

## ***School Officials' Legal Obligations to Crime Victims under Wisconsin Law***

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Students frequently report sensitive matters to school officials. When those sensitive matters indicate that a student may have been the victim of a crime, school officials should be aware of their responsibility to ensure the student's constitutional and statutory rights as a victim are protected. A February 2025 decision from the Wisconsin Crime Victims Rights Board (the "CVRB"), an independent board tasked with enforcing crime victims' constitutional and statutory rights, serves as an important reminder that even ambiguous or informal reports can carry legal implications for school districts. Many school administrators may be surprised to learn that school districts fall under the CVRB's authority. Accordingly, this article provides a brief overview of the CVRB, summarizes this decision, and highlights practical considerations for school administrators going forward.

### **THE WISCONSIN CRIME VICTIMS RIGHTS BOARD**

Established to enforce rights set forth in Article I, Section 9m of the Wisconsin Constitution and related statutes, the CVRB is responsible

for evaluating whether public officials, employees, or agencies, including school districts, have met their obligations to individuals who may be crime victims. Such obligations include, among other things, “timely disposition of the case” (Wis. Const. art. I, § 9m(2)(d)) and “reasonable protection from the accused” (Wis. Const. art. I, § 9m(2)(f)). The CVRB reviews complaints from victims who believe their rights have been violated, investigates those claims, and issues written decisions. While the CVRB has authority to impose sanctions, it is also empowered to make practice recommendations, as it did in this decision.

## **THE FEBRUARY 2025 DECISION**

This decision stems from a classroom incident in which a student alleged non-consensual touching by another student. Although the victim student reported the incident to two school staff members and the classroom teacher a few days after it occurred, the school officials characterized the victim student’s allegations as ambiguous and did not bring the matter to the attention of the administration, did not investigate the allegation, and did not take any measures to protect the victim student from the accused student. A month later, the victim student’s parent learned of the incident and contacted the school principal and school board, prompting the principal to initiate an investigation with the help of the school resource officer and to implement a separation plan for the students.

The CVRB determined that the district’s delayed response violated the victim student’s right to a timely resolution of the matter. It further found that the district failed to provide reasonable protection to the victim student, as it did not promptly consider or implement appropriate protective measures. Although the district’s policies required staff to report suspected harassment within two days and to initiate an investigation as soon as practicable, those policies were not followed. The CVRB emphasized that earlier compliance with those policies would have facilitated a more appropriate response. Ultimately, the CVRB declined to impose sanctions on the district in

light of the district's existing policies and eventual response and instead recommended that the district conduct additional training on its policies for district staff.

## **BEST PRACTICES FOR SCHOOL DISTRICTS**

While the CVRB did not impose sanctions in this instance, this decision highlights that delays caused by inaction can violate a student victim's rights. A violation of a student victim's rights can occur even when a report is ambiguous, a student's credibility is uncertain, and regardless of whether the underlying allegations are substantiated.

In light of this CVRB decision, school districts would be well served to treat student reports of misconduct as sufficient to trigger prompt reporting and investigation. While many school districts likely already have adequate policies in place to address these concerns, such as a Title IX policy, administrators should ensure that **all** staff are trained to err on the side of escalation and involvement of appropriate personnel. Regular refresher training can help reinforce these expectations and promote consistent adherence to policies.

If you have any questions about this decision or are interested in refresher training for your staff on their reporting obligations, please contact a member of the [Boardman Clark School Law Practice Group](#).

### ***Welcome Libbie Osaben!***

Boardman Clark is proud to introduce the newest member of the Boardman Clark School Law Practice Group, **Libbie Osaben**. Prior to joining Boardman Clark, Libbie represented clients in complex restructuring and litigation matters while maintaining an active pro bono practice focused on education matters. Libbie has a longstanding interest in school law. While attending the University of Chicago Law School, she worked with Equip for Equality's Special Education Clinic, the Chicago Lawyers' Committee for Civil Rights Education Equity Project, and the Legal Aid Society's Education

Advocacy Project, where she advised on matters concerning student disciplinary proceedings and special education law. Libbie's practice will focus on student services matters, including special education, in addition to general school law.

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