



The Burlington Area School District rejects all forms of racism, discrimination, and harassment of students, families, staff members, and/or visitors in school or within the community. Such behaviors will be treated as being destructive to the District's mission, vision, values, and goals. The District pledges and is committed to providing a physically and psychologically safe, secure, and respectful environment, free from discrimination and harassment on the basis of race, color, religion, and national origin.

(Reference: BASD Equity Statement adapted from Policy 5517)

The quest for equity and justice for people of color requires a willingness to examine both the biases that influence our actions and the structures in our educational institutions that produce inequities and injustices. The Burlington Area School District understands its responsibility to combat racism and eliminate inequities. To truly serve all students, it is urgent that we see and serve students who have been marginalized. Equity is a priority and must be evident in all that we do as a district.

This work is multifaceted. We yearn to understand why people of color have negative experiences within our schools and within our community. We strive to foster an inclusive environment. The Burlington Area School District commits to identifying and eliminating all inequities so that every person, especially every student, experiences a deep sense of belonging within our educational community.

We recognize the need for radical change. We are a school district inside of a city, state, and country that is steeped in racism. Over time, we've begun to learn what it takes to be comfortable with being uncomfortable as a first step toward breaking down bigger systemic barriers. We developed strong partnerships to assist us in creating more equitable and inclusive practices, policies, and procedures. Even when the actions of individuals within our community have countered this commitment, the Burlington Area School District's leadership has remained steadfast in our vision to be a district that is anti-racist and where differences are embraced and celebrated by our students, staff, and community.

Now the Burlington Area School District is eager to take additional action. We seek a partnership with the Department of Public Instruction and other institutions across the state to make the impactful and sustainable change that is so urgently needed. The following plan identifies how we will comply with the four corrective actions outlined in the Department of Public Instruction's ruling. Further, this document presents the district's commitment to more fully address the crisis and create sustainable change. We foresee this effort encompassing action in five key categories:

- Climate and Culture
- Policies, Procedures, and Practices
- Curriculum and Materials
- Training, Coaching, and Professional Development
- Opportunity and Access

Institutionalized inequities are prevalent in our society and our nation's educational institutions. The Burlington Area School District is motivated to dismantle racism within the district and holds hope that this work will impact a necessary transformation in our broader educational community.

Yours in seeking justice,

Burlington Area School District Board of Education and Administration

Peter Turke, President
Barry Schmaling, Vice President
Marlo Brown, Clerk
Taylor Wishau, Treasurer

Kevin Bird, Member
Rosanne Hahn, Member
Susan Kessler, Member

Stephen Plank, Superintendent
Connie Zinnen,
Assistant Superintendent

Corrective Action Plan

The Burlington Area School District commits to fulfilling the requirements the Department of Public Instruction outlined in DPI Case No. 20-PDA-02 as stated below.

Burlington Area School District shall submit to the Department of Public Instruction a corrective action plan specifying steps it will take to:

1. *Prevent further instances of discrimination in discipline*
2. *Adequately redress the racially hostile environment present in BASD*
3. *Review its past reporting on discrimination complaints to ensure compliance with BASD policies and procedures and enact clear guidelines for future reporting; and*
4. *Review its policies and procedures to ensure they comply with the Wisconsin Administrative Code.*

Prevent further instances of discrimination in discipline.

The Burlington Area School District will contract with an external auditor (*to be identified*) for review of disciplinary policies, procedures, and practices. The district will provide a copy of the contract to the department no later than June 30, 2021. The district will provide the Department of Public Instruction with the auditor's final report and recommendations.

Using the recommendations from the discipline audit, the district will create a plan to implement the recommendations. The district will submit to the Department of Public Instruction a plan for adopting and implementing recommendations.

For the 2021-2022 school year, the district will update student rules, handbooks, and codes of conduct to conform to the non-discrimination requirements of School Board Policies 2260 and 5517.

The district will update disciplinary practices to align with School Board Policies 2260 and 5517, including training, monitoring disciplinary data, and public disclosure of data.

Adequately redress the racially hostile environment present in BASD.

The district will contract with the National Equity Project for a comprehensive equity audit. The district will provide a copy of the contract to the department no later than June 30, 2021. The district will provide the Department of Public Instruction with the auditor's final report and recommendations.

Using the recommendations from the equity audit, the district will create a plan to implement the recommendations. The district will submit to the Department of Public Instruction a plan for adopting and implementing recommendations.

The district has identified several action steps that relate to the following categories:

- Climate and Culture
- Policies, Procedures, and Practices
- Curriculum and Materials
- Training, Coaching, and Professional Development
- Opportunity and Access

Review its past reporting on discrimination complaints to ensure compliance with district policies and procedures and enact clear guidelines for future reporting.

No later than June 30, 2021, the Burlington Area School District will review the last five years of the annual report required under PI 9.07 of the Wisconsin Administrative Code to determine if the reports were:

- Consistent with state law and
- Consistent with the district policies 2260 and 5517

The district will review its findings with the department. The district will ensure that a process is in place to track and report the number of complaints received in the future. The district will train all staff in the required reporting process before the start of the 2021-2022 school term. The district will submit evidence that district staff has been trained.

Revise its policies and procedures to ensure they comply with the Wisconsin Administrative Code.

The district provided the Department of Public Instruction with updated policies 2260 and 5517 adopted by the district's board of education on November 30, 2020.

BASD Commitments to Respond to Racial Inequities

Commitment #1

The Burlington Area School District will ensure its discipline practices are non-discriminatory.

Initial Steps:

Prior to and in tandem with the DPI's ruling, the Burlington Area School District has anticipated implementing the following steps to align policies with practices consistently across all schools. Recommendations from the external audit of disciplinary policies, procedures, and practices will influence these steps.

The district will update student rules, handbooks, and codes of conduct to ensure rules conform to the non-discrimination requirements of School Board Policies 2260 and 5517.

The district will examine current disciplinary practices in each building to identify any existing inconsistencies with policies 2260 and 5517.

The district will require training for relevant staff on rule and discipline changes. Training materials will be provided to the DPI upon request. Training may include, for example, the non-discriminatory administration of student discipline, the consistent use of School Resource Officers, positive behavioral interventions, restorative practices and conflict resolution, and expectations regarding documentation of disciplinary incidents.

The district will assess future disciplinary data to measure the consistent implementation of the non-discrimination policy.

Based on the data, and as needed, ongoing revisions and training will take place.

Ongoing Steps:

The district will develop a comprehensive checklist to assist principals when making disciplinary determinations and collecting data. This plan will include a requirement for principals to consult with, where practicable, a district team when making disciplinary decisions (the team may include school counselors, school social workers, and other administrators). The goal is that important decisions are not made in isolation, recognizing that in emergency situations disciplinary decisions may have to be made quickly.

The district, at the building level, will assess suspensions in total to review any gaps among disaggregated student groups, including race. These measures will be developed from a timely and regular review of disciplinary data gathered from suspension letters and documents as well as other data gleaned from the student

	<p>information system used by the district. Each building team, consisting of building principals, school counselors, and other relevant staff will be given the task to identify the root causes and core issues, which result in suspension rate gaps, if any, among students based on race and other forms of grouping. The team will also develop strategies to lessen any gaps and use staff development to outline specific action plans.</p> <p>Equity strategies, training, and non-discriminatory discipline practices become part of the district culture. Moving forward, this may include, but is not limited to:</p> <ul style="list-style-type: none"> • Including equitable discipline in new-hire training • A method to gather parent and community input • Regular reporting of disciplinary data to the School Board
Effectiveness Evaluation:	An ongoing review of district-wide disaggregated discipline data to look for patterns and trends and to inform future adjustments.
Reviewer:	The external auditor and the leadership team (which includes building administrators, superintendent, assistant superintendent, and director of special education) will examine the data. Data will be shared with the School Board, external partners/agencies, and a Community Equity Team (to be established) to assist with the progress monitoring.

Commitment #2

The Burlington Area School District will nurture an inclusive environment free from racism so that every student has a sense of belonging.

Initial Steps:

Redressing a culture of racism is a complex undertaking and needs to be comprehensive in nature. There are many facets within an organization that must be considered. The district has identified several significant steps as they relate to the following categories:

- Climate and Culture
- Policies, Procedures, and Practices
- Curriculum and Materials
- Training, Coaching, and Professional Development
- Opportunity and Access

Ongoing Steps:

Prior to and in tandem with the DPI's ruling, the Burlington Area School District has anticipated implementing the following steps to nurture a culture free from racism. Recommendations from an equity audit will determine additional steps.

Recognizing the significant amount of work that lies ahead for the district to restore an inclusive environment, free from racial tensions, the district is exploring the possibility of hiring a Director of Equity to help oversee this work. Given that there are fiscal implications in adding such a position, the school board, along with the leadership team will determine the feasibility and timeline. If the district is unable to hire a Director of Equity for the 2021-2022 school year, the district will assign the core duties to existing administrator positions.

Climate and Culture

We believe that every person who walks into a BASD building should feel welcome and a sense of true belonging.

To visually reflect our commitment to inclusion, equity and belonging, the district plans to prominently display signage in each school district building that distinctly communicates that racism is not tolerated in the district. Additionally, the district will add student-created posters and artwork to display throughout the school district buildings. This will visually reaffirm the district's commitment to creating an inclusive environment for all students, staff, and guests.

Beyond showing evidence visually on our walls, we want students to experience inclusion, equity, and belonging in our halls. To embrace a climate and culture of equity, inclusion, and belonging the district will address micro-aggressions which

students have identified as a top priority. In April 2021, a staff survey regarding micro-aggressions was developed, administered, and analyzed. Before May 21, 2021, a student culture and climate survey regarding micro-aggressions will be administered. This survey was developed in consultation with the National Equity Project. This data will inform us on what issues exist and where to focus immediate effort.

We have begun this work and we will continue to learn together as a community how to deepen our empathy and take responsibility for our words and actions. In order to continuously address racial incidents we will harness the voices of the students to empower them to lead us in this change. We will work continuously to review the progress and impact of our work.

Policies, Procedure, and Practices

Concluding in the fall of 2020, with the assistance of Neola¹, the district updated all of its policies to ensure that they met statutory guidelines. Included in the policies was an updated harassment / anti-racism policy. This policy is comprehensive in nature and addresses the process for reporting and investigating claims of racial and other discrimination/harassment (see, also, Corrective Action 4).

Even with this initial extensive policy work, the district recognizes the need for ongoing review of policies and administrative guidelines. The School Board is currently reviewing sample board policies related to equity. Such a policy could include for example, an explanation of the district's goal of educational equity and a description of strategies established by the district to implement educationally equitable practices.

Curriculum and Materials

Listening Library with Milwaukee Jewish Federation - During the 2020-2021 school year the district partnered with the Milwaukee Jewish Federation on a pilot program called the "Listening Library." For the 2021-2022 school year, this program will be expanded to include all K-5 classrooms across the district. Select books and lessons related to diversity, equity, and inclusion will be incorporated for each grade level. Teachers will be given the books, along with the lessons and the training necessary to cultivate conversations with students regarding diversity and inclusion. These lessons will be incorporated into the weekly lessons as part of the Comprehensive School Counseling Model.

Community Circles - Beginning with the 2021-2022 school year, all K-5 classrooms in the district will implement "Community Circle" time as a part of each day. A team of school counselors, teachers, and administrators will work to develop the lessons that can be used during this classroom community time.

¹ For 40 years, Neola (<https://neola.com/>) has served school districts as an educational consulting firm. It has grown to have 1,500 clients in six states. They serve 284 districts/clients in Wisconsin.

Teachers will receive training on the goals and process for conducting community circles and will be given curriculum/lessons to incorporate during this time. The focus of the lessons will be aimed at creating conversations around race and equity.

Advisory - Beginning with the 2021-2022 school year, in grades 6-12, advisory time will continue to be built into each day. At least once each week, this advisory time will incorporate lessons regarding social justice, equity, anti-bullying, and character development. In collaboration with the external auditor, the existing foundation of lessons, examine gaps that may exist, and add additional lessons around equity and inclusiveness. The district will identify a team, consisting of school counselors, teachers, and other relevant staff to review the current lessons and develop new lessons for this advisory time.

Desire, Responsibility, Inspiration, Vision, Empowerment, New Birth (DRIVEN) - The high school has a team of students who are part of a group known as DRIVEN. This group of students, along with its staff leaders, work to create and implement character lessons during advisory time. This student team will be key in helping to develop and deliver lessons during advisory time.

African American Literature Course / Diversity in Literature - Currently in existence at Burlington High School is a course called, *African American Literature*. The English department at the high school is working through a review of this course and looks to rename the course to *Diversity in Literature*. They are reexamining book selections to broaden the selections within the course and are working to ensure that students have access to diverse literature offerings. The English department will submit the recommended book selections to the Assistant Superintendent for final review and approval. The revised and newly named course *Diversity of Literature* will be offered beginning with the 2022-2023 school year. (The course catalog is published in January 2022.)

UW-Parkside Dual Credit - In grades 9-12, the district is partnering with University of Wisconsin - Parkside on the development of an elective course on equity. The district is in the process of working with UW-Parkside and plans to offer the dual credit course in the fall of 2022-2023.

Trainings / Coaching / Professional Development

The district will continue its partnership with the National Equity Project (NEP). This has been a productive partnership throughout the 2020-2021 school year and the district looks forward to continuing this work into the 2021-2022 school year. The district also intends to continue its partnership with the Milwaukee Jewish Federation.

The district will continue to explore partnerships with organizations that can help to advance the district's equity goals such as the Leading for Equity Academy (LEA), provided by the Association of Wisconsin School Administrators (AWSA) and the Wisconsin Association of School District Administrators (WASDA), the new CESA

	<p>6 The Center 4ALL, as well as private consultants. On-going training and expectations can be built into the Educator Effectiveness (EE) Cycle, likely during the staff members' Supporting Years.</p> <p><u>Opportunity and Access</u></p> <p>Student Clubs / Affinity Groups - In the summer of 2020, the district created clubs for students in grades 7-12 called <i>Students Helping Advance Racial Equity</i> (SHARE). The intent of the clubs is to bring voice to students and to give them a safe place to share their experiences, including the impact of any discrimination they may have experienced. Wonderful work has come out of this group (including a staff survey on microaggressions). These student groups will continue with more outreach and awareness to attract more participants.</p> <p>Additionally, since the 7-12 student groups have been successful, the district will expand the offering of similar student groups at the lower grade levels.</p> <p>Diversity Night Program - In 2019 and 2020, Burlington High School presented, with the input of community members, students and staff, a diversity event to build cultural awareness in the community. As the ability to return to in-person programming returns, the high school will encourage students and supporters to plan this programming as these diversity events have tremendous value.</p> <p>Environment - The district plans to create a collaborative community group (Community Equity Team) to address the overall environment in our schools. The group would seek participation from parents, staff, and community members. To ensure that this is a safe and productive space, focusing on the goal, the district will utilize an outside facilitator. The district has already consulted with the firm of Payne and Frazier, who has successfully led two cohorts of staff training throughout the 2021-2022 school year, to determine their willingness to serve as the facilitators for this group work.</p> <p>Burlington Community Task Force - The Burlington Mayor, along with the City Council, are also formulating a community task force for the purpose of creating a better community. The City Council has identified an outside consulting firm to assist with the process, and the Burlington Area School District will have representation on this task force.</p>
<p>Effectiveness Evaluation:</p>	<p>Annually survey constituent groups to understand areas the district has improved or needs further effort. Develop and administer student surveys to ascertain their sense of belonging and trust in the system.</p> <p>Monitor longitudinal data to track if the number of race-related incidents decrease or increase (ex: 2020-2024 compared to 2016-2020) as a result of newly implemented changes to procedures and practices.</p>

	Conduct pre and post surveys with those participants involved in training sessions to assess knowledge regarding culturally responsive classrooms, restorative practices, and equity.
Reviewer:	The external auditor and the leadership team (which includes building administrators, superintendent, assistant superintendent, and director of special education) will share progress reports with the School Board, external partners/agencies, and a Community Equity Team (to be established).

Commitment #3

The Burlington Area School District will review the reporting of and guidelines for discrimination complaints.

Initial Steps:	<p>The Burlington Area School District has annually filed a pupil non-discrimination compliance report with the Department of Public Instruction (per Section PI 9.07 of the Wisconsin Administrative Code). The district's accuracy in its reporting has previously never been questioned.</p> <p>The district will retroactively review past PI 9.07 reports to ensure accuracy.</p>
Ongoing Steps:	<p>Through the external audit of disciplinary policies, procedures, and practices, as well as an internal review by the district's leadership team, the district will ensure appropriate reporting in the future. Relevant staff will receive training on accurate reporting.</p> <p>The district will also articulate the process for addressing discrimination complaints to all students and parents.</p>
Effectiveness Evaluation:	<p>Continue to review PI 9.07 guidelines to ensure accurate future reporting.</p>
Reviewer:	<p>The Department of Public Instruction will inform the Burlington Area School District as to whether or not the reporting is in compliance.</p>

Commitment #4

The Burlington Area School District will revise its policies and procedures to ensure they are in compliance with the Wisconsin Administrative Code.

Initial Steps:

The district recognized the need to update its policies and enlisted the help of Neola to bring all policies into compliance (see timeline below). Upon completion of updating policies, the district is now reviewing and updating all administrative guidelines to align with the new policy.

The timeline with Neola on policies has been as follows:

1. November 14, 2019 - Informational meeting with Neola
2. January 13, 2020 - Board approved Neola as vendor
3. February 5, 2020 - Contract signed to update all policies
4. November 30, 2020 - Board adopted new policy book

Ongoing Steps:

The updated policies, including [policy 2260](#), Non-Discrimination and Access to Equal Educational Opportunity and [policy 5517](#) Anti-Harassment / Anti-Racism were adopted by the school board on November 30, 2020. The policies comply with Wisconsin Administrative Code PI 9.04(2) which requires a provision for “determination of the complaint within 90 days of the receipt of the written complaint.”

Neola provides biannual updates to all policies. These are developed through a full review of statute as well as feedback from the field.

District administration and the school board’s policy committee can review its policies. Policies will be updated as needed, especially as the district expands its work around equity, completes its administrative guidelines update, and identifies any gaps in policy 5517 that need to be addressed.

Effectiveness Evaluation:

The DPI confirmed, in an email to legal counsel (4/22/21), that policy 2260 fully satisfies the corrective action requirements and complies with the Wisconsin Administrative Code.

Reviewer:

Burlington Area School District School Board and Department of Public Instruction

A Journey to Greater Justice

What follows is a summary of the steps the district has taken over the past 18+ months to enrich the district, rebuild a culture, and create a common understanding of what our district can do to be anti-racist. The district fully recognizes its obligation to address the items identified by the Department of Public Instruction. The district acknowledges a concern regarding equity, diversity, and inclusion and is making a conscious effort to create a more inclusive school environment.

The district sees this work as a priority. We feel that this is the right work and we're proud of these initial efforts. We look forward to walking alongside our partners in achieving a just and equitable learning environment as there is significant work to follow these first steps.

Climate and Culture

2020 taught the nation a lot about racism. While it has been uncomfortable for our school district and community to look in the mirror, from this discomfort has come great growth. We have laid a foundation to improve the climate and culture within our schools and will be a stronger school district and community moving forward.

The district issued [several statements](#) to keep the public informed and to stand in solidarity with our students and families of color. The statements ranged from an open letter to the community rejecting all forms of racism sent on September 18, 2020 to detailing the discipline taken related to racial incidents that happened within our district. The district published an [equity webpage](#) with these statements and a list of district initiatives to address equity and inclusion.

We reiterate and stand by the district's equity statement:

The Burlington Area School District rejects all forms of racism, discrimination, and harassment of students, families, staff members, and/or visitors in school or within the community. Such behaviors will be treated as being destructive to the District's mission, vision, values, and goals. The District pledges and is committed to providing a physically and psychologically safe, secure, and respectful environment, free from discrimination and harassment on the basis of race, color, religion, and national origin.

Policies, Procedures, and Practices

Recognizing that many of the school district policies were not up to date, the district enlisted the help of Neola. After an extensive review process, the school board adopted the newly revised policies, which did bring the district into compliance. One of the major changes to the policies, as a result of this work, was the addition of [policy 5517, Anti-Harassment/Anti-Racism](#). This policy took a strong stand on the district's commitment to combat racism and outlined in detail the steps and procedures for reporting and addressing issues regarding racism. This policy was adopted by the school board on November 30, 2020.

Curriculum and Materials

The district has paused this year to better understand what curriculum needs to be added or subtracted to ensure an equitable education. We worked with the Milwaukee Jewish Federation to introduce a program called the *Listening Library*. Elementary school counselors and select classroom teachers received training and multicultural books to use in classrooms to create safe places for conversations around diversity. The purpose was to provide a more diverse literacy experience for students around various social issues. The success of this pilot program has prompted the district to expand to more classrooms. Acknowledging the discomfort

minority students have felt during discussions, the high school English department evaluated its course offerings and replaced *To Kill a Mockingbird* and *Of Mice and Men* with a list of fiction books to give students more choice.

Training, Coaching, and Professional Development

This is perhaps the area in which the district has devoted the most time as evidenced by the numerous opportunities listed. Training has raised awareness and has helped the district have the language to engage in critical conversations about race.

During the 2019-2020 school year, the leadership team, consisting of all building principals, superintendent, assistant superintendent, and director of special education participated in a series of workshops called *Leading for Equity*, that was a partnership between the National Equity Project and CESA 2.

On October 24, 2019 the district brought in nationally recognized speaker, Dr. Luis Cruz. Dr. Cruz presented a three hour keynote on *Transforming School Culture* for the entire school system. Breakout sessions took place at each grade level: elementary, middle school, and high school. Through these breakout sessions Dr. Cruz was able to specifically address issues and concerns at each of those levels. Staff increased awareness of the difference between equality and equity.

Continuing the work begun in the four-part Leading for Equity series in 2019-2020, BASD entered into a partnership with the National Equity Project (NEP) for the 2020-2021 school year. A distributed leadership team was assembled including district and site-level administrators, teachers, and students. The team participated in monthly sessions (sometimes more than once a month) with the team. The team was provided coaching and opportunities to discuss the issues facing not only our community, but the world at large. Seven students involved with the *Students Helping Advance Racial Equity (SHARE)* joined the National Equity Project's Leadership for Equity Redesign Network Youth Affinity Group. This was supported with the leadership of Carolyn Simpson (high school teacher) and Kurt Rummler (middle school teacher) who encourages Burlington student voices.

On October 8, 2020, as part of inservice time with the certified staff, the staff took the *Common Beliefs Survey*, from *Teaching for Tolerance* (now known as *Learning for Justice*). Staff had the opportunity to analyze the results of the survey and worked in teams to discuss the myths and beliefs regarding race and equity and the implications for our system.

Beginning in December of 2020, the district enlisted the assistance of Payne and Frazier Consultants from Racine, WI for continued Diversity and Inclusion training. Two cohorts, each with 25 participants, attended a series of five, three-hour sessions. The members of the cohorts included the leadership team, school board members, school counselors, teachers, and support staff. The last session in the series set the groundwork for a Diversity, Equity, and Inclusion Plan that would identify the areas of need and future commitments from the district in order to make sustainable changes.

Reggie Jackson and his colleague Gail DuBuque-DeClark, from [Nurturing Diversity Partners](#) presented a three hour training to all district employees. The session was called *Unconscious Bias: Can We See Our Own Blind Spots?* This was an excellent session that prompted staff to examine what familiar systems or practices have race-based roots that have created inequities. Staff had opportunities following this presentation to discuss as school teams. On March 2, 2021 the district repeated, free of charge for the community, the presentation *Unconscious Bias: Can You See Your Own Blind Spots?* The district felt as though it was important for the community to know what training the district staff was receiving.

As a result of the work with the National Equity Project, the team developed a survey on microaggressions for staff. On March 31, 2021 staff took the survey to determine staff's understanding of the term, their ability to recognize microaggressions, and the support / training needed to address microaggressions. Then on April 5, as part of the district inservice time, staff met in school teams to discuss the results of the survey and to identify potential action steps.

Opportunity and Access

February 24, 2020 the district held *An Evening of Equity* for staff, students, and the community. This was a night of sharing personal stories, song, dance, and conversations around race.

As mentioned previously, in working with NEP, a student group called *Students Helping Advance Racial Equity (SHARE)* for grades 7-12 was created. Two staff members, a middle school teacher and a high school teacher facilitate these sessions with students. The intent of forming this group was to bring student voice to the table and allow for students to share their experiences and to provide feedback to the leadership team on what changes are necessary to provide a safe and inclusive environment. The students in this group also had the opportunity as part of the LERN network with NEP to join other youth across the country experiencing similar struggles in their schools and looking to lead in this work. This student group was instrumental in helping the leadership team develop the survey on microaggressions that was given to staff.

BASD collaborated with Burlington Coalition to Dismantle Racism during the month of February 2021 on a Black History Month Writing and Art Contest. BCDR judged the entries and provided prizes for the winners. BASD promoted the event and permitted teachers to utilize classroom time to work on the writings/artwork.



Book	Policy Manual
Section	2000 Program
Title	NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
Code	po2260
Status	Active
Adopted	November 30, 2020

2260 - **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

The Board is committed to providing an equal educational opportunity for all students in the District.

The Board does not discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including transgender status, change of sex or gender identity), or physical, mental, emotional, or learning disability ("Protected Classes") in any of its student program and activities. This policy is intended to support and promote nondiscriminatory practices in all District and school activities, particularly in the following areas:

- A. use of objective bases for admission to any school, class, program, or activity;
- B. prohibition of harassment towards students and procedures for the investigation of claims (see Policy 5517);
- C. use of disciplinary authority, including suspension and expulsion authority;
- D. administration of gifts, bequests, scholarships and other aids, benefits, or services to students from private agencies, organizations, or persons;
- E. selection of instructional and library media materials in a nondiscriminatory manner and that reflect the cultural diversity and pluralistic nature of American society;
- F. design and implementation of student evaluation practices, materials, and tools, but not at the exclusion of implementing techniques to meet students' individual needs;
- G. design and configuration of facilities;
- H. opportunity for participation in extra-curricular and co-curricular activities provided that separate programs for male and female students may be available provided comparable activities are made available to all in terms of type, scope, and District support; and
- I. the school lunch program and other school-sponsored food service programs.

The Board is also committed to equal employment opportunity in its employment policies and practices as they relate to students. The Board's policies pertaining to employment practices can be found in Policy 1422, Policy 3122, and Policy 4122 - Nondiscrimination and Equal Employment Opportunity.

In furtherance of the aforesaid goal, the Superintendent shall:

A. Curriculum Content

- 1. review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both sexes, various races, ethnic groups, etc. toward the development of human society;

2. provide that necessary programs are available for students with limited use of the English language;

B. Staff Training

develop an ongoing program of staff training and in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
2. verify that facilities are made available in a non-discriminatory fashion, in accordance with Board Policy 7510 - Use of District Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

D. District Support

require that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Evaluation

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the Protected Classes.

The Superintendent shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or equal access. The Compliance Officer(s) also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public.

The Superintendent shall attempt annually to identify children with disabilities, ages 3 - 21, who reside in the District but do not receive a public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient, including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis.

Reporting Procedures

Students, parents and all other members of the School District community are encouraged to promptly report suspected violations of this policy to a teacher or administrator. Any teacher or administrator who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity.

Students who believe they have been denied equal access to District educational opportunities in a manner inconsistent with this policy may initiate a complaint and the investigation process that is set forth below. Initiating a complaint will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.

Title IX Complaint Coordinators/District Compliance Officers (hereinafter referred to as the "COs")

The Board designates the following individuals to serve as the District's CO's:

Connie Zinnen, Assistant Superintendent
100 N. Kane St.

Burlington, WI 53105
262-763-0210
czinnen@basd.k12.wi.us

The names, titles, and contact information of these individuals will be published annually:

- A. in the staff and student handbooks.
- B. in the School District Annual Required Notices to the public.
- C. on the School District's website.

A CO will be available during regular school/work hours to discuss concerns related to student discrimination in educational opportunities under this policy.

Investigation and Complaint Procedure

The CO shall investigate any complaints brought under this policy. Throughout the course of the process as described herein, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All complaints must include the following information to the extent it is available: a description of the alleged violation, the identity of the individual(s) believed to have engaged in, or to be actively engaging in, conduct in violation of this policy, if any; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the report by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken during the investigatory phase to protect the Complainant from further loss of educational opportunity, including but not limited to a change of class schedule for the Complainant, tentative enrollment in a program, or other appropriate action. In making such a determination, the CO should consult the Principal prior to any action being taken. The Complainant should be notified of any proposed action prior to such action being taken.

As soon as appropriate in the investigation process, the CO will inform any individual named by the Complainant in connection with an alleged violation of this policy, that a complaint has been received. The person(s) must also be provided an opportunity to respond to the complaint.

All investigations shall be commenced as soon as practicable upon receipt of a complaint and concluded as expeditiously as feasible, in consideration of the circumstances, while taking measures to complete a thorough investigation. The complaining party shall be notified in writing of receipt of the complaint within forty-five (45) days of the complaint and shall reach a determination concerning the complaint within ninety (90) days of receipt unless additional time is agreed to by the complaining party.

The investigation will include:

- A. interviews with the Complainant;
- B. interviews with any persons named in the complaint;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definitions in this Policy, as well as in State and Federal law as to whether the Complainant has been denied access to educational opportunities on the basis of one of the protected classifications, based on a preponderance of evidence standard. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the Superintendent or Board President, engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the CO, the Superintendent must either issue a final decision regarding the complaint or request further investigation. A copy of the Superintendent's final decision will be delivered to the Complainant. The Superintendent may redact information from the decision in the event the release of information raises concerns regarding the integrity of the complaint or investigation process. The Board authorizes the Superintendent to consult with legal counsel to determine the extent to which information in an investigation report must be provided to either the Complainant or Respondent.

If the District Administrator requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above. The decision of the Superintendent will be reviewed by the Board upon request.

If the Complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction by submitting a written request to the Wisconsin Department of Public Instruction, Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157. Any person, including the Respondent in a complaint, who is subject to disciplinary action up to and including termination as a result of a complaint may choose to file a grievance utilizing the District's grievance procedure as outlined in Policy 3340 or Policy 4340.

The Board reserves the right to investigate and resolve a complaint or report regardless of whether the member of the School District community or third party chooses to pursue the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

Additional School District Action

If the evidence suggests that any conduct at issue violates any other policies of the Board, is a crime, or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.) (Policy 8462), or threats of violence (Policy 8462.01), the CO or District Administrator shall take such additional actions as necessary and appropriate under the circumstances, which may include a report to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations.

Confidentiality

The District will make reasonable efforts to protect the privacy of any individuals involved in the investigation process. Confidentiality cannot be guaranteed, however. All Complainants proceeding through the investigation process should be advised that as a result of the investigation, allegations against individuals may become known to those individuals, including the Complainant's identity.

During the course of an investigation, the CO will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

- F. all documentary evidence;
- G. e-mails, texts, or social media posts related to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions, both individual and systemic, taken to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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Legal	118.13 Wis. Stats.
	P.I. 9, Wis. Adm. Code
	P.I. 41, Wis. Adm. Code
	Fourteenth Amendment, U.S. Constitution
	20 U.S.C. Section 1681, Title IX of Education Amendments Act
	20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
	20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
	29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended
	42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964
	42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act
	42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
	42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended



Book	Policy Manual
Section	5000 Students
Title	STUDENT ANTI-HARASSMENT/ANTI-RACISM
Code	po5517
Status	Active
Adopted	November 30, 2020

5517 - **STUDENT ANTI-HARASSMENT/ANTI-RACISM**

Purpose

The Burlington Area School District and Board reject all forms of racism and harassment of a student, staff member, or school visitor as being destructive to the district's mission, vision, values, and goals. The District pledges and is committed to providing a physically and psychologically safe, secure and respectful environment, free from discrimination and harassment on the basis of race, color and national origin for all students and staff. This includes but is not limited to: in school buildings, on school grounds, in school buses and at school-sponsored activities and events.

Prohibited Harassment

It is the policy of the Board to maintain an educational environment that is free from all forms of harassment, including sexual harassment. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of harassment. This policy applies to conduct occurring in any manner or setting over which the Board can exercise control, including on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will not tolerate any form of harassment and will take all necessary and appropriate actions to eliminate it, including suspension or expulsion of students and disciplinary action against any other individual in the School District community. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our students.

The Board will vigorously enforce its prohibition against harassment based on the traits of sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. Additionally, the Board prohibits harassing behavior directed at students for any reason, even if not based on one of the Protected Classes, through its policies on bullying (See Policy 5517.01 – Bullying).

Harassment may occur student-to-student, student-to-staff, staff-to-student, male-to-female, female-to-male, male-to-male, or female-to-female. The Board will investigate all allegations of harassment and in those cases where harassment is substantiated, the Board will take immediate steps designed to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means individuals students, administrators, teachers, staff, and as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation;
- B. Filing a malicious or knowingly false report or complaint of harassment;
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties

Definitions

Bullying

Bullying is prohibited by Board Policy 5517.01 – Bullying. It is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a student's educational, physical, or emotional well-being. Bullying need not be based on any Protected Class. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the student's sex (including transgender status, change of sex, or gender identity), race color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights. Complaints brought under this policy that are more appropriately handled under the Bullying policy shall be referred for investigation consistent with the procedures in that policy.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student based on one or more of the student's Protected Class that:

- A. places a student in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

"Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- A. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of access to educational opportunities or program;
- B. submission or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education;
- C. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome verbal harassment or abuse;
- B. unwelcome pressure for sexual activity;
- C. unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact, other than necessary restraint of students by teachers, administrators, or other school personnel to avoid physical harm to persons or property;

- D. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status;
- E. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational status;
- F. unwelcome behavior or words directed at an individual because of gender;

Examples are:

1. repeatedly asking a person for dates or sexual behavior after the person has indicated no interest;
 2. rating a person's sexuality or attractiveness;
 3. staring or leering at various parts of another person's body;
 4. spreading rumors about a person's sexuality;
 5. letters, notes, telephone calls, or materials of a sexual nature;
 6. displaying pictures, calendars, cartoons, or other materials with sexual content.
- G. inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life.

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However other behaviors might be going too far, are inappropriate and may be signs of sexual grooming.

Inappropriate boundary invasions may include, but are not limited to the following:

1. hugging, kissing, or other physical contacts with a student;
2. telling sexual jokes to students;
3. engaging in talk containing sexual innuendo or banter with students;
4. talking about sexual topics that are not related to the curriculum;
5. showing pornography to a student;
6. taking an undue interest in a student (i.e... having a "special friend" or a "special relationship");
7. initiating or extending contact with students beyond the school day for personal purposes;
8. using e-mail, text messaging or websites to discuss personal topics or interests with students;
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
10. invading a student's privacy (e.g... walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);
11. going to a student's home for non-educational purposes;
12. inviting students to the staff member's home without proper chaperones (i.e... another staff member or parent of a student);
13. giving gifts or money to a student for no legitimate educational purpose;
14. accepting gifts or money from a student for no legitimate educational purpose;

15. being overly "touchy" with students;
16. favoring certain students by inviting them to come to the classroom at non-class times;
17. getting a student out of class to visit with the staff member;
18. providing advice to or counseling a student regarding a personal problem (i.e.. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;
19. talking to a student about problems that would normally be discussed with adults (i.e.. marital issues);
20. being alone with a student behind closed doors without a legitimate educational purpose;
21. telling a student "secrets" and having "secrets" with a student;
22. other similar activities or behavior.

Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the Superintendent.

- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history; and
- I. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

It is further the policy of the Board that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the work place, in that it interferes with the educational process and may involve elements of coercion by reason of the relative status of a staff member to a student.

Not all behavior with sexual connotations constitutes sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Anti-racism

The practice of identifying, challenging, and changing the values, structures, and behaviors that perpetuate systemic racism.

Individual Racism

Pre-judgment, bias, or discrimination by an individual based on race. Individual racism includes both privately held beliefs, conscious and unconscious, and external behaviors and actions towards others.

Structural (or systemic) Racism

Encompasses the history and current reality of institutional racism across all institutions and society. It refers to the history, culture, ideology, and interactions of institutions and policies that perpetuate a system of inequity that is detrimental to communities of color.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit

from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's physical, mental, emotional or learning disability and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Reporting Procedures

Students and all other members of the School District community, as well as third parties, are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor, or District employee or official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer at his/her first opportunity.

Students who believe they have been subjected to harassment are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.

If, during an investigation of a reported act of bullying in accordance with Policy 5517.01 – Bullying, the principal determines that the reported misconduct may have created a hostile learning environment and may have constituted harassment based on sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws, the principal will report the act of bullying to one of the Compliance Officers who shall assume responsibility to investigate the allegation in accordance with this policy.

Reporting procedures are as follows:

- A. Any student who believes s/he has been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to any District employee, such as a teacher, administrator or other employees.
- B. Any parent of a student who believes the student has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the student's teacher, building administrator or District Administrator.
- C. Teachers, administrators, and other school officials who have the knowledge or received notice that a student has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the Compliance Officer and the Building Principal or Superintendent.
- D. Any other person with knowledge or belief that a student has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to any District employee, such as a teacher, administrator or other employees.
- E. The reporting party or Complainant shall be encouraged to use a report form available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing.
- F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, each school's Building Principal shall be advised to designate both a male and a female Compliance Officer for receiving reports of harassment prohibited by this policy. At least one (1) Compliance Officer or other individuals shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

District Compliance Officer

The Board designates the following individual to serve as the District's "Compliance Officer" (hereinafter referred to as the "CO").

Connie Zinnen, Assistant Superintendent
100 N. Kane St., Burlington, WI 53105
262-763-0210
czinnen@basd.k12.wi.us

The name, title, and contact information of this individual will be published annually:

- A. in the student handbooks.
- B. in the School District Annual Required Notices to the public.
- C. on the School District's website.

A CO will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Board employee who directly observes harassment of a student is obligated, in accordance with this policy, to report such observations to the CO within two (2) business days. Thereafter, the CO must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer to conduct an investigation following all the procedures outlined in the complaint procedures.

The CO is assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin review and investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer as soon as possible, but always within no more than two (2) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any student who believes that s/he has been subjected to harassment may seek resolution of his/her complaint through the procedures described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.

Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

If at any time during the investigation process the investigator determines that the complaint is properly defined as Bullying, under Policy 5517.01 - Bullying and not Harassment under this Policy, because the conduct at issue is not based on a student's Protected Characteristics, the investigator shall transfer the investigation to the appropriate Building Principal.

Complaint Procedure

A student who believes s/he has been subjected to harassment hereinafter referred to as the "Complainant", may file a complaint, either orally or in writing with a teacher, Principal, or other District employee at the student's school, the CO, Superintendent, or other District employee who works at another school or at the District level. Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, or other District employee at the student's school, the CO, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process as described herein, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or to be actively engaging in, harassment; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of class schedule for the Complainant or the alleged harasser, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the Principal prior to any action being taken. The Complainant should be notified of any proposed action prior to such action being taken.

As soon as appropriate in the investigation process, the CO will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the Respondent at that time. The Respondent must also be provided an opportunity to respond to the complaint.

Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the Complainant has been subject to offensive conduct/harassment. A principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Although certain cases may require additional time, the Compliance Officer will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subject to harassment. In determining if harassment occurred, a preponderance of evidence standard will be used. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

The CO may consult with the Board Attorney before finalizing the report to the Superintendent.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation the CO may in consultation with the Superintendent or Board President, engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the CO, the Superintendent must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final. If the Complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction.

The Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or third party alleging the harassment pursues the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

Additional School District Action

If the evidence suggests that the harassment at issue is a crime or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.), the CO or Superintendent shall report the harassment to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations and crimes.

Any reports made to the local child protection service or to local law enforcement shall not terminate the CO's obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Confidentiality

The District will make all reasonable efforts to protect the rights of the Complainant and the Respondent. The District will respect the privacy of the Complainant, the Respondent, and all witnesses in a manner consistent with the District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed, however. All Complainants proceeding through the investigation process should be advised that as a result of the investigation, the Respondent may become aware of the Complainant's identity.

During the course of an investigation, the CO will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Reprisal

Submission of a good faith complaint or report of harassment will not affect the Complainant's status or educational environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The Superintendent will develop a method of discussing this policy with the School District community. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to the School District community at such times as the Board in consultation with the Superintendent determines is necessary or appropriate.

This policy shall be reviewed at least annually for compliance with local, State, and Federal law.

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address and telephone number of the Compliance Officers, the name, mailing address and telephone number of the State agency responsible for

investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

A summary of this policy shall appear in the student handbook and shall be made available upon request of parents, students, and other interested parties.

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation including but not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any interim measures offered and/or provided to Complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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Legal

48.981, Wis. Stats.

118.13, Wis. Stats.

P.I. 9, Wis. Admin. Code

P.I. 41 Wis. Admin. Code

Fourteenth Amendment, U.S. Constitution

20 U.S.C. 1415

20 U.S.C. 1681 et seq., Title IX of Education Amendments Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

29 U.S.C. 794, Rehabilitation Act of 1973

42 U.S.C. 1983

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

42 U.S.C. 2000d et seq.

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990

34 C.F.R. Sec. 300.600-300.662