

**RESOLUTION OF DISCRIMINATION COMPLAINTS****APPLICABILITY**

1. Any employee or applicant for employment, of the District who believes s/he has been discriminated against may file a complaint. The procedure may also be used for filing and responding to other employee complaints not covered under collective bargaining agents.
2. Prior to the time a complaint has been filed, Superintendent's Designee may meet with any employee or applicant for employment who believes s/he has been discriminated against. The purpose of such a meeting is to (1) explain this **POLICY** and **PROCEDURE**, and (2) provide information that is in the District's possession which the person is legally entitled to receive.

**FILING OF COMPLAINT**

1. The complainant shall sign a written complaint and file it with the Superintendent's Designee (1) within 30 days after the alleged act(s) occurred or (2) within 30 days of the last occurrence of an ongoing condition. The Superintendent's Designee is located at the District Administration Office, 700 Augusta Street, Rice Lake, WI 54868 (715) 234-9007.
2. A complaint shall be deemed filed on the date received if delivered or on the date postmarked if addressed by mail.
3. The Superintendent's Designee shall send to the complainant a written acknowledgment of the receipt of the complaint as soon as practicable but within ten working days.
4. The Superintendent's Designee shall establish a complaint file. The file shall contain all documents pertinent to the complaint. The file should include, but is not limited to (1) the complaint, (2) documents compiled as part of the investigation, and (3) a statement of resolution.
  - In cases where the complainant is not satisfied with the District's decision and requests a reconsideration of said decision, the District will provide the complainant with a copy of the investigative report. In instances where the investigative report contains personal or confidential subject matter, the District may refuse to make available the investigative report but will provide a synopsis of the report excluding personal or confidential materials.
5. The Superintendent's Designee will give or send every complainant a copy of a prepared statement outlining the complainant's rights and options under applicable local, state, and federal antidiscrimination laws. The statement will advise the complainant to seek assistance in determining any of her/his rights by contacting the enforcement agencies or her/his lawyer.

**CONFIDENTIALITY AND RECRIMINATION**

1. It is the **POLICY** of the District to keep the identity of the complainant confidential unless there are compelling reasons to disclose such identity. If there are compelling reasons to disclose the identity of the complainant, then the complainant shall be asked if s/he wants her/his identity disclosed. If the complainant does not want her/his identity disclosed, then the identity of the complainant shall be kept confidential. Should the complainant wish to keep her/his identity confidential and should it become impossible to process or investigate the complaint as a result of the complainant not disclosing her/his identity, then the complaint may be dismissed.
2. No District employee shall attempt to restrain, interfere with, coerce, discriminate, or take reprisal action against the complainant(s) and their witnesses during or after the presentation, processing, and resolution of a complaint.

## **INFORMAL COMPLAINT RESOLUTION**

1. The District shall provide an opportunity for a resolution of the complaint on an informal basis after the complaint has been filed.
2. For the informal resolution of a complaint, the Superintendent's Designee shall act as a facilitator if the complainant wishes to resolve the matter short of a full investigation. The District shall request the person who is alleged to be discriminating to seek a solution of the matter on an informal basis and to respond to the complainant within 15 working days.
3. If the alleged discriminating employee chooses not to respond to the request for an informal complaint resolution, a formal investigation will be conducted unless otherwise agreed to by the complainant and the Superintendent's Designee.
4. If the complainant is satisfied with the response to the request for an informal complaint resolution and an informal resolution of the complaint is arrived at, the terms of such resolution shall be reduced to writing and made a part of the complaint file. If the complainant is not satisfied with the response, the Superintendent's Designee shall proceed with the investigation.

## **INVESTIGATION**

1. The District shall provide a prompt, complete, independent, and impartial investigation of the complaint. In most cases, the investigation will be conducted by the Superintendent's Designee. In some cases, the investigation may be conducted by an investigative team or outside consultant. The investigative team may consist of the Superintendent's Designee or the Legal Counsel.
2. The investigation shall include a thorough review of the circumstance under which the alleged discrimination occurred and any policies and practices related to the situation. The investigation may include the review of various documents and information acquired during the investigation, which may include, but is not limited to, the response of the alleged discriminating employee, written or oral statements from witnesses, copies of or extracts from records, policy statements, on-site visit, or regulations of the District.

## **DETERMINATION AND APPEAL**

1. After the investigation has been completed, the Superintendent's Designee shall inform the Superintendent of the District position on such determination of the complaint, and the Superintendent or the Superintendent's Designee shall communicate in writing such determination of the complaint to the complainant and respondent(s) within 90 days from the time the complaint is filed, unless an extension is agreed to by both parties.
2. If the complainant is dissatisfied with the decision of the district administrator, he/she may appeal the decision in writing to the Board of Education. The Board shall hear the appeal at its next regular meeting, or a special meeting may be called for the purpose of hearing the appeal. The Board shall make its decision in writing. Copies of the written decision shall be mailed or delivered to the complainant and the district administrator.
3. If the complainant is not satisfied with the Board's decision, or in lieu of utilizing these complaint procedures, the complainant may pursue alternate actions available under state or federal laws (e.g., appeal to State Superintendent of Public Instruction (for teachers), filing of complaint with the Equal Rights Division of the Department of Workforce Development, the U.S. Office for Civil Rights/Chicago and/or the courts having proper jurisdiction).

## **NOTIFICATION OF NONDISCRIMINATION POLICY AND COMPLAINT PROCEDURE**

Notices shall be given annually of the School District's Nondiscrimination Policy and Complaint Procedure to students, parents, employees, applicants seeking employment, unions, and professional organizations holding agreements with the District, and the community.

## **EVALUATION**

1. The District will evaluate the status of nondiscrimination and equality of educational opportunity in the School District at least once every five years in accordance with the schedule established by the State Superintendent of Public Instruction.
2. The Superintendent or Superintendent Designee will monitor the annual nondiscrimination notification process.
3. The Superintendent or Superintendent Designee will file with the State Superintendent of Public Instruction the annual compliance report including the name of the designated employee to receive complaints and the number of complaints received during the year, a description of each complaint, and its status.

## **MAINTENANCE OF COMPLAINT RECORDS**

Records of all complaints shall be kept for the purpose of documenting compliance and past practices. The records shall include information on all levels of the complaint and any appeals.

The records should include:

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

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01/08/07

11/22/10

01/31/14

02/10/14

04/28/14

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