED: June 18, 2012  
October 21, 2013

HAMILTON SCHOOL DISTRICT  
Sussex, WI

**DISCRIMINATION AND HARASSMENT PROHIBITED**

1. The Hamilton School District will not deny any person admission to, participation in, or the benefits of any curricular, extracurricular, pupil services, recreational or other program or activity because of a person's sex, race, color, national origin, religion, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other reason prohibited by state or federal law. The Hamilton School District specifically prohibits students from discriminating against or harassing others based on any of the characteristics described in this paragraph. This policy does not, however, prohibit the District from placing a student in a school, class, program or activity based on objective standards of individual performance or need.
  - a. "Discrimination" means any action, policy or practice, including bias, stereotyping and pupil harassment, that is detrimental to a person or group of persons and differentiates or distinguishes among persons, or that limits or denies a person or group of persons opportunities, privileges, roles or rewards based, in whole or in part, on age, sex, race, color, national origin, religion, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other reason prohibited by state or federal law that perpetuates the effects of past discrimination.
  - b. "Harassment" means behavior towards students based, in whole or in part, on sex, race, color, national origin, religion, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other reason prohibited by state or federal law, that substantially interferes with a student's school performance or creates an intimidating, hostile or offensive school environment.
2. Harassment can arise from a broad range of physical or verbal behavior which can include, but is not limited to, the following:
  - a. Physical or mental abuse;
  - b. Racial, ethnic or religious insults or slurs;
  - c. Unwelcome sexual advances or touching;

- d. Sexual comments, jokes, stories or innuendos;
  - e. Display of sexually explicit or otherwise offensive posters, calendars or materials;
  - f. Making sexual gestures with hands or body movements;
  - g. Referring to others as a doll, babe or honey;
  - h. Intentionally standing close or brushing up against others;
  - i. Inappropriately staring at others or touching his or her clothing, hair or body;
  - j. Whistling at others, cat calls; and
  - k. Asking personal questions about a person's sexual life.
3. These activities are offensive and inappropriate in the school environment. This is a serious issue not just for the Hamilton School District, but also for each individual. The District specifically prohibits discriminatory or harassing conduct, condoning such conduct by allowing it to go on, and pre-judging harassment or discrimination complaints. The District's policy prohibiting harassment applies to all students, whether at school, at school-sponsored co-curricular, extracurricular or social functions, or otherwise.
4. Any staff member who engages in harassment or discrimination or retaliates against another person because of harassment/discrimination report or participation in an investigation, is subject to immediate discipline, up to and including discharge and/or referral to law enforcement agencies if appropriate.
5. Any student who engages in harassment or discrimination, or retaliates against another person because of a harassment/discrimination report or participation in an investigation, is also subject to immediate discipline, up to and including suspension and expulsion from the Hamilton School District and/or referral to law enforcement agencies if appropriate.

**Hamilton School District  
Discrimination and Harassment Prohibited**

411.2

6. School employees are required to report any incident(s) of discrimination and/or harassment that they witness or are otherwise made aware of. Students and other third parties are strongly encouraged to report such incident(s) of discrimination and/or harassment. Discrimination and harassment complaints shall be filed in accordance with established District complaint procedures. If a student believes he or she has been discriminated against in violation of Board Policy 411, the student should file a complaint pursuant to the Student Discrimination Complaint Procedures in 411-Rule. If an employee believes he or she has been discriminated against or harassed in violation of Board Policy 511, the employee should file a complaint pursuant to the Employee Discrimination and Harassment Complaint Procedures in 511-Rule. All other complaints should be filed pursuant to the Discrimination and Harassment Procedures in 411.2-Rule. It is important that students, staff members and volunteers inform designated administrators about inappropriate conduct as soon as possible, because the District cannot do anything to remedy the problem if the District does not know that the problem exists.

LEGAL REF.: Section 118.13 Wisconsin Statutes  
PI 9 and 41, Wisconsin Administrative Code  
Title IX, Education Amendments of 1972  
Title VI, Civil Rights Act of 1964  
Section 504 of the Rehabilitation Act of 1973  
Americans with Disabilities Act of 1990  
Individuals with Disabilities Education Act  
McKinney-Vento Homeless Education Assistance Act

CROSS REF.: 341.15, Guidance and Counseling Services  
345.1, Grading Systems  
346, Student Assessments  
361, Educational Materials Selection  
370, Interscholastic and Extracurricular Activities  
377, Interscholastic Athletics  
411, Equal Educational Opportunities  
411.1, Multicultural Relations  
411.2-Rule, Discrimination and Harassment Complaint Procedures  
411.3, Bullying  
420, School Admissions  
443, Student Conduct  
446, Student Discipline



**Hamilton School District  
Discrimination and Harassment Prohibited**

411.2

454, Reporting Child Abuse/Neglect  
460, Student Awards and Scholarships  
511, Discrimination and Harassment of Employees Prohibited  
760, Food Services Management  
840, Public Gifts to the Schools  
871, Public Complaints about Educational Materials  
Special Education Handbook

APPROVED: February 4, 1992

REVISED: October 20, 1997  
August 19, 2002  
June 21, 2004

REVIEWED: June 27, 2007  
June 21, 2010

REVISED: June 18, 2012  
October 21, 2013

**HAMILTON SCHOOL DISTRICT  
Sussex, WI**

**DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES**

If any person believes that he or she has been harassed or discriminated against in violation of Board Policy 411.2, he or she should follow the following procedures. The following timelines apply unless all parties agree to an extension.

- Step 1. The District will attempt to resolve discrimination and harassment complaints on an informal basis, if the complainant asks to do so. Upon a complainant's request, the building principal/designee will meet with the complainant and, if applicable, the alleged harasser/offender. If the parties resolve the matter, the principal/designee will prepare a written statement outlining the resolution. If the complainant is not satisfied with the outcome of the meeting, the complainant may present a complaint in writing to request formal investigation of the complaint.

Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a student with a disability shall be processed in accordance with established appeal procedures outlined in the District's Special Education Handbook.

- Step 2. To begin the formal complaint process, a complainant must submit a written complaint to the Director of Human Resources and Organizational Development at:

Hamilton School District  
W220 N6151 Town Line Road  
Sussex, WI 53089  
262-246-1973

The Director of Human Resources and Organizational Development or his/her designee will send the complainant written acknowledgment of the complaint within 10 days after receiving the complaint. Complaint forms are available in each school office.

- Step 3. The District will investigate harassment and discrimination complaints promptly, thoroughly, and impartially. The Director of Human Resources and Organizational Development or his/her designee shall conduct the investigation or appoint an investigative team or independent consultant to do so.

The Director of Human Resources and Organizational Development or designee will prepare a written report regarding the investigation, including a description of the District's conclusions and, if appropriate and allowed by law, any action taken. The Director of Human Resources and Organizational Development or designee shall send a copy of the report to the complainant, District Administrator, and if applicable, the alleged harasser/offender and the school board within 35 days after the District receives the complaint. The report shall include a notice of the right to appeal the decision to the District Administrator.

- Step 4. If the complainant is not satisfied with the report of the Director of Human Resources and Organizational Development, a written appeal may be submitted to the District Administrator within seven (7) calendar days after receipt of the Director of Human Resources and Organizational Development report, indicating the nature of the disagreement. The District Administrator/designee may schedule a meeting of all parties to review the issues presented in the appeal. The District Administrator shall provide a written response outlining the findings and disposition of the appeal within ten (10) calendar days from the date the appeal is filed. The response shall include a notice of the right to appeal the decision to the Board of Education.
- Step 5. If a party is not satisfied with the results of the investigation report or the District Administrator's decision, he or she may appeal the decision to the Board of Education. To appeal the decision, a party must submit a written appeal to the Board within 10 days after the District sends the investigation report to the parties. The Board of Education will hold a private conference with the parties within 25 days after the Board receives the written appeal. In response to the appeal, the Board will send a written decision to the parties and the District Administrator within 10 days after the private conference. The written decision shall include a notice to the complainant of his/her right to appeal the determination to the State Superintendent of Public Instruction.
- Step 6. If either party is not satisfied with the decision of the Board of Education, the party may appeal the decision to the State Superintendent within 30 days after receipt of the Board's decision. Parties should send appeals to the following address:

## **Discrimination and Harassment Complaint Procedures**

State Superintendent  
Wisconsin Department of Public Instruction  
125 South Webster Street  
P.O. Box 7841  
Madison, Wisconsin 53707-7841

Nothing in this procedure shall preclude a student or parent from pursuing a discrimination or harassment complaint through the avenues provided by state or federal law. For example, complainants may file a complaint with the U.S. Department of Education's Office for Civil Rights. Students with a disability under Section 504 of the Rehabilitation Act may also request a Section 504 due process hearing.

Discrimination complaints relating to programs specifically governed by federal law or regulation shall be referred directly to the State Superintendent of Public Instruction.

### **Maintenance of Complaint Records**

The maintenance of complaint records is recommended for the purpose of documenting compliance. Records should be kept for each complaint filed, and, at a minimum, should include:

1. The name and address of the complainant and his/her title or status.
2. The date the complaint was filed.
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4. The name and address of the respondents.
5. The levels of processing followed, and the resolution, date and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A determination of the facts, statement of the final resolution, and the nature and date(s) of any corrective or remedial action taken.

LEGAL REF.:       Section 118.13 Wisconsin Statutes  
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Title VI, Civil Rights Act of 1964  
Section 504 of the Rehabilitation Act of 1973  
Americans with Disabilities Act of 1990  
Individuals with Disabilities Education Act  
McKinney-Vento Homeless Education Assistance Act

## **Discrimination and Harassment Complaint Procedures**

CROSS REF.: 411, Equal Educational Opportunities  
411.1, Multicultural Relations  
411.2, Discrimination and Harassment Complaint Procedures  
Special Education Handbook

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