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1662 - ANTI-HARASSMENT

General Policy Statement

It is the policy of the School Board ~~of School Trustees~~ to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, ~~occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment (hereinafter referred to collectively as "unlawful harassment")~~. This commitment applies to all School Corporation operations, ~~employment opportunities, programs, and activities~~. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment, ~~occurring in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment~~. This policy applies to unlawful conduct occurring on school property, ~~or at another location if such conduct affects the Corporation environment~~ occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against unlawful discriminatory harassment ~~(see definition above), which is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, age, religion, military status, ancestry, or genetic information (collectively, "Protected Classes") that are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"); "unlawful harassment")~~ and encourages those within the Corporation community as well as ~~third parties~~ Third Parties who feel aggrieved to seek assistance to rectify such problems ~~occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment~~.

~~All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition above) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment that the employee observes or which is reported to the employee.~~

The Board will investigate all allegations of unlawful harassment ~~(see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment~~ and, in those cases where unlawful harassment is substantiated, ~~the Board will~~ take immediate steps to end the harassment, prevent its ~~recurrence, reoccurrence~~ and remedy its effects.

Individuals who are found to have engaged in unlawful harassment ~~(see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment~~ will be subject to appropriate disciplinary action, ~~up to and including termination of employment or expulsion from school~~.

The Corporation will offer counseling services to any person found to have been subjected to unlawful harassment and, where appropriate, the person(s) who committed the unlawful harassment.

~~Furthermore, Corporation employees who fail to report any incident of alleged unlawful harassment (see definition on page 1) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring~~

~~off-Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment. For purposes of this policy, "Corporation community" means students, administrators, teachers, and staff, 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 Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the Corporation community at school-related events/activities (whether on or off Corporation property).~~

Other Violations of the Anti-Harassment Policy

The Corporation also will 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 unlawful harassment ~~(see definition on page 1)~~ or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment ~~(see definition on page 1)~~.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment ~~(see definition on page 1)~~, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Notice

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the Corporation's Compliance Officers will be posted throughout the Corporation and published in any Corporation statement regarding the availability of employment, staff handbooks, and general information publications of the Corporation as required by Federal and State law and this policy.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges or is alleged to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who is alleged to have engaged in unlawful harassment, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged harassment.

Corporation community means students, Corporation employees (i.e., administrators and professional and classified staff), and Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include but are not limited to guests and/or visitors on Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the Corporation community at school-related events/activities (whether on or off Corporation property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Corporation office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Bullying

~~Bullying rises to the level of unlawful harassment (see definition on page 1) when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:~~

- A. ~~teasing;~~
- B. ~~threats;~~

- C. ~~intimidation;~~
- D. ~~stalking;~~
- E. ~~cyberstalking;~~
- F. ~~cyberbullying;~~
- G. ~~physical violence;~~
- H. ~~sexual violence~~
- I. ~~theft;~~
- J. ~~sexual, religious, or racial harassment;~~
- K. ~~public humiliation; or~~
- L. ~~destruction of property.~~

~~In the bullying context, "harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student 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

~~Pursuant to~~ For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, ~~and Title IX of the Education Amendments of 1972,~~ "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, ~~or status in a class, educational program, or activity.~~
- B. Submission or rejection of such conduct by an individual is used as the basis for employment ~~or educational~~ decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work ~~or educational~~ performance, ~~or~~ of creating an intimidating, hostile, or offensive working environment, ~~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.~~

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

Sexual Harassment covered by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Prohibited acts that constitute sexual harassment under this policy 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~~ Unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. ~~sexual violence, including~~ Unwanted physical and/or sexual ~~assault~~ contact;
- C. ~~threats~~ Threats or insinuations that a person's employment, wages, ~~academic grade,~~ promotion, ~~classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events,~~ or other conditions of employment ~~or education~~ may be adversely affected by not submitting to sexual advances;
- D. ~~unwelcome~~ Unwelcome verbal expressions ~~of a sexual nature~~, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. ~~sexually~~ Sexually suggestive objects, pictures, ~~videotapes, graffiti, videos, posters,~~ audio recordings or literature, placed in the work ~~or educational~~ environment that reasonably, which may embarrass or offend individuals;
- F. ~~unwelcome~~ Unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

- G. Asking or telling about sexual fantasies, sexual preferences, or sexual activities;
- H. Speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. **aA** pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- L. ~~remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;~~
- M. **in In** the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;
- N. ~~inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;~~
- O. **verbal, Verbal,** nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful 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 employment or ~~education or~~ creates a hostile or abusive employment ~~or educational~~ environment.

~~**NOTE: Sexual conduct/relationships with students by a Corporation employee or any other adult member of the Corporation community is prohibited, and any teacher, administrator, coach, other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 35-42-4-9. The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student may be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student regardless of the age of the student will initiate the termination process for the employee.**~~

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 work or educational performance; **of** creating an intimidating, hostile, or offensive working ~~or, 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 ~~include but is not limited to~~ **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 regarding~~ racial customs.

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 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 ~~include but is not limited to~~ **occur where** conduct **is** directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or ~~involving involves~~ religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin **or ancestry** 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 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 ~~include but is~~

~~not limited to~~ occur where conduct is directed at the characteristics of a person's national origin or ancestry, 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 disability 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 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 ~~include but is not limited to~~ occur where conduct is directed at the characteristics of a person's ~~disabling condition, disability~~ such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment ~~also may include but is not limited to~~ further may occur where conduct is directed at or ~~pertaining~~ pertains to a person's genetic information.

Corporation Compliance Officers

The following individual serves as the Corporation's Compliance Officer (also known as "Anti-Harassment Compliance Officer(s))" (hereinafter referred to as the "CO").

Mr. Timothy Armstrong
Assistant Superintendent
3321 W 800 S
Fort Branch, IN 47648
812-753-4230
tim.armstrong@sgibson.k12.in.us

The name, title, and contact information of this individual will be published annually on the Corporation's website and on each individual school's website.

The CO is responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment on the basis of a protected class.

The CO will oversee the investigation of any complaints of harassment based on a protected class which may be filed pursuant to the Board's adopted internal complaint procedure (see below) and will attempt to resolve such complaints. The Board will provide prompt and equitable resolution of complaints alleging harassment based on a protected class.

Reports and Complaints of ~~Harassing Conduct~~ Unlawful Harassment and Retaliation

Students, ~~and Corporation employees are required, and all other~~ members of the Corporation community and ~~third parties~~ Third Parties are encouraged to promptly report incidents of ~~unlawful~~ harassment ~~(see definition on page 1)~~ based on a protected class to an administrator, supervisor or other Corporation official so that the Corporation Board may address the conduct before it becomes severe, pervasive, or persistent. ~~All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee.~~ Any teacher, administrator, supervisor, or other Corporation-level employee or official who receives such a complaint shall file it with the Corporation's Anti-Harassment Compliance Officer at his/her first convenience. Corporation employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination. CO within two (2) business days.

Members of the Corporation community ~~or third parties~~ and Third Parties who believe they have been ~~subjected to unlawful harassment (see definition on page 1)~~ unlawfully harassed by another member of the Corporation community or a ~~third party~~ Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the ~~complaining individual's~~ Complainant's employment or participation in educational or extra-curricular programs. ~~unless the complaining individual makes the complaint maliciously or with knowledge that it is false. Individuals~~ While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint ~~within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.~~ as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The CO will be available during regular school/work hours to discuss concerns related to harassment on the basis of a protected class. The CO shall accept reports of unlawful harassment directly from any member of the Corporation community or a Third Party and such reports that initially are made to another Corporation employee. Upon receipt of a report of alleged harassment, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged harassment) or designate a specific individual to conduct such a process.

The CO will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of harassment based on a protected class that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to a CO within two business (2) days. Additionally, any Corporation employee who observes an act of unlawful harassment is expected to intervene to stop the harassment unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Corporation employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the CO or designee must contact the Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the Complainant is under the age eighteen (18) within two (2) days to advise of the Board's intent to investigate the alleged harassment.

Investigation and Complaint Procedure (See Form 1662 F1)

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any employee or other member of the Corporation community or Third Party (e.g., visitor to the Corporation) who alleges to have been subjected to unlawful harassment or retaliation may see resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of harassment based on a protected class or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.

~~If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01—Bullying, the principal or his/her designee believes that the reported misconduct may have created a hostile work or learning environment and may have constituted unlawful harassment (see definition on page 1) based "Protected Classes" (see definition on page 1), the principal or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy.~~
~~Anti-Harassment Compliance Officers~~

~~The following individuals serve as "Anti-Harassment Compliance Officers" for the Corporation. They are hereinafter referred to as the "Compliance Officers".~~

~~Tim Armstrong
Assistant Superintendent
812-753-4230~~

~~The names, titles, and contact information for the Compliance Officers will be published annually on the School Corporation's web site.~~

~~The Compliance Officers will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition on page 1), to assist students, other members of the Corporation 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 Corporation employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Corporation(s) intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Corporation's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated.~~

~~The Compliance Officers are assigned to accept complaints of unlawful harassment (see definition on page 1) directly from any member of the School Corporation community or a visitor to the Corporation, 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 Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School Corporation community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such~~

~~recommendations by a designee. However, if the alleged harasser is the Superintendent, the recommendations shall be submitted to the Board President.~~

~~All Corporation employees must report incidents of unlawful harassment (see definition on page 1) that they observe or that are reported to them to the Compliance Officer within five (5) business days of learning of the incident.~~

~~Investigation and Complaint Procedure (see Form 1662-F1)~~

~~Any employee or other member of the Corporation community or third party (e.g., visitor to the Corporation) who believes that s/he has been subjected to unlawful harassment (see definition on page 1) may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of unlawful harassment (see definition on page 1) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition on page 1) was substantiated are set forth below. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).~~ Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily within fifteen (15) business days of the complaint being received).

The ~~informal and formal~~ procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC"), ~~or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.~~ The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: <http://www.ed.gov/ocr>.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior ~~and/or unlawful harassment (see definition on page 1) and to investigate promptly~~ and facilitate resolution through ~~an~~ informal means, if possible. The informal complaint procedure is provided as a less formal option for ~~an a Corporation employee, other member of the Corporation community or Third Party who alleges unlawful harassment or retaliation. who believes s/he has been unlawfully harassed or retaliated against in the Corporation's employment opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs, and activities, affecting the Corporation environment.~~ This informal procedure is not required as a precursor to the filing of a formal complaint, ~~and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.~~

~~Employees, other members of the Corporation community, or third parties who believe that they have been subjected to unlawful harassment (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint procedure. The informal process is available only in those circumstances where the Complainant and the Respondent mutually agree to participate in it.~~

The Complainant may proceed immediately to the formal complaint process, and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

~~However, all All complaints of unlawful harassment (see definition on page 1) involving a Corporation employee, any other adult member of the Corporation community, or a third party against Third Party and a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.~~

As an initial course of action, if ~~an individual a Complainant~~ feels ~~that s/he is being unlawfully harassed (see definition on page 1) and s/he is able comfortable and feels safe in~~ doing so, the individual should tell or otherwise inform the ~~harasser Respondent~~ that the alleged harassing conduct is unwelcome and must stop. ~~Such direct communication should not be utilized in circumstances involving sexual violence.~~ The complaining individual Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are CO is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual Complainant if requested to do so. ~~An individual A Complainant who is uncomfortable or unwilling to inform approach the harasser of his/her complaint is not prohibited from otherwise filing Respondent directly about the allegedly inappropriate conduct may file~~ an informal or a formal complaint. ~~In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.~~

In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the CO may advise against the use of the informal complaint process.

An individual A Complainant who believes s/he has been unlawfully harassed (see definition on page 1) alleges harassment based on a protected class or retaliation may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one (1) of the Compliance Officers CO; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one of the Compliance Officers CO who will either will facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide employees, other members of the Corporation community or third parties who believe they are being subjected to unlawful harassment (see definition on page 1) the Complainant with a range of options designed to bring aimed at bringing about a resolution of their the Complainant's concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, Complainant, informal resolution may involve, but is not be limited to, one or more of the following:

- A. Advising the individual Complainant about how to communicate the unwelcome nature of the behavior to the alleged harasser. Respondent
- B. Distributing a copy of the anti-harassment policy as a reminder Policy 1662 - Anti-Harassment to the individuals in the school building or office where the individual whose behavior is being questioned Respondent works or attends school.
- C. If both parties agree, the Compliance Officer CO may arrange and facilitate a meeting or mediation between the individual claiming harassment Complainant and the individual accused of harassment Respondent to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, one of the Compliance Officers the CO or a designee will exercise his/her authority is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

If the Complainant is dissatisfied with the results of the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complainant process.

One (1) of the Compliance Officers or a designee will retain all materials generated as part of the informal complaint process in accordance with the Board's records retention policy (see Policy 8310, Policy 8320, and Policy 8330).

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual Complainant elects to file a formal complaint initially, from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process as described below shall be implemented.

The formal complaint process is not intended to interfere with the rights of an employee, other member of the Corporation community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, principal, the Compliance Officer, Superintendent, or other Corporation-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Superintendent, or other Corporation-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the complaint is reported must report such information to the Compliance Officer or designee within two (2) business days.

A Complainant may file a formal complaint, either orally or in writing, with a Principal, the CO, the Superintendent, or other Corporation official.

Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complainant process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.

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

If a Complainant informs a teacher, Principal, Superintendent, or other Corporation official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the CO within two (2) business days.

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

All formal complaints ~~of unlawful harassment (see definition on page 1) or retaliation~~ must include the following information to the extent ~~it is available~~ known: the identity of the ~~individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation~~ Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the ~~Compliance Officer~~ 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 work assignment or schedule for the Complainant and/or the alleged harasser Respondent. In making such a determination, the ~~Compliance Officer~~ CO should consult the Complainant to assess ~~his/her agreement to any~~ whether the individual agrees with the proposed action, ~~deemed appropriate.~~ If the Complainant is unwilling to consent to the proposed any change, ~~that is deemed appropriate by the Compliance Officer, the Compliance Officer may still~~ the CO still may take whatever actions ~~s/he deems are deemed~~ appropriate in consultation with the Superintendent ~~and/or Board Attorney~~.

Within two (2) business days of receiving the complaint, the ~~Compliance Officer~~ CO or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to ~~offensive conduct/unlawful harassment/retaliation.~~ unlawful harassment or retaliation. The Principal will not conduct an investigation unless directed to do so by the CO.

~~Contemporaneously, one of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory 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 the Board's anti-harassment policy shall be provided to the Respondent. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.~~

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 1662 - Anti-Harassment. The Respondent also must be informed of the opportunity to submit a written response to the formal complaint within five (5) business days.

Although certain cases may require additional time, ~~one of~~ the ~~Compliance Officers~~ CO or a designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. ~~interview(s)~~ interviews with the Complainant;
- B. ~~interview(s)~~ interviews with the Respondent;
- C. interviews with any other witnesses who ~~may~~ reasonably may be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other ~~witnesses~~ witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the ~~Compliance Officer or the~~ CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the ~~Complainant has been subjected to~~ Respondent engaged in unlawful harassment ~~(see definition on page 1) or retaliation. of or retaliation toward the Complainant.~~ The ~~Compliance Officer's~~ CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory unlawful harassment or retaliation occurred, a preponderance of evidence standard will be used ~~(i.e., it is more likely than not that unlawful discrimination-retaliation occurred).~~

The ~~Compliance Officer~~ CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer ~~/or the~~ designee, the Superintendent **must** either must issue a written decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's 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 five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in harassment or retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or **respondent** Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written request statement to the Board ~~of School Trustees~~ within five (5) business days of his/her the party's receipt of the Superintendent's **final** decision. The written statement of appeal must be submitted to the Board Attorney.

~~If the Superintendent is the Respondent, the appeal process will skip the review by the Superintendent and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation.~~

~~The~~ In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of ~~a written request to~~ such an appeal. ~~At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position.~~ A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful ~~harassment/~~ harassment or retaliation regardless of whether the ~~member of the Corporation community or third party alleging the unlawful harassment/retaliation~~ Complainant pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The ~~Complainant and the Respondent~~ parties may be represented, at ~~his/her~~ their own cost, at any of the above-described ~~meetings/hearings.~~ interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the ~~Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, OCR, the ICRC or the EEOC, the filing of charges with local law enforcement,~~ or the filing of a ~~concurrent criminal complaint.~~ civil action in court. Use of ~~the complaint procedures~~ this internal complaint process is not a prerequisite to the pursuit of other remedies. ~~Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.~~

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the ~~privacy rights~~ of the Complainant, the ~~Respondent(s) (that is the individual(s) against whom the complaint is filed),~~ Respondent, and the witnesses ~~to the extent as much as~~ possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and to comply with any discovery or disclosure obligations.

All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

~~All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).~~

During the course of a formal investigation, the ~~Compliance Officer CO~~ or ~~his/her~~ designee will instruct all members of the Corporation 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 is learned~~ or ~~that s/he provides~~ provided during the course of the investigation.

Remedial Action, ~~Sanctions,~~ and Monitoring

~~The Board shall vigorously enforce its prohibitions against unlawful harassment (see definition on page 1)/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment.~~

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including, ~~Such remedial action may include, but is but~~ not limited to, counseling services, reinstatement of leave taken ~~due to~~ because of the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a Corporation employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

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 State law and the terms of ~~the any~~ relevant collective bargaining ~~agreement(s), if any~~ agreement or student code of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ~~ages age~~ and maturity ~~levels level~~ of any student those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of ~~the any~~ relevant collective bargaining ~~agreement(s), if any.~~ agreement or student code of conduct.

All Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects. ~~Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.~~

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws or this policy, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

~~The Board may appoint an individual, who may be an employee of the Corporation, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Corporation other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.~~

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy and shall provide training for Corporation students and staff where appropriate. All training and information provided regarding the Board's policy and harassment is general and will be age and content appropriate.

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

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. 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 /or received as part of an investigation, ~~including which may include but are not limited to: complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. 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).~~

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Corporation's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. 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;
- L. copies of the Board policy and procedures/guidelines used by the Corporation to conduct the investigation and any documents used by the Corporation at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct

and/or Employee Handbooks);

- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical 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, and Policy 8330 for not less than three (3) years and longer if required and the Corporation's records retention schedule.

Retaliation

~~Any act of retaliation against a person who has made a report, filed a complaint alleging unlawful harassment, or participated as a witness in a harassment investigation is prohibited.~~

~~Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition on page 1), or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing pertaining to unlawful harassment, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Federal or State laws. Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.~~

~~Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct~~

~~State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.~~

~~If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under State law, such knowledge should be reported to local law enforcement.~~

~~Any reports made to Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee 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.~~

Education and Training

~~In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Compliance Officers will oversee the training of Corporation employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.~~

Notice

~~Notice of the Board's policy on anti-harassment related to employment practices and the identity of the Compliance Officers will be posted throughout the Corporation, and published in any Corporation statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and this policy.~~

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Legal

I.C. 35-42-4-3, 35-42-4-8, 35-42-4-9

20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

20 U.S.C. 1681 et seq., Title IX of the Educational Amendments Act of 1972

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

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

29 C.F.R. Part 1635

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