

# **Oak Creek-Franklin Joint School District Board of Education**

## **Policy 411: STUDENT ANTI-HARASSMENT**

In order to maintain a safe, respectful, and supportive learning environment, the Oak Creek-Franklin Joint School District (the "District"), prohibits all forms of harassment against a person on the basis of actual or perceived lawfully protected characteristics, including sex, race, religion, national origin, ethnicity, ancestry, color, creed, pregnancy or related conditions, marital or parental status, sexual orientation, arrest or conviction record, physical, mental, emotional, or learning disability, or any other category protected by state, federal or local law in any education programs or activities of the District's operations.

The Board has established the following processes and procedures to investigate all allegations of student harassment, other than sexual harassment covered by Board Policy 300 – Nondiscrimination on the Basis of Sex in Education Programs or Activities. In the event that harassment prohibited under this Policy is substantiated through these processes and procedures, immediate steps designed to end the harassment must be taken to prevent its recurrence and remedy its effects. Individuals who are found to have engaged in harassment prohibited under this Policy will be subject to appropriate disciplinary action.

### **Key Definitions**

The following terms used in this Policy shall have the meanings as defined herein. Any word or term not defined herein will be construed in accordance with their plain and ordinary meaning.

1. "Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct, which may be repeated and is directed against a student based on one or more of the student's protected class(es), that:
  - a. places a student in reasonable fear of harm to their person or damage to their 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.

Harassment prohibited under this Policy does not include sexual harassment prohibited and addressed in Board Policy 300.

2. "Complainant" is defined as the student who is alleged to be the victim of conduct that could constitute harassment under this Policy. Parents and legal guardians of a minor Complainant are authorized to act on behalf of the Complainant, including with respect to filing a complaint on behalf of the Complainant under this Policy. Only those who, at the time a Complaint is filed, are participating in or attempting to participate in a District education activity or program may qualify as a "Complainant" under this Policy.
3. "Respondent" is defined as an individual who has been reported to be the perpetrator of conduct that could constitute harassment under this Policy.
4. "Supportive Measures" are defined as individualized services reasonably available to the District that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party that are designed to ensure equal educational access, protect safety, or deter harassment.
5. "Third Parties" include, but are not limited to, visitors on District property (e.g., parents, community members, classroom guests, participants in extra-curricular activities from opposing teams), vendors,

solicitors, and any other individual who comes into contact with members of school community at school-related events and activities. “Third Parties” include such individuals whether on or off-district property.

### **Compliance Officers**

The Board has designated the following individuals to serve as the District’s Compliance Officers (“COs”):

**Troy Hamblin**  
Director of Human Resources  
7630 10th Street  
Oak Creek, WI 53154  
(414) 768-6155  
[t.hamblin@ocfsd.org](mailto:t.hamblin@ocfsd.org)

**Andre Bennett**  
Assistant Superintendent  
7630 10th Street  
Oak Creek, WI 53154  
(414) 768-6150  
[a.bennett@ocfsd.org](mailto:a.bennett@ocfsd.org)

### **Reporting Possible Harassment Prohibited Under this Policy**

Reporting procedures are as follows:

- A. Any student who believes they have been subjected or are currently being subjected to harassment prohibited under this Policy are encouraged to report the alleged harassment to a CO or any other District employee.
- B. Any parent or guardian of a student who believes their student has been subjected or is currently being subjected to harassment prohibited under this Policy are encouraged to report the alleged harassment to a CO or any other District employee.
- C. Any District employee who has knowledge or has received notice of alleged harassment prohibited under this Policy, shall report the alleged harassment to a CO within two (2) business days.
- D. Any person with knowledge or belief that a student has been subjected or is currently being subjected to harassment prohibited under this Policy are encouraged to report the alleged harassment to a CO, or any other District employee.

Any individual who reports allegations of harassment prohibited under this Policy are encouraged to use the [Report of Discrimination, Harassment, and/or Bullying Form](#) on the District’s website, when making their report of alleged harassment to a CO or District employee. However, oral reports to a CO or a District employee are considered reports of harassment as well.

Upon receipt of a written or oral report of harassment prohibited under this Policy, a CO will contact the Complainant and begin the formal or informal process described herein, or the CO will designate a specific administrator to conduct the process necessary for an informal or formal investigation.

### **Oak Creek-Franklin Joint School District Board of Education**

Upon receiving a complaint, the CO will consider whether any action should be taken during the pendency of a complaint to protect the Complainant from further harassment or retaliation prohibited under this Policy. In the event that the conduct alleged may be considered sexual harassment, per Board Policy 300 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, the CO shall refer the matter to a Title IX Coordinator to determine whether the complaint must be processed under Board Policy 300.

### **Optional Informal Resolution of Harassment Complaint Under This Policy**

As soon as practicable, but generally, within two (2) business days of receiving a complaint of harassment prohibited under this Policy, the CO, or CO's designee, will initiate an investigation by confirming receipt of the complaint with the Complainant and inform the Complainant of the harassment investigation process described herein.

As soon as it is appropriate, the CO or CO's designee, will inform the Respondent that a complaint has been received. The Respondent will be provided with this Policy, will be informed about the nature of the allegations, and must have the opportunity to respond to the complaint.

The District encourages the informal resolution of student harassment complaints or concerns. Once a CO, or CO's designee, receives a complaint of harassment prohibited under this Policy, the CO, or CO's designee, shall discuss with the Complainant the ability to resolve the complaint of harassment informally. If this informal resolution process or outcome is not acceptable to the Complainant, they may continue with the formal procedures according to the steps listed below. If the CO, or CO's designee and the Complainant agree the matter may be resolved informally, the CO or the CO's designee shall respond to the complaint and describe the agreement to resolve the complaint informally, in writing, within fifteen (15) days unless additional time is needed.

### **Investigative Process and Procedures**

#### **Step 1: Investigation and Written Determination**

If the complaint is not resolved informally, the CO or the CO's designee shall investigate the complaint, which will typically include:

- (1) interviewing the Complainant;
- (2) interviewing the Respondent;
- (3) interviewing any other witness(es) who reasonably may be expected to have relevant information, as determined by the CO or CO's designee; and
- (4) gathering and considering any documentation or other evidence from the Complainant, Respondent, or any other witness(es) which may be considered relevant, as determined by the CO or the CO's designee.

Once the investigation has concluded, the CO shall prepare a written determination summarizing the factual findings and final determination of whether or not harassment prohibited under this Policy occurred. This written determination shall be made within thirty (30) days of the commencement of the investigation unless additional time is needed. If additional time is needed, the CO shall provide written notification to all parties.

In the event that the CO designates an administrator to conduct the investigation, the CO's designee shall prepare written factual findings and recommendations and provide them to the CO within thirty (30) days of the commencement of the investigation. The CO will review the written factual findings and recommendations and shall prepare a written determination within ten (10) days of receiving the written factual findings and recommendations from the CO's designee.

Nothing herein shall prevent a CO, or CO's designee from consulting with legal counsel at any point during the investigation process or before finalizing the written determination or factual findings and recommendations.

#### **Step 2: Appeal to Superintendent**

If the Complainant or Respondent wishes to appeal the decision of the CO, they may submit a signed statement of appeal to the Superintendent within five (5) days. The Superintendent shall meet with all

parties involved, formulate a conclusion, and respond in writing to the appeal within thirty (30) days unless additional time is needed. The decision of the Superintendent shall be final. In all cases, a final determination concerning the complaint shall be issued within ninety (90) days of receipt of the complaint unless additional time is agreed to by the Complainant.

Nothing herein shall prevent the Superintendent from consulting with legal counsel at any point during this process or before finalizing the written response to the appeal.

### **Step 3: Appeal to State Superintendent of Public Instruction**

If, at this point, the complaint has not been satisfactorily settled, further appeal may be made within thirty (30) days to the Department of Public Instruction, Equal Educational Opportunity Office, P.O. Box 7841, Madison, WI 53707. An appeal to the DPI should be in writing and signed. The following information should be included: the reason for the appeal, the facts that make the Complainant believe harassment occurred; and the relief or outcome the Complainant is requesting. If the person appealing is a minor, a parent or guardian must sign the appeal. In addition, the Complainant may appeal directly to the DPI if the District has not provided written acknowledgement within forty-five (45) days of receipt of the complaint or has not made a determination within ninety (90) days of receipt of the written complaint.

In some circumstances, a complaint or appeal may also be made to the U.S. Department of Education's Office for Civil Rights (OCR), 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604, as authorized by various federal laws, or a complaint or suit may be filed with another external governmental agency or court. Such agencies and courts independently determine the extent to which any given complaint falls within their realm of authority. Such actions may be taken in lieu of or in addition to filing a complaint under the District's local procedures.

### **Other Violations of this Anti-Harassment Policy**

Additional violations of this Policy occur when:

- (1) an individual retaliates against a person who has made a report or filed a complaint alleging harassment prohibited under this Policy;
- (2) an individual retaliates against a person who participates as a witness in a harassment investigation under this Policy;
- (3) an individual files a malicious or knowingly false report or complaint of harassment under this Policy;
- (4) a District employee fails to report suspected harassment prohibited under this Policy when the District employee has knowledge of or has been provided notice of the suspected harassment;  
or
- (5) a CO or CO's designee disregards or fails to investigate allegations of harassment under this Policy.

Complaints alleging retaliation relating to harassment prohibited under this Policy may be filed according to the complaint processes and procedures contained in this Policy. Conduct found to be a violation of this Policy may result in disciplinary action as described in this Policy.

## **District Interventions Following Reports and Substantiated Incidents of Harassment Prohibited Under This Policy Involving Students**

Following any substantiated incident of harassment prohibited under this Policy involving a student victim, the building principal, CO, and/or the Superintendent shall work with the student and their family to design and implement supportive measures.

### **Sanctions and Disciplinary Action**

The Board vigorously enforces its prohibitions against harassment prohibited under this Policy by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct. Therefore, if the District issues a determination under these procedures that a student has engaged in conduct that constitutes harassment in violation of this Board Policy, the building principal and/or Superintendent shall specify in writing for the student and their parent or guardian: (1) any school-related consequences that the District is imposing on the student; and/or (2) any other interventions that the District intends to implement to promote positive changes in the student's interpersonal skills, communication skills, socio-emotional development and/or general behavior moving forward. All disciplinary action will be taken in accordance with applicable law and the totality of the circumstances shall be considered, taking into account the age and maturity of all students involved.

Similarly, if the District issues a determination under these procedures that a staff member has engaged in conduct that constitutes harassment in violation of this Policy, the staff member may be subject to disciplinary action, up to and including termination. If the issues a determination under these procedures that a third-party has engaged in conduct that constitutes harassment in violation of this Policy, the District has broad authority to determine

whether to suspend contracts, restrict the third-party's ability to be present on District property or at District-sponsored events, or any other option available to the District under the law.

### **Privacy/Confidentiality**

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses, consistent with the District's legal obligations to investigate and take appropriate action. However, given the nature of investigations, confidentiality cannot be guaranteed as Respondents must be provided with an opportunity to meaningfully respond to allegations, which often include disclosure of the Complainant's identity.

All records created pursuant to this Policy shall be maintained as confidential to the extent permitted by law. Throughout the course of an investigation, a CO will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation shall not disclose any information that is learned during the course of the investigation.

### **Retention of Complaint Records and Materials**

The CO is responsible for retaining all records that must be maintained pursuant to this Policy. Records shall be kept of complaints for seven (7) years the purpose of documenting compliance and past practices.

### **Notice of Policy and Administrative Regulations**

This Policy will be provided annually to all students enrolled in the District and their parent(s) and/or legal guardian(s) via inclusion in the District's Student Handbook(s). The District will also provide a copy of this Policy to all District staff and any union representatives of District staff annually via the District's Employee Handbook. The District will also provide a copy of the Policy and its administrative regulations to any person who requests it and to all applicants for employment with the District.

## Legal References

- Section 118.13 Wisconsin Statutes
- PI-9 of the Wisconsin Administrative Code
- PI-11 Wisconsin Administrative Code
- Title VII of the Civil Rights Act of 1964; 42 U.S.C. § 2000e. *et seq.* ● Section 504, Rehabilitation Act of 1973; 29 U.S.C. § 794, *et seq.* ● Americans with Disability Act; 42 U.S.C. § 12101, *et seq.*
- Individual with Disabilities Act; 20 U.S.C. § 1400

**ADOPTED:** August 2020

**REVISED:** May 2025