Porter Twp. School Corp.

ANTI-HARASSMENT

po5517 **ADOPTED** June 21, 2001 **REVISED** December 11, 2025

5517 - **ANTI-HARASSMENT**

General Policy Statement

It is the policy of the School Board of the Porter Township School Corporation to maintain an education and work environment that is free from all forms of unlawful harassment occurring in the Corporation's educational opportunities, programs, or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment (hereinafter referred to collectively as 'unlawful harassment'). This commitment applies to all Corporation operations, educational opportunities, programs, and activities. All students, administrators, teachers, staff, and other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment occurring in the Corporation's educational opportunities, programs, or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational 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.

The Board shall vigorously enforce its prohibition against unlawful harassment that is based on race, color, national origin, sex, religion, disability, military status, ancestry, or genetic information, which are classes protected by Federal and/or State civil rights laws (hereinafter referred to as 'Protected Classes'), and encourages those within the Corporation community as well as Third Parties who feel aggrieved to seek assistance to rectify such problems occurring in the Corporation’s educational opportunities, programs or activities, or, if initially occurring off Corporation grounds or outside the Corporation’s educational opportunities, programs and activities, affecting the Corporation environment.

The Corporation shall 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.

All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment that the employee observes or which is reported to the employee.

The Corporation shall investigate all allegations of unlawful harassment and, in those cases where unlawful harassment is substantiated, take steps immediately to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment shall be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Corporation employees who fail to report any incident of alleged unlawful harassment 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.

Other Violations of the Anti-Harassment Policy

The Corporation also shall 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 or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's duties.

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.

Notice

Notice of the Board's policy on anti-harassment in the educational environment and the identity of the Corporation's Compliance Officers shall 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 when one (1) or more persons systematically and chronically inflict(s) 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) 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.

Bullying that rises to the level of Sexual Harassment is covered by Policy/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, and 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. Bullying that does not rise to the level of unlawful harassment shall be investigated under Policy 5517.01 - Bullying.

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 educational performance; creating an intimidating, hostile, or offensive learning environment; or 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 conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references 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 educational performance; creating an intimidating, hostile, or offensive learning environment; or 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 conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or 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 conduct directed at the characteristics of a person's national origin, 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 educational performance; creating an intimidating, hostile, or offensive learning environment; or 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 conduct directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Corporation Compliance Officers

The Board designates the following individuals to serve as the Corporation's Compliance Officers (also known as 'Anti-Harassment Compliance Officers') (hereinafter referred to as the 'COs').

SUPERINTENDENT PORTER TOWNSHIP SCHOOLS
Address: 248 S 500 W, VALPARAISO, IN 46385
Telephone No.: (219) 477-4933, Ext. 1000
Email address: superintendent@ptsc.k12.in.us

ASSISTANT SUPERINTENDENT
Address: 248 South 500 West, Valparaiso, IN 46385
Telephone No.: 219-477-4933 Ext. 1000
assistant.superintendent@ptsc.k12.in.us

The titles and contact information for the COs will be published annually on the Corporation's website.

The Compliance Officer(s) are 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 COs shall oversee the investigation of any complaints of harassment based on a protected class that may be filed pursuant to the Board's adopted internal complaint procedure (see below) and shall attempt to resolve such complaints. The Board shall provide for the prompt and equitable resolution of complaints alleging harassment based on a protected class.

Reports and Complaints of Unlawful Harassment and Retaliation

Students and Corporation employees are required, and all other members of the Corporation community and Third Parties are encouraged, to promptly report incidents of harassment based on a protected class to an administrator, supervisor, or other Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other Corporation employee or official who receives such a complaint shall file it with the CO within two (2) business days.

Members of the Corporation community, which includes students, who believe they have been unlawfully harassed by another member of the Corporation community or a Third Party are entitled to utilize the Board’s complaint process set forth below. Initiating a complaint, whether formally or informally, shall not adversely affect the Complainant's participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals shall make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile educational environment and may have constituted unlawful harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to one of the COs, who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, the matter shall be handled in accordance with the grievance process and procedures outlined in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. While the CO investigates the allegation or the matter is being addressed pursuant to Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, the Principal shall suspend the Policy 5517.01- Bullying investigation to await the CO's written report or the determination of responsibility pursuant to Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. The CO shall keep the

Principal informed of the status of the Policy 5517 - Anti-Harassment investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator shall provide the Principal with the determination of responsibility that results from the Policy 2266 -Nondiscrimination on the Basis of Sex in Education Programs or Activities grievance process.

The COs shall be available during regular school/work hours to discuss concerns related to 'unlawful harassment' on the basis of a protected class, to assist students who seek support or advice when informing another individual about 'unwelcome' conduct, or to intercede informally on behalf of the student.COs shall accept complaints of unlawful harassment directly from any member of the Corporation community or a Third Party and 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 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 shall provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the CO shall prepare recommendations for the Superintendent or shall oversee the preparation of such recommendations by a designee. All members of the Corporation community shall 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 of a student is obligated, in accordance with this policy, to report such observations to a CO within two (2) business 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 shall immediately notify other Corporation employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the CO or designee shall contact the Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the Complainant is under the age of eighteen (18) within two (2) days to advise of the Board’s intent to investigate the alleged harassment. Additionally, if the alleged harasser is a student, the CO or designee shall contact the Respondent if age eighteen (18) or older, or the Respondent’s parents/guardians if the Respondent is under the age of eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged harassment.

Investigation and Complaint Procedure (see Form 5517 F1)

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex Education Program or Activities, any student who alleges to have been subjected to unlawful harassment based on a Protected Class may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment 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. Once the formal complaint process is begun, the investigation shall be completed in a timely manner (ordinarily within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights ('OCR') or the Indiana Civil Rights Commission ('ICRC'). The Denver Office of the OCR can be reached at Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582; Telephone: 303-844-5695; FAX: 303-844-4303; TDD: 800-877-8339; Email: OCR.Denver@ed.gov; Web: http://www.ed.gov/ocr.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is available only when 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.

All complaints involving a Corporation employee, any other adult member of the Corporation community, or a Third Party and a student shall be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual shall tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant shall address the allegedly harassing conduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to approach the 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 CO may advise against the use of the informal complaint process.

A Complainant who alleges harassment based on a protected class or retaliation may make an informal complaint, either orally or in writing to: 1) a building administrator; 2) one of the COs; or 3) the Superintendent or other Corporation-level employee.

All informal complaints shall be reported to one of the COs who either shall facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide the Complainant with a range of options designed to bring about a resolution of the Complainant's concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve but is not limited to one or more of the following:

A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

B. Distributing a copy of Policy 5517 - Anti-Harassment as a reminder to the individuals in the school building or office where the Respondent works or attends school.

C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint shall be resolved, the CO or a designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

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 complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, the Complainant elects to file a formal complaint 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.

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 complaint process; however, individuals are encouraged to file a formal 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 official, either orally or in writing, about any complaint of harassment or retaliation, that employee shall report such information to the CO within two (2) business days.

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

All formal complaints of unlawful harassment or retaliation shall include the following information to the extent known: the identity of the 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 CO shall ask for such details in an oral interview. Thereafter, the CO shall prepare a written summary of the oral interview and the Complainant shall be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the CO shall consider whether any action shall be taken in the investigatory phase to prioritize the safety of and protect the Complainant from further harassment or retaliation, including but not limited to a change of building or class assignment or class schedule for the Complainant and/or the Respondent. In making such a determination, the CO shall consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer still may take whatever actions are deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee shall initiate a formal investigation to determine whether the Complainant has been subjected to unlawful harassment or retaliation.

The principal shall not conduct an investigation unless directed to do so by the CO.

Simultaneously, the CO shall 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 5517 - Anti-Harassment. The Respondent also shall 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, the CO or designee shall 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 shall include:

A. interview(s) with the Complainant;

B. interview(s) with the Respondent;

C. interviews with any other witnesses who 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 witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO/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 Respondent engaged in unlawful harassment of or

retaliation against the Complainant. The CO's recommendations shall be based upon the totality of the circumstances, including the age and maturity level of any student involved. In determining if unlawful harassment or retaliation occurred, a preponderance of the evidence standard shall be used.

The 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 CO/designee, the Superintendent shall either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision shall be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent shall specify the additional information that is to be gathered, and such additional investigation shall be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent shall issue a written decision as described above.

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

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Board President.

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 such an appeal. 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 or retaliation regardless of whether the 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 parties may be represented, at their own cost, at any of the above-described 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 OCR or the ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation shall employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

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

During the course of a formal investigation, the CO or designee shall 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 is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken 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 shall be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct. Any discipline of students with disabilities shall be in accordance with the Individuals with Disabilities Education Act ("IDEA") and the Federal and State regulations implementing the IDEA.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student 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 any relevant collective bargaining agreement or student code of conduct.

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.

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.

Allegations Constituting Child Abuse/Criminal Conduct

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 ('DCS'). If, during the course of a harassment investigation, the CO or designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report shall be made in accordance with State law and Board Policy.

If the CO or designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under State law, a report shall be made to local law enforcement.

Any reports made to DCS or local law enforcement shall not terminate the CO's or designee's obligation and responsibility to continue to investigate a complaint of harassment. While the CO or 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 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, in general, shall be age and content appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing the retention of all records that shall be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ('ESI'), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

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 - Information Management) 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 documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) created or received as part of an investigation shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Files, and Policy 8330 - Student Records for not less than three (3) years and longer if required by the Corporation's records retention schedule.

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Revised 11/8/18

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Revised 8/19/21
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Legal
I.C. 20-33-8
I.C. 35-42-4
511 IAC 7-32-1 et seq. (Article 7)
20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Act of 2004, as amended (IDEA)
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. 12101 et seq., Americans with Disabilities Act of 1990, as amended
34 C.F.R. Part 104, Section 504 Regulations
34 C.F.R. Part 300, IDEA Regulations