

## **RACINE UNIFIED SCHOOL DISTRICT**

### **TITLE IX SEXUAL HARASSMENT Interim Grievance Process**

#### **GENERAL PROVISION**

The grievance process set forth in this policy will be followed by the District when responding to formal complaints of Title IX Sexual Harassment in violation of the Title IX Sexual Harassment – Prohibited Conduct and Reporting Process policy.

#### **A. DEFINITIONS**

All definitions in the Title IX Sexual Harassment Prohibited Conduct and Reporting Process policy are incorporated by reference and have the same meaning when used in this policy, including all references to “Title IX Sexual Harassment” in this policy.

The following additional definitions apply in this policy.

Appeals Officer. The Appeals Officer is the District official responsible for receiving, reviewing, and responding to appeals of the Decision Maker’s written determination or appeals of dismissals under this grievance process. The Appeals Officer will not be the Title IX coordinator, the Investigator assigned to investigate the formal complaint, or the Decision Maker.

Decision Maker. The Decision Maker is the District official responsible for making a determination regarding responsibility following an investigation into a formal complaint of Title IX Sexual Harassment. The Decision Maker will not be the Title IX coordinator, the Investigator assigned to investigate the formal complaint, or the Appeals Officer.

Investigator. The Investigator is the District official responsible for investigating a formal complaint of Title IX Sexual Harassment. The Investigator will not be the Decision Maker or the Appeals Officer.

Remedies. Remedies are individualized measures provided to a complainant designed to restore or preserve the complainant’s equal access to the District’s education program or activity after a respondent is found responsible for Title IX Sexual Harassment. Such remedies may include, but are not limited to, the Supportive Measures described in the Title IX Sexual Harassment Prohibited Conduct and Reporting Process and may also include counseling (through the EAP benefit for employees), mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual or one-way restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other measures determined by school officials to be necessary to restore or preserve the complainant’s equal access to the education program and activities, regardless of whether such measures impose a burden on the respondent or are punitive or disciplinary in nature.

Disciplinary Sanctions. Disciplinary sanctions are sanctions imposed on a respondent after the respondent has been found responsible for Title IX Sexual Harassment.

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

- **Students.** Possible disciplinary sanctions for students include, but are not limited to, suspension, expulsion, suspension of eligibility to participate in extracurricular activities, or suspension of eligibility to participate in other District-sponsored events. The District may also restrict or deny permission to be present on District property or at certain District-sponsored events or activities. This provision does not modify any student's rights under the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.
- **Employees.** Possible disciplinary sanctions for employees include, but are not limited to, termination of employment, last chance agreement, suspension, demotion, reassignment/transfer of position, written warning, verbal warning, reprimand, contract nonrenewal, informal or formal coaching, training/education, or restrictions on permission to be present on District property or at certain District-sponsored events or activities.
- **Other persons.** Possible disciplinary sanctions for respondents who are not students or employees include, but are not limited to, termination or suspension from a District authorized role (for example, volunteer); termination or nonrenewal of third-party contracts; and restrictions on permission to be present on District property or at District-sponsored events or activities.

## **B. FILING A FORMAL COMPLAINT TO COMMENCE THE GRIEVANCE PROCESS**

The commencement of the Title IX Sexual Harassment Grievance Process begins with the filing of a formal complaint. An eligible complainant and the Title IX coordinator are the only individuals who may file a formal complaint initiating the grievance process; no other individual or District official has the authority to do so.

### **1. Eligible Complainants**

- Eligible complainants may initiate the grievance process by filing a formal complaint with the Title IX coordinator. To be eligible to file a formal complaint, the complainant must be participating in or attempting to participate in the District's education program or activity at the time of filing. For complainants who are not eligible to file a formal complaint, the District may utilize other existing policies to address the allegations such as Employee Handbook Notice of Non-Discrimination, Employee Handbook Policies 2.2 (Equal Opportunity), 2.5 (Harassment and

Bullying, Employee Complaint Procedure), 2.5.3 (Employee Responsibility), 3.43 (Student Relations) and 3.44 (Violence in the Workplace);Administrative Regulations 4116.22 (Professional Conduct), 5145 (Student Civil and Legal Rights and Responsibilities), 5145.1 (Student Sexual Harassment), 5145.2 (Student Nondiscrimination Complaint Procedure), 5145.3 (Bullying), 6144.36 (Parent/Customer Complaint Procedure) as informed by previous Board Regulations 4116.11, 4116.12, 4116.122 and 4215.12 and/or any other applicable District policy.

The formal complaint must identify (1) the name of the complainant and the name of complainant's parent or guardian if the complainant is a minor, (2) described the alleged conduct, (3) request an investigation into the matter, and (4) be signed by the complainant (with either a physical or digital signature), or otherwise indicate that the complainant is the person filing the complaint. The formal complaint may be filed with the Title IX coordinator in person, by mail, or by email. The contact information for the District's Title IX coordinator(s) is as follows:

**For complaints by students**

Director of Student Services  
Andrea Rittgers  
3109 Mount Pleasant Drive  
Racine, Wisconsin 53404  
262-631-7190  
[andrea.rittgers@rusd.org](mailto:andrea.rittgers@rusd.org)

**For complaints by staff and other persons (non-students)**

Executive Director, Employee Relations  
Keri Hanstedt  
3109 Mount Pleasant Drive  
Racine, Wisconsin 53404  
262-631-7061  
[keri.hanstedt@rusd.org](mailto:keri.hanstedt@rusd.org)

Nothing in this policy prevents a complainant from seeking the assistance of state or local law enforcement alongside with reporting the allegations to the District.

**2. The Title IX Coordinator**

In instances where the complainant does not wish to file a formal complaint, the Title IX coordinator will review the totality of the circumstances and determine whether to file a formal complaint. The Title IX coordinator will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this grievance process. The Title IX coordinator is not considered the complainant when the Title IX coordinator files the formal complaint.

**c. DISTRICT'S RESPONSE TO RECEIPT OF A FORMAL COMPLAINT**

Upon receipt of a formal complaint of Title IX Sexual Harassment, the Title IX coordinator communicates with the complainant, considers the provision of supportive measures in light of the complainant's wishes, provides supportive measures as appropriate, and otherwise fulfills the requirements of Section

D of the Title IX Sexual Harassment – Prohibited Conduct and Reporting Process policy, unless the Title IX coordinator has already done so in response to an initial report of the same allegation of sexual harassment.

The District reserves the right to consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### **D. DISMISSAL OF A FORMAL COMPLAINT**

Upon receipt of a formal complaint that alleges or purports to allege Title IX Sexual Harassment and at other points in the grievance process while a formal complaint is pending, the Title IX coordinator will determine whether, pursuant to the federal Title IX regulations, the formal complaint must be dismissed (whether in whole or in part) or may be dismissed (whether in whole or in part) at the District's discretion.

The Title IX Sexual Harassment Grievance Process will apply when all of the following elements are met, in the reasonable determination of the Title IX coordinator:

1. The conduct is alleged to have occurred in the District education program or activity; and
2. The alleged conduct, if true, would constitute covered Title IX Sexual Harassment as defined in the Title IX Sexual Harassment Prohibited Conduct and Reporting Process policy.

If these elements are met, the District will investigate the allegations in the formal complaint according to this grievance process.

##### **1. Mandatory Dismissal**

If any one of the above two elements are not met, the formal complaint must be dismissed for purposes of this Title IX Sexual Harassment Grievance Process.

Title IX coordinator will promptly notify the known parties simultaneously in writing that the formal complaint is being dismissed for the purposes of the Title IX Sexual Harassment Grievance Process and the reason(s) therefore. Each party may appeal this dismissal using the procedure outlined in Section K below.

##### **2. Discretionary Dismissal**

A formal complaint brought under the Title IX Sexual Harassment Grievance Process, or any specific allegations raised within a formal complaint, may be dismissed at any time during the investigation or hearing, if:

- The complainant notifies the Title IX coordinator in writing that the complainant would like to withdraw the formal complaint, or any allegations raised in the formal complaint;
- The respondent is no longer enrolled or employed by the District; or,
- If specific circumstances prevent the District from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations within the formal complaint.



### **3. Notice of Dismissal**

Upon reaching a decision that a formal complaint will be dismissed, in whole or in part, the Title IX coordinator will promptly notify the known parties simultaneously in writing that the formal complaint or any specific allegation within the formal complaint is being dismissed for the purposes of the Title IX Sexual Harassment Grievance Process and the reason(s) therefore. Each party may appeal this dismissal using the procedure outlined in Section K below.

If a formal complaint or any allegation within a formal complaint is dismissed for purposes of the Title IX Sexual Harassment Grievance Process, the District retains discretion to take action with the respect to the dismissed allegations under other District policies and procedures (for example, if such alleged conduct could constitute discrimination other than Title IX Sexual Harassment or if such conduct could constitute a violation of any District policy, rule or code of conduct).

### **E. GENERAL PRINCIPLES OF THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

To ensure a complete, thorough, and fair grievance process for formal complaints of Title IX Sexual Harassment, the following general principles will apply to the investigation, adjudication, or appeal of a formal complaint of Title IX Sexual Harassment under this grievance process.

1. The District shall apply any provisions, rules, or practices other than those required by this section equally to all parties.
2. Unless required by law, the District shall follow this grievance process before imposing disciplinary sanctions or other punitive actions against a respondent for any alleged Title IX Sexual Harassment, subject to the allowances made in the federal Title IX regulations for implementing supportive measures, implementing an emergency removal, and placing an employee, while a formal complaint is pending, on administrative leave.
3. The District shall presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process by the preponderance of the evidence standard.
4. The Title IX coordinator, the Investigator, the Decision Maker, the Appeals Officer, and any other person who are authorized to act on behalf of the District in connection with the grievance process will:
  - a. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility without respect to a person's status as a complainant, respondent or witness.
  - b. Ensure that they are free from any conflict of interest or bias for or against complainants or respondents generally, or for or against an individual complainant or respondent.
  - c. Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client privilege), unless the person holding such privilege has waived the privilege.
  - d. Refrain from accessing, considering, disclosing, or otherwise using a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or

assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for purposes of the grievance process (if a party is under 18 years old, then the District must obtain the voluntary, written consent of a parent or guardian).

- e. Avoid restricting the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, except as expressly permitted or required by applicable law. This provision does not restrict the District or its agents from requiring the parties to a formal complaint (including their advisors) to refrain from disseminating certain evidence or other records to others, provided that any such requirements must be lawful and must not unreasonably interfere with the purposes of this grievance process. In some situations, established law may independently prohibit any such dissemination of particular evidence/records.
5. The District shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through the adjudication phase within ninety (90) calendar days after filing the formal complaint. The District reserves the right to extend this time frame or any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include, but is not limited to, the absence of the parties or witnesses, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. If a formal complaint of Title IX Sexual Harassment also constitutes a complaint of pupil discrimination under Chapter PI 9 of the Wisconsin Administrative Code, and if a requested or contemplated delay/extension would prevent the District from reaching a determination of the complaint within ninety (90) calendar days, the Title IX coordinator shall evaluate whether it is necessary or appropriate to request the parties' consent to the delay/extension. The Title IX coordinator will make reasonable efforts to keep the complainant and respondent apprised of progress being made during any period of delay.
6. The District will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally. Throughout the investigation and resolution process, each party has the right to choose and consult with an advisor. An advisor may be any person, and may be, but is not required to be, an attorney. The parties may be accompanied by their respective advisors at any meeting or proceeding related to the investigation and resolution of a report under the grievance process. While the advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties, submit written statements not attributed to the party, or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings. The District will not unduly delay the scheduling of meetings or proceedings based on the advisor's unavailability.

#### **F. WRITTEN NOTICE OF THE ALLEGATIONS**

Upon the filing of a formal complaint, the Title IX coordinator will provide a written notice of allegations to all known parties. The written notice of allegations will be provided as soon as practicable, normally within 10 calendar days of receiving a formal complaint, and always at least five (5) calendar days before a party will be required to appeal for an initial interview.

The written notice of allegations will include:

- Notice of the allegations potentially constituting Title IX Sexual Harassment and sufficient details including the identities of the parties involved, if known; the conduct allegedly constituting Title IX Sexual Harassment; and the date and location of the alleged incident, if known.
- A copy of this policy to give notice of the District's grievance process, including the investigative and adjudication procedures, and any informal resolution process available;
- A statement that the parties may have an advisor of their choice;
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process; and
- A statement informing the parties that pursuant to Employees--4116.22 (Professional Conduct), the District prohibits a person from knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of an investigation, the Investigator decides to investigate allegations about the complainant or respondent that are not included in the initial written notice of allegations, the Title IX coordinator will provide written notice of the additional allegations to all parties whose identities are known.

#### **G. INVESTIGATION**

An Investigator assigned by the Title IX coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered Title IX Sexual Harassment after the issuance of the notice of allegations.

The District and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of the Title IX Sexual Harassment Prohibited Conduct and Reporting Process policy has occurred.

When conducting the investigation, the Investigator will interview individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant or respondent; and (4) any other individuals who are thought possibly to have relevant information. Prior written notice of the date, time, location, participants, and purpose of any investigative interview or other meeting held as part of the investigation will be provided to a party whose participation is invited or expected for any investigative interview or meeting held as part of the investigation, with sufficient time for the party to prepare to participate. Complainants and respondents may be accompanied to any investigative interview or other meeting held as part of the investigation by one advisor of their choice. Under any circumstances where a complainant or respondent is a minor, the party's parent or guardian may also accompany the party to any such proceeding.

The Investigator will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations). The District cannot access, consider, or disclose medical records without a waiver from the party (or parent or guardian, if applicable) to whom the records belong or of whom the records include information.

No party or witness is required to participate in investigation or any other part of the grievance process, and the Decision Maker and/or Appeals Officer will not base a finding of responsibility solely on a party's decision not to participate in whole or in part in the grievance process. If either party or any witness declines to participate or limits the extent of their participation, it may limit the ability of the District to thoroughly investigate and resolve the formal complaint.

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

The Investigator will send to each party and the party's advisor, if any, the relevant evidence obtained from the investigation that is subject to inspection and review. Such evidence may be provided in an electronic format or as a hard copy, and consists of the evidence obtained as part of the investigation that is directly related to the pending allegations, including:

- Evidence upon which the District does not intend to rely in reaching a determination regarding responsibility; and
- Both inculpatory or exculpatory evidence, whether obtained from a party or other source.

Each party will have ten (10) calendar days from the date that the evidence is delivered to the party to inspect and review the evidence and submit a written response to the evidence to the Investigator. It is optional for parties to provide a response. The Investigator will consider any written responses received from the parties before completing the investigative report.

#### **I. INVESTIGATIVE REPORT**

After receiving and giving due consideration to any timely written responses received from the parties, the Investigator shall complete an investigative report that fairly summarizes the relevant evidence.

The Investigator will send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy for their review and written response. Each party will have ten (10) calendar days from the date that the investigative report is delivered to the party to submit a written response to the investigative report, if the party so chooses.

The Investigator will forward the final investigative report and the complete investigative record along with any written responses to the investigative report received from the parties to the District-designated Decision Maker for a determination of responsibility.

#### **J. DETERMINATION OF RESPONSIBILITY**

A Decision Maker will make a determination of responsibility with the respect to the allegations of which the parties have been notified and that have been subject to investigation based on an analysis of the relevant evidence.

##### **1. Exchange of Written Questions and Responses**

After the parties are sent the investigative report, the Decision Maker shall provide the parties an opportunity to submit written, relevant questions within 10 days that the party wants asked of any other

party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party in accordance with a reasonably prompt time frame established by the Decision Maker.

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

The Decision Maker must explain to the party proposing the questions any decision to exclude any question as not relevant.

## **2. Determination of Responsibility and Sanctions**

The District uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this grievance process. This means that the investigation and any additional information provided by the parties through the exchange of questions and responses determines whether it is more likely than not that a violation of the Title IX Sexual Harassment Prohibited Conduct and Reporting Process policy occurred.

Following the exchange of questions as described above, the Decision Maker will decide the question regarding responsibility, any disciplinary action, and any other measures the Decision Maker deems appropriate. The Decision Maker consider all the relevant evidence objectively, including evidence in the investigative report, and any additional information provided by the parties through the exchange of questions and responses.

Based on an objective evaluation of the evidence, the Decision Maker determine whether the preponderance of the evidence supports a finding that the respondent is responsible for Title IX Sexual Harassment in violation of District policy, and if so, what disciplinary sanction will be imposed.

## **3. Written Determination Regarding Responsibility**

The Decision Maker will issue a written determination regarding responsibility simultaneously to all parties that includes all of the following:

- Identification of the allegations potentially constituting Title IX Sexual Harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- Findings of fact supporting the determination;
- Conclusions regarding the application of District policy and/or the Code of Student Conduct or expected standards of employee behavior to the fact include whether the respondent engaged in prohibited Title IX Sexual Harassment or other proscribed conduct;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent (or, in cases where a particular disciplinary sanction is beyond the authority of the Decision Maker, a statement of the disciplinary sanction(s) that the Decision Maker is recommending as an

appropriate consequence), and whether the District will provide the complainant with any remedies designed to restore or preserve the complainant's equal access to the District's education program or activity;

- The procedures and the permitted reasons for the complainant and respondent to appeal under this grievance process and any other applicable appeal procedures (For example, if a formal complaint of Title IX Sexual Harassment also constitutes a complaint of pupil discrimination under Wis. Adm. Code PI ch. 9, the District may also use this notice to inform the complainant of the right to appeal any adverse final determination of the complainant's complaint under state law to the State Superintendent of Public Instruction (DPI), as well as the procedures for making such an appeal to DPI.); and
- Any other notices that are required to accompany the decision under state law.

Disciplinary sanctions and any remedies that could not be offered as supportive measure shall not be enforced until the determination of the complaint becomes final. The determination regarding responsibility becomes final either:

- If no appeal is filed, on the date on which an appeal would no longer be considered timely; or
- If an appeal is filed, on the date that the parties are provided with the written determination of the appeal.

#### **K. APPEALS**

Each party has the right to appeal (1) the dismissal of a formal complaint or any allegations included in a formal complaint and/or (2) a determination regarding responsibility.

The limited grounds for appeal are as follows:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
- The Title IX coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- Severity of sanction

To appeal, a party must submit their written notice of appeal to the Title IX coordinator in person, by mail, or by email. The notice of appeal must be delivered to the Title IX coordinator within five (5) calendar days from the date the written determination or notice of dismissal is delivered to the party. The notice of appeal submitted by a party must:

- Clearly identify the specific bases, from those listed above, on which the party is appealing; and
- With reasonable specificity, state the factual basis for the appeal and the reasoning as to why the decision or dismissal being appealed should be reversed or modified.

A party may not introduce new evidence that is outside of the existing record of the complaint proceedings except as an offer of proof to support a conflict of interest or bias claim or in the case of an appeal that is premised on a claim that the new evidence was not reasonably available at an earlier time.

Upon receiving a notice of appeal, the Title IX coordinator or designee will promptly notify the other party (or parties), if known, that an appeal has been filed and provide a copy of the notice of appeal to all other parties.

The Appeals Officer will establish and inform all parties of a deadline for submitting any additional written statements that the parties may wish to submit in support of, or challenging, the original outcome on the grounds raised by any pending appeal.

The Appeals Officer will deny an appeal that merely asserts that the District's decision is wrong or that fails to present a reasonably developed argument in support of the appeal.

If the Appeals Officer determines that there is a need to open the record to obtain and consider any additional evidence in order to resolve an appeal, the Appeals Officer may offer additional equal opportunities for the parties to address and respond to any such new evidence if doing so is necessary to preserve the fairness of the proceedings.

Outcome of appeal will be provided in writing simultaneously to both parties and include rationale for the decision.

#### **L. INFORMAL RESOLUTION**

A complainant who files a formal complaint may elect, at any time, to address the matter through an information resolution process. All parties to a formal complaint must agree to enter the information resolution process through an informed written consent.

#### **M. CONCURRENT INVESTIGATIONS**

If the allegations set forth in a formal complaint of Title IX Sexual Harassment also constitute or fairly encompass allegations of conduct that could constitute discrimination under a different law; a violation of a District policy or rule (including any District code of conduct that may be applicable to the respondent); or any other established grounds for the imposition of possible disciplinary sanctions, then the District may investigate the facts and circumstances related to such other allegations using this grievance process and apply the facts, as found through the investigation, to all potential grounds for a finding of responsibility/misconduct and possible discipline. Unless otherwise required by law, the investigation and determinations reached through this grievance process shall constitute sufficient processing of any such overlapping/related complaint(s), allegations, or charges that may arise out of the same facts or circumstances as the allegations of Title IX Sexual Harassment.

In all cases involving the concurrent investigation and concurrent consideration of any such overlapping/related complaint(s), allegations, or charges, the Title IX coordinator is responsible for giving the parties adequate notice of the scope of the allegations to be investigated and of the different grounds for a potential finding of liability/responsibility (including federal law, state law, or a local policy or rule). The Decision Maker is responsible for adequately identifying the specific basis for any determinations of responsibility or substantiated misconduct. For example, a Decision Maker might conclude in a given case that the facts as found do not rise to the level of Title IX Sexual Harassment, but that the complaint is substantiated with respect to prohibited harassment as defined under Chapter PI 9 of the Wisconsin Administrative Code and under District policy.

## **N. RETALIATION PROHIBITED**

The District will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by or required by law, or as necessary to conduct of any investigation, hearing, or judicial proceeding under this grievance process.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or filed a formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Complaints alleging retaliation under this policy may be filed according to the reporting procedures outlined in Employee Handbook Policies 2.5 (Harassment and Bullying, Employee Complaint Procedure) and 2.5.3 (Employee Responsibility); Administrative Code 5145 (Student Civil and Legal Rights and Responsibilities) Administrative Code 5145.2 (Student Nondiscrimination Complaint Procedure) Administrative Regulation 5145.3 (Bullying).

## **O. DISABILITY ACCOMMODATIONS**

Nothing in this grievance process alters any obligations that the District may have under federal disability laws including the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Complainants and respondents may request reasonable accommodations for disclosed disabilities to the Title IX coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the grievance process. The Title IX coordinator may not affirmatively provide any disability accommodations that have not been specifically requested by a complainant or respondent, even where the complainant or respondent may be receiving accommodations in other education programs and activities.

## **P. QUESTIONS**

Any questions regarding this policy should be directed to the District's Title IX coordinator(s).

### **Students**

Director of Student Services  
Andrea Rittgers  
3109 Mount Pleasant Drive  
Racine, Wisconsin 53404  
262-631-7190  
[andrea.rittgers@rusd.org](mailto:andrea.rittgers@rusd.org)

### **Staff and other persons (non-students)**

Executive Director, Employee Relations  
Keri Hanstedt  
3109 Mount Pleasant Drive



Racine, Wisconsin 53404  
262-631-7061  
[keri.hanstedt@rusd.org](mailto:keri.hanstedt@rusd.org)

Any questions about the District's application of Title IX and its implementing regulations may be referred to the Title IX coordinator(s) and/or to the U.S. Department of Education:

U.S. Department of Education, Office of Civil Rights  
District of Columbia Office  
400 Maryland Avenue, S.W.  
Washington, DC 20202-1475  
Phone Number: (202) 453-6020  
Fax Number: (202) 453-6021  
Email Address: OCR.DC@ed.gov  
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