

## **Regular Session**

Tuesday, February 2, 2016 7:30 PM

South Harrison Community School Corporation Administrative Center, 315 South Harrison Drive, Corydon, IN 47112

**I. Call to Order**

**II. Roll Call**

**III. Pledge of Allegiance**

**IV. Approval of Amended Agenda**

**V. Student Council Presentations**

**VI. Public Address to the Board**

**VII. Consent Agenda**

**VII.1. Board of School Trustee Minutes -  
Executive and Regular Sessions - January 5, 2016**

**VII.2. Approval of Claim Docket**

**VII.3. Personnel**

**VII.3.a. Corporation**

**VII.3.a.1) Jared Ketterman - Lead Systems  
Technician**

**VII.3.a.2) Susan Pawluk - Bus Aide**

**VII.3.a.3) Cheryl Lone - Wyandotte House Tutor**

**VII.3.b. Harrison County Exceptional Learners  
Cooperative**

**VII.3.b.1) Stephanie Black - Homebound Instructor**

**VII.3.b.2) Cheryl Lone - Homebound Instructor**

**VII.3.c. Corydon Central High School**

**VII.3.c.1) Special Education Instructional Assistant**

**VII.3.c.2) April Martino - Custodian**

**VII.3.c.3) Glenna Leupp - Secretary**

**VII.3.c.4) Laura Shireman - Assistant Track Coach  
Women's**

**VII.3.c.5) Jill Taylor - 1/3 Assistant Wrestling  
Coach**

**VII.3.c.6) David Allen Edwards - Volunteer Archery  
Coach**

**VII.3.c.7) Robert Huth - Volunteer Archery Coach**

VII.3.c.8) **Edward Heil - Volunteer Archery Coach**

VII.3.c.9) **Brandon Hall - Volunteer Percussion Director**

VII.3.d. Corydon Central Junior High School

VII.3.e. Corydon Intermediate School

VII.3.f. Corydon Elementary School

VII.3.f.1) **Jessica Dupaquier - Teacher**

VII.3.f.2) **Melanie Henderson - Title 1 Instructional Assistant**

VII.3.g. Heth-Washington Elementary School

VII.3.h. New Middletown Elementary School

VII.3.i. South Central Elementary School

VII.3.i.1) **Sharon Mizell - Licensed Practical Nurse (LPN)**

VII.3.i.2) **Julie Yates - Teacher**

VII.3.j. South Central Junior/Senior High School

VII.3.j.1) **Karen Deaton - Assistant Softball Coach**

VII.3.j.2) **Hunter Stark - Volunteer Assistant Tennis Coach Girls'**

VII.3.j.3) **Jasmine Skaggs - Custodian**

VII.4. Operational Matters

VII.4.a. Corporation

VII.4.a.1) **Conexus Agreement**

VII.4.a.2) **After School Learning Programs 2015-2016**

VII.4.a.3) **Surplus Equipment**

VII.4.a.4) **Conflicts of Interest**

VII.4.a.4) (1) **Dr. Mark A. Eastridge, Superintendent**

VII.4.a.4) (2) **Karen Lopp, Board Member**

VII.4.a.4) (3) **Mary J. Mathes, Board Member**

VII.4.a.4) (4) **Diana Sailor, Board Member**

VII.4.a.4) (5) **Carolyn Wallace, Director of Business Operations**

VII.4.a.5) **Camp Invention - Summer 2016 - 50% Tuition Sponsorship of South Harrison Students to be paid from Riverboat Education Funds - Not to**

**exceed \$12,000 (including transportation)**

VII.4.b. Harrison County Exceptional Learners  
Cooperative

VII.4.c. Corydon Central High School

VII.4.d. Corydon Central Junior High School

VII.4.e. Corydon Elementary School

VII.4.f. Corydon Intermediate School

VII.4.f.1) **Grant Submission - Harrison County  
Community Foundation - Playground - Total Project  
Budget \$66,413.30**

VII.4.g. Heth-Washington Elementary School

VII.4.h. New Middletown & South Central Elementary  
Schools

VII.4.h.1) **Grant Acceptance - Indiana Commission for  
Higher Education - \$1,000 - Learn More Indiana's  
2015 College GO! Campaign**

VII.4.i. South Central Elementary School

VII.4.i.1) **Agreement - Inter-State Studio - School  
Pictures for the 2016-2017 School Year**

VII.4.j. South Central Junior/Senior High School

VII.4.j.1) **Athletic Training Services Agreement -  
Floyd Memorial Hospital and Health Services &  
Elite Athletic Enhancement - School Years 2015-  
2016 & 2016-2017**

VII.4.j.2) **Agreement - Jostens - Yearbook Publisher  
- School Years 2016-2017 through 2018-2019**

VII.4.j.3) **Donation - Plumbers & Pipefitters Local  
502 - \$900.00 - Endeavor T-Shirts**

VII.4.j.4) **Contract of Service - Bradly Mills DJ  
Service - Prom - May 21, 2016 - \$250**

VII.5. Field Trips

VII.5.a. Corydon Central High School

VII.5.a.1) **Overnight Fieldtrip- Academic Bowl  
Science Team - Indiana Dunes - Friday, February  
26 through Saturday, February 27, 2016**

VII.5.b. Corydon Central Junior High School

VII.5.c. Corydon Elementary School

VII.5.d. Corydon Intermediate School

VII.5.d.1) **Overnight Fieldtrip - 6th Grade Camping  
Trip - Happy Hollow Campground - Wednesday, May  
11 through Friday, May 13, 2016**

VII.5.e. Heth-Washington Elementary School

VII.5.f. New Middletown Elementary School

VII.5.g. South Central Elementary School

VII.5.h. South Central Junior/Senior High School

VII.5.h.1) **Fieldtrips - Indoor Percussion**

VII.5.h.1) (1) **Saturday, February 13, 2016 -  
Plainfield High School, Plainfield, IN**

VII.5.h.1) (2) **Saturday, February 27, 2016 - Owen  
Valley High School, Spencer, IN**

VII.5.h.1) (3) **Saturday, March 12, 2016 - New  
Palestine High School, New Palestine, IN**

VII.5.h.1) (4) **Saturday, March 19, 2016 - Avon  
High School, Avon, IN**

VII.5.h.2) **Fieldtrip - 2016 Indiana National Archery  
in the Schools Program Tournament - Saturday,  
March 12, 2016**

VII.6. Other

VIII. **Unfinished Business**

VIII.1. Motions as the Result of Executive  
Session

IX. **New Business**

IX.1. **Second Reading of Policy 0100, Bylaws,  
Definitions**

IX.2. **Second Reading of Policy 1411,  
Administration, Required Reports and Protection  
of Whistleblowers**

IX.3. **Second Reading of Policy 1422,  
Administration, Nondiscrimination and Equal  
Employment Opportunity**

IX.4. **Second Reading of Policy 1521,  
Administration, Personal Background Checks and  
Mandatory Reporting of Convictions and Arrests**

IX.5. **Second Reading of Policy 1543,  
Administration, Non-Renewal of Administrative  
Contracts**

IX.6. **Second Reading of Policy 1662,  
Administration, Anti-Harassment**

IX.7. **Second Reading of Policy 2221, Program,  
Mandatory Curriculum**

IX.8. **Second Reading of Policy 2260, Program,  
Nondiscrimination and Access to Equal Educational  
Opportunity**

IX.9. **Second Reading of Policy 2411, Program,  
Guidance and Counseling**

IX.10. **Second Reading of Policy 2510, Program,  
Adoption of Curricular Materials**

IX.11. **Second Reading of Policy 2700, Program,  
Annual Performance Report**

IX.12. **Second Reading of Policy 3120.06,  
Professional Staff, Selecting Student  
Teachers/Administrative Interns**

IX.13. **Second Reading of Policy 3121,  
Professional Staff, Personal Background Checks**

**and Mandatory Reporting of Convictions and Arrests**

- IX.14. **Second Reading of Policy 3122, Professional Staff, Nondiscrimination and Equal Employment Opportunity**
- IX.15. **Second Reading of Policy 3124, Professional Staff, Employment Contracts with Professional Employees**
- IX.16. **Second Reading of Policy 3140, Professional Staff, Resignation**
- IX.17. **Second Reading of Policy 3141, Professional Staff, Suspension of Teachers**
- IX.18. **Second Reading of Policy 3142, Professional Staff, Cancellation of a Teaching Contract**
- IX.19. **Second Reading of Policy 3211, Professional Staff, Required Reports and Protection of Whistleblowers**
- IX.20. **Second Reading of Policy 3220, Professional Staff, Staff Evaluation**
- IX.21. **Second Reading of Policy 3362, Professional Staff, Anti-Harassment**
- IX.22. **Second Reading of Policy 4121, Support Staff, Personal Background Checks and Mandatory Reporting of Convictions and Arrests**
- IX.23. **Second Reading of Policy 4122, Support Staff, Nondiscrimination and Equal Employment Opportunity**
- IX.24. **Second Reading of Policy 4211, Support Staff, Required Reports and Protection of Whistleblowers**
- IX.25. **Second Reading of Policy 4362, Support Staff, Anti-Harassment**
- IX.26. **Second Reading of Policy 5111, Students, Determination of Legal Settlement and Eligibility for Enrollment of Students Without Legal Settlement in the Corporation**
- IX.27. **Second Reading of Policy 5112, Students, Entrance Requirements**
- IX.28. **Second Reading of Policy 5130, Students, Withdrawal from School**
- IX.29. **Second Reading of Policy 5200, Students, Attendance**
- IX.30. **Second Reading of Policy 5320, Students, Immunization**
- IX.31. **Second Reading of Policy 5460, Students, Graduation Requirements**
- IX.32. **Second Reading of Policy 5517, Students, Anti-Harassment**
- IX.33. **Second Reading of Policy 5530, Students, Drug Prevention**
- IX.34. **Second Reading of Policy 6152, Finances, Student Fees and Charges**
- IX.35. **Second Reading of Policy 6520, Finances, Payroll Deductions**
- IX.36. **Second Reading of Policy 7300, Property, Disposition of Real Property**

IX.37. Second Reading of Policy 7310, Property,  
Disposition of Surplus Property

IX.38. Second Reading of Policy 7510.01,  
Property, Use of Corporation Physical Fitness  
Facilities

IX.39. Second Reading of Policy 8121,  
Operations, Personal Background Check -  
Contracted Services

IX.40. Second Reading of Policy 8330,  
Operations, Student Records

IX.41. Second Reading of Policy 8400,  
Operations, School Safety

IX.42. Second Reading of Policy 8420,  
Operations, Emergency Preparedness Plans and  
Drills

IX.43. Second Reading of Policy 8455,  
Operations, Coach Training

IX.44. Second Reading of Policy 8470,  
Operations, Registered Sex or Violent Offenders

IX.45. Second Reading of Policy 8500,  
Operations, Food Services

IX.46. Second Reading of Policy 8600,  
Operations, Transportation

IX.47. Second Reading of Policy 9160, Relations,  
Public Attendance at School Events

IX.48. **Permission to Advertise for Additional  
Appropriations - General Fund - Teacher  
Performance Grant Receipt**

X. Superintendent's Communications and Reports

X.1. Passage of Hold Harmless ISTEP+ Legislation

X.2. Indiana Department of Education - Release of  
Letter Grades

X.2.a. Corydon Central High School - A

X.2.b. Corydon Central Junior High School - A

X.2.c. Corydon Intermediate School - A

X.2.d. Corydon Elementary School - A

X.2.e. Heth-Washington Elementary School - A

X.2.f. New Middletown Elementary School - C

X.2.g. South Central Elementary School - A

X.2.h. South Central Junior Senior High School -  
C

X.3. Wellness Initiative

X.4. Financial Report

XI. Board Members' Communication, Reports and  
Questions

XI.1.           **Corporation Audit - July 18, 2016**

XII. **Upcoming Events**

XIII.           **Adjournment**

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Board Secretary

**REVISED BYLAW - VOL. 28, NO. 1**

**DEFINITIONS**

As used in the School Board's bylaws and policies and the Superintendent's administrative guidelines, the following terms shall have the meaning set forth below:

**Administrative Guideline**

A written statement adopted and approved by the Superintendent which is consistent with Board policy to outline and prescribe procedures to be used in implementing Board policy.

**Board**

The Board of School Trustees (or Education), which is the governing body of the Corporation as defined in I.C. 20-18-2-5.

**Bylaw**

A rule of the Board for its own governance adopted by a Board vote at a meeting.

**Certificated Employee**

An employee of the Board in a position that requires a license or permit from the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-4. The term includes teachers, and all administrators in positions requiring a license or permit from the Division of Professional Standards of the Indiana Department of Education.

**Classified Employee**

A non-certificated employee as defined in these definitions. Synonymous with "support" and "non-professional."

**Corporation**

The South Harrison Community School Corporation.

**Due Process**

Procedural due process requires an established rule or standard, notice of facts of an alleged violation and the applicable rule or standard (accusation), and an opportunity to respond before a decision is made.

**Full Board**

All members of the Board.

**May**

A statement providing that an action is permitted but not required.

**Meeting**

A gathering of the majority of the members of the Board for the purpose of taking "official action" on "public business" of the Corporation. See Indiana Code 5-14-1.5-2(c), (d), and (e).

**Non-Certificated Employee**

An employee of the Board employed in a position that does not require a permit or license issued by the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-11. Synonymous with "classified employee" and "support employee".

**Official Action**

Board action to receive information, deliberate, make recommendations, establish policy, make decisions, or take final action. See Indiana Code 5-14-1.5-2(d).

**Parent**

The natural or adoptive parent(s) or the party designated by a court as the legal guardian or custodian of a student. Both parents will be considered to have equal rights unless a court terminates or otherwise limits parental rights.

**Policy**

A general, written statement approved by the Board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

**President**

The chief executive officer of the Board of School Trustees (or Education) (see Bylaw 0170).

**Principal**

A professional employee who is assigned to be the educational leader and head administrator of one or more Corporation schools. The term is synonymous with the building administrator in charge of a facility. The use of the term includes a delegate unless the law, policy or guideline specifically prohibits delegation. "Vice Principal" or "Assistant Principal" means an administrator assisting a Principal with the performance of all or a portion of the duties assigned to the Principal.

**Professional Employee or Professional Staff Member**

An employee of the Board in a position that requires a license or permit from the Division of Professional Standards of the Indiana Department of Education. See Indiana Code 20-29-2-4. The term includes teachers, and all administrators in positions requiring a license or permit from the Department of Professional Standards of the Indiana Department of Education. Synonymous with "certificated employee."

**Public Business**

The performance by the Board of a function upon which it is specifically authorized to take official action, or not statutorily prohibited from performing. See Indiana Code 5-14-1.5-2(e), Indiana Code 20-26-3, and Indiana Code 20-26-5-4.

**Relative**

The mother, father, sister, brother, spouse, child, parent of spouse, grandparents, grandchild, or dependent residing in the immediate household of a person.

**Secretary**

An officer of the Board of School Trustees (or Education) responsible for preparation of minutes of Board meetings and custody of the Records of the Board (see Bylaw 0170).

**Shall**

Expressing non-discretionary required action or action, synonymous with “will” or “must”.

**Student**

A person who is officially enrolled in a school or program of the Corporation.

**Superintendent**

The chief executive officer of the Corporation. The use of the term includes a delegate unless the law, policy or guideline specifically prohibits delegation.

**Support Employee**

A non-certificated employee as the term is used in Indiana Code 20-29-2-11, and as defined in these definitions.

**Teacher**

A professional person whose position in a school corporation requires certain educational preparation and licensing and whose primary responsibility is the instruction of students. The term includes a superintendent who holds a license under I.C. 20-28-5, a principal, a teacher, a librarian, school psychologist and a school counselor. See I.C. 20-28-2-22

### **Vice-President**

The Vice-President of the Board of School Trustees (or Education) (see Bylaw 0170).

### **Voting**

An action by which a member of the Board indicates approval or rejection of a motion by a Board member that has been seconded by another Board member at a meeting convened in compliance with all applicable laws including the Indiana Open Door Law (Indiana Code 5-14-1.5). Also see Bylaw 0167.1.

## Using Citations to Indiana and Federal Statutes, Rules and Cases

### Citations to Indiana Law, Rules and Court Decisions

Citations to the Indiana Code are shown as I.C. or Ind. Code. The numbers which follow I.C. or Ind. Code separated by a hyphen state the title, article, chapter, section, and subsection of an Indiana statute. So Ind. Code 5-14-1.5-6.1(a) is found at title 5, article 14, chapter 1.5, section 6.1, subsection (a).

Citations to the Indiana Administrative Code ("IAC" or "I.A.C.") are prefaced by a title and followed by an article, rule, and section number. So 511 I.A.C. 6-5-1 identifies title 511, article 6, rule 5, section 1.

Citations to Indiana cases begin with a citation to a volume and page in Thompson West Northeast Reporter Series. So a citation to 545 N.E.2d 341 (Ind. 1997) is a cite to volume 545, page 341 of the Northeast Reporter, Second Series. The "(Ind. 1997)" tells the reader the case cited is an Indiana Supreme Court decision issued in 1997.

### Citations to Federal Laws, Rules and Court Decisions

Citations to the United States Code ("USC" or "U.S.C.") are preceded by a title number and followed by a section number. So 20 USC 1232g refers to title 20 of the United States Code section 1232g.

Citations to the Code of Federal Regulations ("C.F.R." or "CFR") are identified by a citation similar to the Indiana Administrative Code. The citation to the title precedes CFR, and the section number follows.

**BOARD OF SCHOOL TRUSTEES  
SOUTH HARRISON COMMUNITY SCHOOL CORPORATION**

BYLAWS  
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Federal cases are cited in much the same way as Indiana cases. Trial court decisions are reported in the Federal Supplement as "F. Supp." followed by the series number, such as "F. Supp.2d" for the second series of the Federal Supplement. Appellate decisions are published in the Federal Reporter, which is now in its third series. Citations in both the Federal Supplement and the Federal Reporter follow the same format. A volume number precedes the name of the volume, and a page number in that volume follows the volume number. So a cite to 406 F.3d 500 (7<sup>th</sup> Cir. 2005) directs the reader to volume 406 of the Federal Reporter Third Series, page 500. The (7<sup>th</sup> Cir. 2005) tells the reader that the case was issued by the Seventh Circuit Court of Appeals in 2005.

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**REVISED POLICY - VOL. 28, NO. 1**

**REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS**

The School Board recognizes that its employees teach its students by example and serve as a role model for students. It therefore requires that they exemplify high standards of honesty and integrity and comply with Indiana and Federal law and Board policies and administrative guidelines in their words and actions. To implement these expectations, the Board requires its employees to report possible violations of these Board standards to their immediate supervisor.

An employee who is aware of words or acts of a Board member or employee that may violate Federal or Indiana law, Board policy, or administrative guidelines shall bring the words or actions to the attention of the employee's immediate supervisor. If the immediate supervisor does not respond within a reasonable time, or the immediate supervisor is the officer or employee whose words or actions are in question, the employee shall make the report required by this policy to the Superintendent. If the words or acts that violate this policy are the Superintendent's words or acts, the report shall be made to the Board President. An employee also may report suspected malfeasance, misfeasance or nonfeasance by a public officer to the State Board of Accounts.

Employees are subject to disciplinary action, up to and including termination, for knowingly or recklessly making a false report under this policy or failing to make a report required by this policy.

After a verbal report of a violation of this policy is made, the immediate supervisor will direct the reporting employee to put the report in writing. If a reporting employee requires assistance in making a written report, the immediate supervisor shall assist the reporting employee.

An employee making a report required by this policy shall be protected from discipline, retaliation, or reprisal for making a report required by this policy as long as the employee had a good faith belief in the truth and accuracy of the information reported at the time of the report. A report in compliance with this policy is not required if the employee confirms that another employee has reported the same words or actions.

I.C. 5-11-1-9.5  
I.C. 36-1-8-8

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**REVISED POLICY - VOL. 28, NO. 1**

**NONDISCRIMINATION AND**  
**EQUAL EMPLOYMENT OPPORTUNITY**

The School Board does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, "Protected Classes") 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.

The Superintendent shall appoint and publicize the name of the Compliance Officer(s) who is/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 discrimination or denial of equal access. The Compliance Officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Corporation's collectively bargained contracts dealing with hiring, promotion, and tenure should contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.

**Compliance Officer(s)**

The following person(s) is/are designated as the Corporation's Compliance Officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Corporation and address any complaint of discrimination:

Name and Title \_Director of Business Operations or other  
Superintendent  
Designee\_\_\_\_\_

Address \_315 South Harrison Drive, Corydon, IN  
47112\_\_\_\_\_

Telephone No. 812-738-  
2168\_\_\_\_\_

### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation 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 to an administrator, supervisor, or other Corporation-level official so that the Board may address the conduct. Any administrator, supervisor, or other Corporation-level official who receives such a complaint shall file it with a Compliance Officer

**(X )** within two (2) business days.

Employees who believe they have been unlawfully discriminated/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 are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Corporation and/or a concurrent criminal complaint will not adversely affect the complaining individual's employment status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should 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.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, and receive complaints that are initially filed with a school building administrator, supervisor or other Corporation-level official. Upon receipt of a complaint, either directly or through a school building administrator, supervisor or other Corporation-level official, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The Compliance Officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the Compliance Officer

**(X )** within two (2) business days

of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, 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 misconduct. Thereafter, the Compliance Officer or designee must contact the employee within two (2) business days to advise him/her of the Corporation's intent to investigate the wrongdoing.

### **Complaint Procedures**

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

Due to the sensitivity surrounding complaints of unlawful discrimination or 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. 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).

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in employment.

In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Corporation.

#### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee or unsuccessful applicant for employment who believes s/he has been unlawfully discriminated 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 or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees, or unsuccessful applicants for employment, who believe that they have been unlawfully discriminated/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 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 or any other adult member of the Corporation community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/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 and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

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

An individual who believes s/he has been unlawfully discriminated/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 may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to the Compliance Officer(s); and/or (3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to the Compliance Officer(s) who will either 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 employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 1422 Nondiscrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints

**(X)** within twenty (20) business days of receiving the informal complaint.

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.

The Compliance Officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310)

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation 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 as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the Compliance Officer(s), Superintendent, or other Corporation-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination 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.

If a Complainant informs an administrator, supervisor, Superintendent, or other Corporation-level official, either orally or in writing, about any complaint of discrimination/retaliation, that employee or unsuccessful applicant for employment must report such information to the Compliance Officer

**(X)** within two (2) business days.

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; 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 shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

**[X ]** Within two (2) business days of receiving the complaint,

the Compliance Officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer, or a designee, will inform the individual alleged to have engaged in the discriminatory 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 provided with a copy of any relevant policies and/or administrative guidelines, including Policy 1422 - Nondiscrimination. The Respondent also must be informed of the opportunity to submit a written response to the complaint

**(X)** within five (5) business days.

Although certain cases may require additional time, the Compliance Officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation

**(X)** within twenty (20) business days of receiving the formal complaint.

The investigation will 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 Compliance Officer, or the 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 discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

- (X)** The Superintendent or the designee, shall consult with the Board's legal counsel before finalizing the report .

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a decision regarding whether the charges have 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 delineate 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 written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board

- (X)** within five (5) business days of his/her receipt of the Superintendent's decision.

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 discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to 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 discrimination/retaliation regardless of whether the employee or unsuccessful applicant for employment alleging the unlawful discrimination/retaliation 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 may be represented, at his/her own cost, at any of the above-described meetings/hearings.

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, or the filing of a concurrent criminal complaint. Use of the complaint procedures 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 rights of the Complainant, the Respondent(s), 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.

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

During the course of a formal investigation, the Compliance Officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

In accordance with the Board's records retention policy, the Compliance Officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation 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. (See Policy 8310 – Public Records)

### **Remedial Action, Sanctions and Monitoring**

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

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

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. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation 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 relevant collective bargaining agreement(s), if any.

All sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect. 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.

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.

### **Retaliation**

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination 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, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those 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.

### **Training**

The Compliance Officers also will oversee the training of Corporation employees so that all employees 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.

**Notice**

Notice of the Board's policy on nondiscrimination in 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.

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-6

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 Education Amendments 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

29 U.S.C. 6101, The Age Discrimination in Employment Act of 1975

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 of 2008

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

29 C.F.R. Part 1635

**REVISED POLICY - VOL. 28, NO. 1**

**PERSONAL BACKGROUND CHECKS AND MANDATORY  
REPORTING OF CONVICTIONS (x ) AND ARRESTS**

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the Corporation's administrative staff.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as an administrator which shall include the following:

- A. an expanded national criminal history check as defined by I.C. 20-26-2-1.5
- B. a search of the national sex offender registry maintained by the United States Department of Justice
- C. telephone inquiry with former employer(s)
- D. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- E. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1
  
- (X) a detailed background history including all prior employment and volunteer positions
  
- (X) an Indiana Bureau of Motor Vehicles driver history if the position involves driving

**BOARD OF SCHOOL TRUSTEES**  
SOUTH HARRISON COMMUNITY **SCHOOL CORPORATION**

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The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.

Each applicant shall certify under penalty of perjury his/her eligibility to be employed by the Board as a United States citizen or a qualified alien. The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.

[X ] Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute.

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or defend a decision made pursuant to this policy.

Any costs associated with obtaining the criminal history record are to be borne by the applicant.

During the course of his/her employment with the School Corporation, each administrator shall be required to report his/her

(X) arrest or the filing of criminal charges against the employee; and

conviction of criminal charges to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the convicted administrator.

I.C. 10-13-3

I.C. 20-26-2-1.5

I.C. 20-26-5-10 and-11

I.C. 20-28-5-8

**REVISED POLICY - VOL. 28, NO. 1**

**NON-RENEWAL OF ADMINISTRATIVE CONTRACTS**

Before March 1st of the year in which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire and before February 1st of the year in which the contract of a local director of special education is due to expire, the Board or an attorney, at its direction, shall give written notice of renewal or refusal to renew the individual's contract for the following school year.

At least thirty (30) days before giving written notice of refusal to renew a contract, the Board or an attorney, at its direction, shall inform the administrator by written preliminary notice that:

- A. the Board is considering a decision not to renew the contract; and
- B. if the administrator files a request for a private conference not later than five (5) days after receiving the notice, the administrator is entitled to a private conference with the Superintendent.

If the administrator files a request with the Board for an additional private conference not later than five (5) days after the initial conference with the Superintendent, the administrator is entitled to an additional private conference with the Board before being given written notice of refusal to renew the contract.

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The written preliminary notice must include the Board's reasons for considering a decision not to renew the contract.

I.C. 20-28-8-3  
I.C. 20-28-8-4  
I.C. 20-28-8-11  
I.C. 20-28-8-12

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**REVISED POLICY - VOL. 28, NO. 1**

**ANTI-HARASSMENT**

**General Policy Statement**

It is the policy of the 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 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.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition above), which is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information that 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 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, 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.

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.

### **Definitions**

#### **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 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; 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.

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

Prohibited acts that constitute sexual harassment 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 sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. 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 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, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a 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;

- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. 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;
- J. inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- K. 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 (**X**) 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, 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 conduct 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 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 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 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 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 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 conduct directed at the characteristics of a person's disabling condition, 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 conduct directed at or pertaining to a person's genetic information.

### **Reports and Complaints of Harassing Conduct**

Students, members of the Corporation community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Corporation official so that the Corporation 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 administrator, supervisor, or other Corporation-level 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.

Members of the Corporation community or third parties who believe they have been subjected to unlawful harassment (see definition on page 1) 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, will not adversely affect the complaining individual'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 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, 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”.

Director of Business Operations or Superintendent  
Designee \_\_\_\_\_  
(School Corporation Title)

812-738-2168

(Telephone Number)

315 South Harrison Drive  
Corydon, IN 47112 \_\_\_\_\_

(Office Address)

( \_\_\_\_\_

The names, titles, and contact information for the Compliance Officers will be published annually:

(X) 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 **(X)** 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 **(X)** 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

**(X)** two (2) 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 **(X)** twenty (20) 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 with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

### **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 and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee 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.

However, all complaints of unlawful harassment (see definition on page 1) involving a Corporation employee, any adult member of the Corporation community, or a third party against 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 feels that s/he is being unlawfully harassed (see definition on page 1) and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing 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.

An individual who believes s/he has been unlawfully harassed (see definition on page 1) 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; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one of the Compliance Officers who will either 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) with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment 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 or a designee will exercise his/her authority to attempt to resolve all informal complaints within **(x )** twenty (20) 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.

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 elects to file a formal complaint initially, 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.

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.

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; 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 shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer 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. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent and/or Board Attorney.

Within **(X )** two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/unlawful harassment/retaliation.

**[X ]** A principal will not conduct an investigation unless directed to do so by the Compliance Officer.

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 **(X )** five (5) business days.

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

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who may reasonably 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 that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the 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 unlawful harassment (see definition on page 1) or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory 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).

- (X )** The Superintendent or designee shall consult with the Board's legal counsel before finalizing the report.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a 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 written decision as described above.

A Complainant or respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board of School Trustees within five (5) business days of his/her receipt of the Superintendent's final decision.

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 Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to 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/retaliation regardless of whether the member of the Corporation community or third party alleging the unlawful harassment/retaliation 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 may be represented, at his/her own cost, at any of the above-described meetings/hearings.

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, or the filing of a concurrent criminal complaint. Use of the complaint procedures 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 of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed), 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.

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 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 or that s/he provides during the course of the investigation.

In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation 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. (See Policy 8310 – Public Records and/or Policy 8330 – Student Records)

**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. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

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 relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of 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 relevant collective bargaining agreement(s), if any.

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.

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.

**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.

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

National School Boards Association Inquiry and Analysis - May 2008

**BOARD OF SCHOOL TRUSTEES**  
SOUTH HARRISON COMMUNITY **SCHOOL CORPORATION**

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**REVISED POLICY - VOL. 28, NO. 1**

MANDATORY CURRICULUM

In compliance with the Indiana Code and Federal law, the School Board directs the Superintendent to prepare, implement, and supervise courses of instruction in the following areas as stipulated in the Indiana Code and the regulations of the State Department of Education:

- A. The Constitution of the United States and Indiana in grades 6 through 12
- B. the system of government in Indiana and the United States, methods of voting, party structures, election laws, and the responsibilities of citizen participation in government and in elections in grades 6 through 12
- C. American History in high school
- D. safety education in grade 8
- E. the principles of hygiene and sanitary science in grade 5, at a minimum
- F. the spread of disease by rats, flies, and mosquitoes, and its effects, and of disease prevention by the proper selection and consumption of food
- G. the nature of alcoholic beverages, tobacco, prescription drugs, narcotics, and their effects on the human system and society at large in grades K through 12
- H. Acquired Immune Deficiency Syndrome (AIDS), and to the extent possible, instruction on other dangerous communicable diseases

- I. instruction on human sexuality or sexually transmitted diseases including instruction that abstinence from sexual activity outside of marriage as the expected standard for all school age children, abstinence is the only certain way to avoid sexually transmitted diseases, pregnancy, and other associated health problems, and the best way to avoid sexually-transmitted diseases and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage
- J. instruction regarding breast and testicular cancer, including the significance of early detection through self-examination, and in the case of breast cancer, regularly-scheduled mammograms in high school
- K. career-awareness, employment matters, and work values in grades 1 - 12
- L. human organ donor program and blood donor program as part of the high school health education curriculum
- M. good citizenship instruction
- N. personal financial responsibility and financial literacy in grades 6 through 12
- O. bullying prevention instruction not later than October 15 of each school year in grades 1 through 12 (see also Policy 5517.01)
- P. daily physical activity, which may include recess for students in full day kindergarten programs and other students in elementary school
- Q. dating violence instruction including warning signs, basic principles of prevention, and methods of parent education and outreach for grades 6 through 12 (see also Policy 5517.01)
- R. child abuse and child sexual abuse education for grades 2 through 5 (see also Policy 8462)

- S. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications (see Policy 7540.03)
- T. the dangers inherent with the online disclosure of personally identifiable information (see Policy 7540.03)
- U. the consequences of unauthorized access (e.g. "hacking"), cyberbullying and other unlawful or inappropriate activities by students online (see Policy 7540.03)
- V. morals instruction
- W. instruction in cardiopulmonary resuscitation and use of an automated external defibrillator as part of the high school health education curriculum
- X. instruction in Language Arts, Mathematics, Social Studies, Sciences, Fine Arts, and Health Education and Physical Fitness

The Superintendent shall prepare appropriate guidelines relative to the planning, teaching, and evaluation of these courses and ensure that each teacher present his/her instruction with special emphasis on honesty, morality, courtesy, obedience to the law, respect for the national flag, the constitutions of the United States and Indiana, respect for parents and the home, the dignity and necessity of honest labor, and other lessons of a steadying influence, which tend to promote and develop upright and desirable citizenry.

The Superintendent is prohibited from offering, supporting, or promoting any student program, class, or activity that provides student instruction that is contrary to a curriculum required to be provided to students under I.C. 20-30-5, set forth above.

When required by law, the Board shall approve the course of instruction.

I.C. 20-19-3-10 and 11

I.C. 20-30-5

511 IAC Article 6

47 U.S.C. 254(h), Children's Internet Protection Act

15 U.S.C. §§ 6551, Title II of the Broadband Data Improvement Act (aka Protecting Children in the 21st Century Act)

18 U.S.C. 2246

18 U.S.C. 2256

20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)

20 U.S.C. 6777

20 U.S.C. 9134 (2003)

47 C.F.R. Part 54

**REVISED POLICY - VOL. 28, NO. 1**

**NONDISCRIMINATION AND  
ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship, and/or personal sense of self worth.

As such, the Board of School Trustees does not discriminate on the basis of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, "Protected Classes") occurring in the Corporation's educational opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs, and activities, affecting the Corporation environment.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the Corporation, or social or economic background, to learn through the curriculum offered in this Corporation. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based upon Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
2. verify that facilities are made available, in accordance with Board Policy 7510 – Use of Corporation Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

D. Corporation Support

verify that like aspects of the Corporation program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Evaluation

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of Protected Classes.

**BOARD OF SCHOOL TRUSTEES  
SOUTH HARRISON COMMUNITY SCHOOL CORPORATION**

PROGRAM  
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The Superintendent shall appoint and publicize the name of the Compliance Officer(s) who is/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 discrimination or denial of equal access. The Compliance Officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public.

**Compliance Officer(s)**

The following person(s) is/are designated as the Corporation's Compliance Officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Corporation and address any complaint of discrimination:

Name and Title	Director of Business Operations or other Superintendent Designee
Address	315 South Harrison Drive, Corydon, IN 47112
Telephone No.	812-738-2168

### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Students are encouraged to promptly report incidents of unlawful discrimination and/or retaliation occurring in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment to an administrator, supervisor, or other Corporation-level official so that the Board may address the conduct. Any administrator, supervisor, or other Corporation-level official who receives such a complaint shall file it with a Compliance Officer

**(X )** within two (2) business days.

Students who believe they have been unlawfully discriminated/retaliated against in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Corporation and/or a concurrent criminal complaint will not adversely affect the complaining individual's educational status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should 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.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, and receive complaints that are initially filed with a school building administrator, supervisor or other Corporation-level official. Upon receipt of a complaint, either directly or through a school building administrator or other Corporation-level official, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The Compliance Officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the Compliance Officer

**(X )** within two (2) business days

of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, 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 misconduct. Thereafter, the Compliance Officer or designee must contact the employee within two (2) business days to advise him/her of the Corporation's intent to investigate the wrongdoing.

### **Complaint Procedures**

Any student who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

Due to the sensitivity surrounding complaints of unlawful discrimination or 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. 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).

In accordance with Federal and State law, students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in education.

In addition, students will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Corporation.

#### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully discriminated or retaliated against in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated against in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment 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 or any other adult member of the Corporation community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

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As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

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

An individual who believes s/he has been unlawfully discriminated/retaliated against in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to the Compliance Officer(s); and/or (3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to the Compliance Officer(s) who will either 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 students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 2260 Nondiscrimination and Access to Equal Educational Opportunity as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends school.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints

**(X )** within twenty (20) business days of receiving the informal complaint.

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.

The Compliance Officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310 or Policy 8330)

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation in the Corporation's educational opportunities, programs and/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 as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the Compliance Officer(s), Superintendent, or other Corporation-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination 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.

If a Complainant informs an administrator, Superintendent, or other Corporation-level official, either orally or in writing, about any complaint of discrimination/retaliation, the employee to whom the student complains must report such information to the Compliance Officer

**(X)** within two (2) business days.

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the Compliance Officer should consult with the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

**[X ]** Within two (2) business days of receiving the complaint,

the Compliance Officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer, or a designee, will inform the individual alleged to have engaged in the discriminatory 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 provided with a copy of any relevant policies and/or administrative guidelines, including this policy. The Respondent also must be informed of the opportunity to submit a written response to the complaint

**(X )** within five (5) business days.

Although certain cases may require additional time, the Compliance Officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation

**(X )** within twenty (20) business days of receiving the formal complaint.

The investigation will 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 Compliance Officer, or the 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 discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

**[X ]** The Superintendent or the designee should consult with the Board's legal counsel before finalizing the report.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a decision regarding whether the charges have 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 delineate 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 written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board

**(X )** within five (5) business days of his/her receipt of the Superintendent's decision.

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 discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to 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 discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation 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 may be represented, at his/her own cost, at any of the above-described meetings/hearings.

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 or the Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures 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 rights of the Complainant, the Respondent(s), 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.

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

During the course of a formal investigation, the Compliance Officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

In accordance with the Board's records retention policy, the Compliance Officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation occurring in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment. (See Policy 8310 – Public Records)

### **Remediation**

In cases where the complaint investigation results in a finding that the allegation of discrimination/retaliation is substantiated, action must be taken by the Compliance Officer to remedy the past effects of such discrimination/retaliation on a student. This may include but is not limited to providing a contact person to monitor the student, providing tutoring to the student, allowing the student to retake tests or assignments, and counseling.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation occurring in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment by taking appropriate action reasonably calculated to stop 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. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any. With respect to violations of this policy by Respondents who are students, disciplinary action may be imposed up to and including expulsion from school, in accordance with applicable State law. Any discipline of students with disabilities will 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. In those cases where unlawful discrimination/retaliation 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 relevant collective bargaining agreement(s), if any, and with Federal and State laws and regulations.

All sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect. 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.

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.

### **Retaliation**

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination occurring in the Corporation's educational opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational opportunities, programs and activities, affecting the Corporation environment, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those 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.

### **Training**

The Compliance Officers also will oversee the training of Corporation employees so that all employees 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.

### **Notice**

Notice of the Board's policy on nondiscrimination in educational programs and the identity of the Compliance Officers will be posted throughout the Corporation and published in any Corporation statement regarding the availability of educational opportunities, in any student handbooks, and in general information publications of the Corporation as required by Federal and State law and this policy.

The Superintendent shall annually attempt to identify children with disabilities, ages 3-22, who reside in the Corporation but do not receive public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in Corporation programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the Corporation will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (see AG 2260F).

I.C. 20-33-1-1

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

29 U.S.C. Section 794, Rehabilitation Act of 1973

29 C.F.R. Part 1635

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

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

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

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

34 CFR Part 110 (7/27/93)

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979

Title III of the No Child Left Behind Act of 2001

**REVISED POLICY - VOL. 28, NO. 1**

GUIDANCE AND COUNSELING

The School Board requires that a planned program of guidance and counseling be an integral part of the educational program of the Corporation. Such a program should:

- (X) assist students in achieving educational goals;
- (X) enable students to draw benefit from the offerings of the instructional program of the school;
- (X) aid students in identifying options and making choices in vocational and academic course areas;
- (X) assist students in career awareness and planning;
- (X) help integrate all the student's experiences so that s/he can better relate school activity to life outside the school;
- (X) help students learn to make their own decisions and solve problems independently;
- (X) assist students with mental health or addiction concerns;

The Superintendent is directed to implement the counseling and guidance program which carries out these purposes and:

- (X) involves appropriate staff members at every level;
- (X) honors the individuality of each student;
- (X) integrates with the total educational program;
- (X) coordinates with available resources of the community;
- (X) cooperates with parents and recognizes their concern and ideas for the development of their children;
- (X) provides means for the sharing of information among appropriate staff members as may be in the best interests of the student;

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- (X) establishes a referral system which utilizes all the aid the schools and community offer, guards the privacy of the student, and monitors the effectiveness of such referrals.

A student's guidance counselor, in consultation with the student and his/her parent, will review the student's career plan annually to determine if the student is progressing toward fulfillment of the plan.

I.C. 20-30-4-6  
I.C. 20-34-3-21  
511 IAC 4-1-5

**REVISED POLICY - VOL. 28, NO. 1**

**ADOPTION OF CURRICULAR MATERIALS**

For purposes of this policy, “curricular materials” means systematically organized materials designed to provide a specific level of instruction in a subject matter category, including:

- A. books;
- B. hardware that will be consumed, accessed, or used by a single student during a semester or school year;
- C. computer software; and
- D. digital content.

Curricular materials used as part of the educational program of the Corporation shall be approved by the Board, and the Board shall make approved curricular materials available for rental or purchase by each student enrolled in a public school located in the attendance area served by the Board if that school is in compliance with the minimum certification standards established by the State Board of Education.

The annual rental rate for curricular materials shall not exceed twenty-five percent (25%) of the retail price of the curricular materials. The Board may charge a student the cost of the student’s use of disposable materials, software copyright licenses, and hardware to utilize software provided. If a software site license is not charged on a per student per school year basis, the Board shall approve a sum to be paid by each student that divides the cost of the license between all students expected to use the licensed software. If hardware such as a laptop computer or a tablet is required to access the curricular materials approved by the Board, the Board shall approve a sum to be paid by each student expected to use the hardware.

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- [X ]** The Corporation may write-off any outstanding unpaid fees for rent or use of curricular materials of \$5.00 or less, if not paid by the first day of the school year following the school year or activity season in which the debt for nonpayment of fees for curricular materials was incurred.

Unpaid fees for rent or use of curricular materials in excess of \$5.00 may, at the discretion of the school treasurer or his/her designee, be written off one (1) year after the end of the school year or activity season in which the debt for nonpayment of fees for curricular materials was incurred. Fees in excess of \$5.00 may be written off at any time, if the principal, or his/her designee, determines the student's parents, or the student, if age eighteen (18) or older or an emancipated minor, is unable to pay.

The Board shall prescribe reasonable rules and regulations for the care, custody, and return of curricular materials and hardware.

If a student or his/her parents have purchased textbooks and/or electronic textbooks and move from the Corporation, the Corporation shall, pursuant to I.C. 20-26-12-26, evaluate the student's curricular materials and offer to purchase the curricular materials at a reasonable price for resale to any family that moves into the Corporation during the school term.

The curricular materials approved by the Board shall include a research based core reading program.

Supplementary materials required by a special education student's Individualized Education Program shall be provided without additional charge. The supplemental materials provided to students receiving special education services shall be in a format that allows the student to utilize the materials. When necessary for a special education student to benefit from curricular materials, the materials shall be provided in NIMAS (National Instructional Materials Accessibility Standard) format and shall be certified by NIMAC (National Instructional Materials Access Center), or the publisher of the materials may authorize the Board to reproduce the curricular materials in a format such as large type or audio that allows the special education student to benefit from the materials.

The Superintendent shall implement administrative guidelines for the selection of curricular materials that include effective consultation with an Advisory Committee of parents and professional staff members at all appropriate levels. Textbooks determined to be obsolete shall be disposed of in accordance with Board Policy 7310 - Disposition of Surplus Property and Superintendent's administrative guidelines. See AG 7310.

I.C. 20-18-2-2.7 - Curricular materials defined

I.C. 20-20-5.5 – Curricular materials

I.C. 20-26-12 – Textbooks

511 IAC 6.2-3.1 – Research based core reading program requirement

511 IAC 9 – Textbook adoption

IDOE Memo dated 2/8/2012 – “Updates to Textbook Adoption Procedures”

IDOE “FAQs Regarding New State Textbook Adoption Procedures, Textbook Rental Fees, and 1:1 Device Initiatives

IDOE Memo “Textbook and Computer Scenarios”

Indiana State Board of Accounts, *Public Schools Audit Manual*

Indiana State Board of Accounts, *School Administrator*

**REVISED POLICY - VOL. 28, NO. 1**

**ANNUAL PERFORMANCE REPORT**

Each year, not earlier than March 15<sup>th</sup> or later than March 31<sup>st</sup> the Board shall publish a performance report for presentation to the public and may make it available on the Corporation's Internet web site. It shall also provide a copy of the report free of charge to any person who requests it.

The report which is prepared by the Indiana Department of Education (IDOE), may contain information which is outlined in I.C. 20-20-8-8 and I.C. 20-42.5-3-5, including:

- A. student enrollment;
- B. graduation rate as defined in State law and the graduation rate excluding students that receive a graduation waiver under I.C. 20-32-4-4;
- C. attendance rate;
- D. the following test scores, including the number and percentage of students meeting academic standards: all State standardized assessment scores; scores for assessments under I.C. 20-32-5-21, if appropriate; for a freeway school, scores on a locally adopted assessment program, if appropriate;
- E. average class size;
- F. the school's performance category or designation of school improvement assigned under I.C. 20-31-8;
- G. the number and percentage of students in alternative education (if offered), career and technical education, special education, high ability, remediation; limited English language proficiency; students receiving free or reduced price lunch under the national school lunch program, school flex program (if offered);

- H.
  - 1. for advanced placement tests, the percentage of students scoring three (3), four (4), or five (5), and the percentage taking the test;
  - 2. test scores of all students taking the Scholastic Aptitude Test; test scores for students completing the academic honors diploma program; and the percentage of students taking the test;
- I. course completion, including the number and percentage of students completing the academic honors diploma, the Core 40 curriculum, and career and technical programs;
- J. the percentage of grade eight (8) students enrolled in algebra 1;
- K. the percentage of graduates considered college and career ready in a manner prescribed by the State Board;
- L. school safety, including the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons, the number of incidents of a school employee being a victim of threat, intimidation, battery or harassment which were filed with a law enforcement agency (I.C. 20-33-9), and the number of bullying incidents reported under I.C. 20-34-6 by category;
- M. financial information and various school cost factors including expenditures per student, average teacher salary, and remediation funding;
- N. interdistrict and intradistrict student mobility rates if that information is available;
- O. the number and percentage of teachers who are certificated employees; the number and percentage of teachers who teach the subject area for which the teacher is certified and holds a license; the number and percentage of teachers with national board certification;

- P. the percentage of grade 3 students reading at grade 3 level;
- Q. the number of students expelled, including the number participating in other recognized education programs during their expulsion, and the percentage of students expelled by race, grade, gender, free or reduced lunch status, and eligibility for special education;
- R. chronic absenteeism, which includes the number of students who have been absent for ten percent (10%) or more of a school year for any reason; and habitual truancy, which includes the number of students who have been absent more than ten (10) days from school within a school year without being excused or without being absent under a parental request that has been filed with the school;
- S. the number of students who have dropped out of school, including the reasons for dropping out, and the percentage of students who have dropped out by race, grade, gender, free or reduced lunch status, and eligibility for special education;
- T. the number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced lunch status, and eligibility for special education;
- U. the number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced lunch status, and eligibility for special education;
- V. the number of student work permits revoked;

- W. the number of students receiving an international baccalaureate diploma;
- X. the percentage of expenditures for student academic achievement, student instructional support, overhead/operational expenses, and non-operational expenses, whether the Corporation met the goals established for the previous school year under I.C. 20-42.5-3-6, the trend line for each of the categories of expenditures during the previous school year, and the goals established under I.C. 20-42.5-3-6 for the current school year;
- Y. the number of instances in which either seclusion or restraint is used;
- Z. other indicators of performance as recommended by the education roundtable.

The information concerning each of these benchmarks will relate to the preceding three (3) years of operation and will provide a comparison of graduation rates, attendance rates and ISTEP+/GQE test scores with the Corporation's performance-based accreditation status.

In addition, to the above-described benchmarks, the report may provide information on:

- (X) results of nationally recognized assessments of students under programs other than the ISTEP program which a school corporation uses to determine if students are meeting or exceeding academic standards in grades that are tested under the ISTEP program;
- ( ) results of assessments of students under programs other than the ISTEP program that a school corporation uses to determine if students are meeting or exceeding academic standards in grades that are not tested under the ISTEP program;
- (X) the number and types of staff development programs;
- (X) the number and types of partnerships with the community, businesses, or higher education;

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(X) levels of parental participation.

[X] The Board may provide for a public hearing, within sixty (60) days of publication of the report, at a designated Corporation facility for the purpose of presenting the report to the public and discussing its contents.

[X] This hearing may be done at a regularly-scheduled Board meeting.

The Superintendent shall ensure that a copy of the published report is submitted to the State Department of Education and is published prominently on the Corporation's website.

**ADDITIONAL REPORT REQUIREMENTS FOR TITLE I PURPOSES**

In any year that the Corporation receives Title I funding, its annual report must also include the following information:

- A. number and percentage of schools identified for school improvement and how long they have been in that category
- B. a comparison of the achievement by the Corporation's students on the statewide academic assessment to the achievement of students in the State as a whole

- C. for each school:
1. whether it has been identified for school improvement, and
  2. comparison of the school's student achievement on the statewide achievement assessments and other adequate yearly progress indicators to those students in the Corporation and the State as a whole

This information must be disseminated annually, not later than the beginning of the school year, to all buildings and all parents, and the Corporation must make the information widely available to the public through such means as posting on the Internet and distribution to local media and public agencies. Distribution to parents should be in an understandable format and in a language that parents can understand. This report to parents may be included with the student report cards at the end of the year, if all students receive report cards.

I.C. 20-20-8-3, -4, -5, -6, -8  
I.C. 20-26-13-6  
I.C.20-42.4-3-4, -5, -6  
513 IAC 1-2-7(e)  
20 U.S.C. 6311

**REVISED POLICY - VOL. 28, NO. 1**

**SELECTING STUDENT TEACHERS/ADMINISTRATIVE INTERNS**

The School Board encourages cooperation with State approved colleges and universities in the training of student teachers and administrative interns, because the public school offers an essential ingredient - direct experience with students and teachers at work in the classroom, but certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent regarding placement of a student teacher or administrative intern.

The Superintendent shall,

make the final placement of student teachers or administrative interns.

[X ] The supervising staff member shall hold no less than a standard certificate and shall have had no less than three (3) years of successful teaching experience in the area of assignment.

A professional staff member who supervises a student teacher or administrative intern must have been rated as either highly effective or effective on his/her most recent annual performance evaluation. Professional staff members who agree to serve as supervisors of student teachers or administrative interns may accept honoraria or stipends directly from the college/university for those services rendered outside the regular school day and above and beyond the duties and responsibilities specified in their contract.

The following conditions also shall be met:

- (X) The institution making the assignment shall provide adequate follow-up supervision.
- (X) The institution making the assignment shall provide the School Corporation with an expanded criminal background check on the candidate prior to the placement of the student teacher/administrative intern with the Corporation.

- (X) The supervising teacher or administrator must agree to work effectively with both the student teacher or administrative intern and the institutional supervisor.
- (X) If at any time the quality of teaching or administrative internship is judged to be inferior or s/he is disruptive to the on-going program, the Superintendent may request withdrawal of that person from the program.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a "field experience" program in order for selected interns to gain first-hand knowledge of and experience in a school environment.

The Superintendent may terminate a teaching program if one or more aspects of the program are not of high quality or meeting Corporation needs or expectations.

I.C. 20-26-5-23 and -24

**REVISED POLICY - VOL. 28, NO. 1**

**PERSONAL BACKGROUND CHECKS AND MANDATORY  
REPORTING OF CONVICTIONS (X ) AND ARRESTS**

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the Corporation's professional staff. Such an inquiry shall also be made for all substitutes.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment as a professional staff member which shall include the following:

- A. an expanded national criminal history check as defined by I.C. 20-26-2-1.5
- B. a search of the national sex offender registry maintained by the United States Department of Justice
- C. telephone inquiry with former employer(s)
- D. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- E. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1
  
- (X) a detailed background history including all prior employment and volunteer positions
  
- (X) an Indiana Bureau of Motor Vehicles driver history if the position involves driving

The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.

Each applicant shall certify under penalty of perjury his/her eligibility to be employed by the Board as a United States citizen or a qualified alien. The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.

[X ] Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute.

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or defend a decision made pursuant to this policy.

Any costs associated with obtaining the criminal history record are to be borne by the applicant.

During the course of his/her employment with the School Corporation, each professional employee and substitute teacher shall be required to report his/her

(X) arrest or the filing of criminal charges against the employee; and

conviction of criminal charges to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the convicted employee.

I.C. 10-13-3

I.C. 20-26-2-1.5

I.C. 20-26-5-10 and-11

I.C. 20-28-5-8

**REVISED POLICY - VOL. 28, NO. 1**

**NONDISCRIMINATION AND**  
**EQUAL EMPLOYMENT OPPORTUNITY**

The School Board does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, "Protected Classes") 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.

The Superintendent shall appoint and publicize the name of the Compliance Officer(s) who is/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 discrimination or denial of equal access. The Compliance Officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Corporation's collectively bargained contracts dealing with hiring, promotion, and tenure should contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender specific terms should be eliminated from such contracts.

**Compliance Officer(s)**

The following person(s) is/are designated as the Corporation's Compliance Officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Corporation and address any complaint of discrimination:

Name and Title \_Director of Business Opeartions or other  
Superintendent  
Designee\_\_\_\_\_

Address 315 South Harrison Drive, Corydon, IN  
47112\_\_\_\_\_

Telephone No. 812-738-  
2168\_\_\_\_\_

### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation 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 to an administrator, supervisor, or other Corporation-level official so that the Board may address the conduct. Any administrator, supervisor, or other Corporation-level official who receives such a complaint shall file it with a Compliance Officer

**(X )** within two (2) business days.

Employees who believe they have been unlawfully discriminated/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 are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Corporation and/or a concurrent criminal complaint will not adversely affect the complaining individual's employment status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should 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.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, and receive complaints that are initially filed with a school building administrator, supervisor or other Corporation-level official. Upon receipt of a complaint, either directly or through a school building administrator, supervisor or other Corporation-level official, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The Compliance Officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the Compliance Officer

**(X )** within two (2) business days

of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, 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 misconduct. Thereafter, the Compliance Officer or designee must contact the employee within two (2) business days to advise him/her of the Corporation's intent to investigate the wrongdoing.

### **Complaint Procedures**

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

Due to the sensitivity surrounding complaints of unlawful discrimination or 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. 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).

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in employment.

In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Corporation.

#### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee or unsuccessful applicant for employment who believes s/he has been unlawfully discriminated 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 or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees, or unsuccessful applicants for employment, who believe that they have been unlawfully discriminated/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 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 or any other adult member of the Corporation community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/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 and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

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

An individual who believes s/he has been unlawfully discriminated/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 may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to the Compliance Officer(s); and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to the Compliance Officer(s) who will either 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 employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 3122 Nondiscrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints

**(X )** within twenty (20) business days of receiving the informal complaint.

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.

The Compliance Officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310)

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation 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 as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the Compliance Officer(s), Superintendent, or other Corporation-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination 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.

If a Complainant informs an administrator, supervisor, Superintendent, or other Corporation-level official, either orally or in writing, about any complaint of discrimination/retaliation, the employee who is informed of the complaint must report such information to the Compliance Officer

**(X)** within two (2) business days.

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; 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 shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

**[X ]** Within two (2) business days of receiving the complaint,

the Compliance Officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer, or a designee, will inform the individual alleged to have engaged in the discriminatory 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 provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3122 - Nondiscrimination. The Respondent also must be informed of the opportunity to submit a written response to the complaint

**(x)** within five (5) business days.

Although certain cases may require additional time, the Compliance Officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation

**(X )** within twenty (20) business days of receiving the formal complaint.

The investigation will 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 Compliance Officer, or the 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 discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

**[X ]** The Superintendent or the designee shall consult with the Board's legal counsel before finalizing the report.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a decision regarding whether the charges have 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 delineate 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 written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board

**(X )** within five (5) business days of his/her receipt of the Superintendent's decision.

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 discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to 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 discrimination/retaliation regardless of whether the employee or unsuccessful applicant for employment alleging the unlawful discrimination/retaliation 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 may be represented, at his/her own cost, at any of the above-described meetings/hearings.

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, or the filing of a concurrent criminal complaint. Use of the complaint procedures 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 rights of the Complainant, the Respondent(s), 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.

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

During the course of a formal investigation, the Compliance Officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

In accordance with the Board's records retention policy, the Compliance Officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation 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. (See Policy 8310 – Public Records)

#### **Remedial Action, Sanctions and Monitoring**

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

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

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. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation 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 relevant collective bargaining agreement(s), if any.

All sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect. 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.

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.

### **Retaliation**

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination 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, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those 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.

### **Training**

The Compliance Officers also will oversee the training of Corporation employees so that all employees 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.

**Notice**

Notice of the Board's policy on nondiscrimination in 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.

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-6

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 Education Amendments 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

29 U.S.C. 6101, The Age Discrimination in Employment Act of 1975

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 of 2008

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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**EMPLOYMENT CONTRACTS WITH PROFESSIONAL EMPLOYEES**

The Board requires that each employee it employs in a certificated position sign a Regular Teacher's Contract, a Supplemental Service Teacher's Contract, or a Temporary Teacher's Contract using the form contract promulgated by the Superintendent of Public Instruction pursuant to I.C. 20-28-6-3, unless the teacher is taking a leave of absence or has been employed to serve in the absence of a teacher who is taking a leave of absence.

Each Board employee assigned to the position of principal, assistant principal, or director of special education shall sign an initial Regular Teacher's Contract, which by Statute shall have a term of the equivalent of at least two (2) school years.

(X) A Board employee assigned to any other administrative position shall also sign an initial Regular Teacher's Contract with a term of the equivalent of at least two (2) school years.

After an initial contract, the length of a contract between the Board and an administrator shall be established by agreement of the parties. The minimum length of the Superintendent's initial Regular Teacher's Contract shall be thirty-six (36) months.

Contracts employing professional employees shall be approved by a majority of the full Board and shall be signed by the professional employee and the President and Secretary of the Board in compliance with I.C. 20-28-6-5 and I.C. 20-26-4-8. In the absence of either the President or Secretary of the Board, the Vice President shall sign the contracts with the Board officer who is present.

I.C. 20-26-4-8  
I.C. 20-28-6-2  
I.C. 20-28-6-3  
I.C. 20-28-6-4  
I.C. 20-28-6-5  
I.C. 20-28-6-6  
I.C. 20-28-6-7  
I.C. 20-28-8-2  
I.C. 20-28-8-6,  
I.C. 20-28-8-10  
I.C. 20-28-10-1

**REVISED POLICY - VOL. 28, NO. 1**

RESIGNATION

Pursuant to State law, following submission of a resignation to the Superintendent, the employee may not withdraw or otherwise rescind that resignation. A notice of retirement is functionally equivalent to a resignation and thus falls within the meaning of the word "resignation" for purposes of this policy. The Superintendent shall inform the Board of the submission of that resignation at its next meeting. The Board may choose to accept that resignation, deny that resignation or take any other appropriate action relating to the termination, suspension or cancellation of employment of the person submitting the resignation. A resignation, once submitted, may not then be rescinded unless the Board agrees.

I.C. 5-8-4-1

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**NEW POLICY - VOL. 28, NO. 1**

**SUSPENSION OF TEACHERS**

The School Board recognizes its obligation to maintain a working and learning environment that is conducive to the education of students and understands that at times there may be members of the teaching staff who fail to meet the expectation of serving as an exemplar for those students and/or fail to meet their professional responsibilities. In situations in which those charged with supervising professional staff members determine that a suspension of a teacher is needed, whether as part of a system of progressive discipline or for the benefit of students, colleagues, and/or the community, the administration will provide due process as required by Federal law and, if a suspension without pay is sought, comply with the procedure established under State law for the suspension of teachers without pay.

It will be the responsibility of the Superintendent to establish administrative guidelines which ensure that the proper standards have been applied and the proper procedures have been followed when a principal makes a decision to suspend a teacher.

In acting on a principal's preliminary determination that a teacher will be suspended without pay, the Board will be guided by the procedure set out in I.C. 20-28-9-22.

I.C. 20-28-9-22

**REVISED POLICY - VOL. 28, NO. 1**

**CANCELLATION OF A TEACHING CONTRACT**

The School Board recognizes its obligation to employ only those professional staff members best trained and equipped to meet the educational needs of its students. This policy and Policy 3131 – Reduction in Force ("RIF") in Certificated Staff address this obligation, and the Board will continue to employ only those “probationary”, “professional”, and “established” teachers who meet the performance standards established in the evaluation plan adopted by the Board.

An employment contract may be terminated, upon a majority vote of the Board, for violation of the policies of the Board or for reasons set forth in law. In such cases, the Board shall abide by due process procedures.

(x) and such terms as may be set forth in a negotiated agreement.

It will be the responsibility of the Superintendent to establish administrative guidelines which ensure that the proper standards have been applied and the proper procedures have been followed when a principal makes a preliminary determination that a teacher’s contract should be cancelled.

In acting on a principal’s preliminary determination that a teacher’s contract be cancelled, the Board will be guided by the procedure set out in I.C. 20-28-7.5.

I.C. 20-28-7.5-1, 20-28-7.5-2

**REVISED POLICY - VOL. 28, NO. 1**

**REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS**

The School Board recognizes that its employees teach its students by example and serve as a role model for students. It therefore requires that they exemplify high standards of honesty and integrity and comply with Indiana and Federal law and Board policies and administrative guidelines in their words and actions. To implement these expectations, the Board requires its employees to report possible violations of these Board standards to their immediate supervisor.

An employee who is aware of words or acts of a Board member or employee that may violate Federal or Indiana law, Board policy, or administrative guidelines shall bring the words or actions to the attention of the employee's immediate supervisor. If the immediate supervisor does not respond within a reasonable time, or the immediate supervisor is the officer or employee whose words or actions are in question, the employee shall make the report required by this policy to the Superintendent. If the words or acts that violate this policy are the Superintendent's words or acts, the report shall be made to the Board president. An employee also may report suspected malfeasance, misfeasance, or nonfeasance by a public officer to the State Board of Accounts.

Employees are subject to disciplinary action, up to and including termination for knowingly or recklessly making a false report under this policy or failing to make a report required by this policy.

After a verbal report of a violation of this policy is made, the immediate supervisor will direct the reporting employee to put the report in writing. If a reporting employee requires assistance in making a written report, the immediate supervisor shall assist the reporting employee.

An employee making a report required by this policy shall be protected from discipline, retaliation, or reprisal for making a report required by this policy as long as the employee had a good faith belief in the truth and accuracy of the information reported at the time of the report. A report in compliance with this policy is not required if the employee confirms that another employee has reported the same words or actions.

I.C. 5-11-1-9.5

I.C. 36-1-8-8

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**REVISED POLICY - VOL. 28, NO. 1**

STAFF EVALUATION

The School Board shall adopt a plan for annual performance evaluations of each certificated employee, as defined in I.C. 20-28-11.5-0.5, employed by the School Corporation. This includes each certificated employee as defined in I.C. 20-29-2-4 and, in each school year beginning after June 30, 2014, each teacher as defined in I.C. 20-18-2-22. This plan may be amended as needed, subject to any required discussion with the teachers or the teachers' representative if there is one.

The plan approved by the Board shall include the following components:

- A. performance evaluations for all certificated employees, as defined in I.C. 20-28-11.5-0.5, conducted at least annually;
- B. objective measures of student achievement and growth to significantly inform the evaluation. The objective measures must include:
  - 1. student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments;
  - 2. methods for assessing student growth for certificated employees who do not teach in areas measured by statewide assessments; and
  - 3. student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessments;
- C. rigorous measures of effectiveness, including observations and other performance indicators;

- D. an annual designation of each certificated employee, as defined in I.C. 20-28-11.5-0.5, in one (1) of the following rating categories:
  - 1. highly effective
  - 2. effective
  - 3. improvement necessary
  - 4. ineffective
- E. an explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected;
- F. a provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective;
- G. for annual performance evaluations for school years beginning after June 30, 2015, provide for a pre-evaluation planning session conducted by the Superintendent or equivalent authority for the Corporation with the principals in the Corporation;
- H. discussion of the evaluation between the evaluated employee and the evaluator.

In developing a performance evaluation model, the Corporation may consider the following:

- A. test scores of students (both formative and summative)
- B. classroom presentation observations
- C. observation of student-teacher interactions
- D. knowledge of subject matter
- E. dedication and effectiveness of the teacher through time and effort on task

- F. contributions of teachers through group teacher interactivity in fulfilling the school improvement plan
- G. cooperation of the teacher with supervisors and peers
- H. extracurricular contributions of the teacher
- I. outside performance evaluations
- J. compliance with Corporation rules and procedures
- K. other items considered important by the Corporation in developing each student to the student's maximum intellectual potential and performance

The Corporation's annual performance evaluation plan shall be in writing and shall be explained to the Board in a public meeting before the evaluations are conducted. Prior to the plan being explained to the Board, the Superintendent shall discuss the plan with the teachers or the teachers' representative, if there is one. This discussion is not subject to the Open Door Law. The plan is not subject to bargaining; however, discussion of the plan shall be held.

The Principal of each school in the Corporation shall report in the aggregate the results of staff performance evaluations for the school for the previous year to the Superintendent and the Board at a public Board meeting held before August 15 of each year on the schedule determined by the Board. Before presentation to the Board, the Superintendent shall discuss the report of completed evaluations with the teachers or the teachers' representative, if there is one. This discussion is not subject to the Open Door Law. The report of completed evaluations is not subject to bargaining; however, discussion of the report shall be held.

The Corporation annually shall provide the Indiana Department of Education with the disaggregated results of staff performance evaluations for all schools in the Corporation before November 15 of each year.

I.C. 20-18-2-22  
I.C. 20-28-11.5-0.5  
I.C. 20-28-11.5-4  
I.C. 20-28-11.5-9  
I.C. 20-29-2-4

**REVISED POLICY - VOL. 28, NO. 1**

**ANTI-HARASSMENT**

**General Policy Statement**

It is the policy of the 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.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition above), which is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information that are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the School Corporation community as well as 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, 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.

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.

## **Definitions**

### **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 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; 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.

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

Prohibited acts that constitute sexual harassment 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 sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. 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 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, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a 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;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. 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;

- J. Inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- K. 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 ( **X** ) 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, 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 conduct 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 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 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 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 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 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 conduct directed at the characteristics of a person's disabling condition, 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 conduct directed at or pertaining to a person's genetic information.

### **Reports and Complaints of Harassing Conduct**

Students, members of the Corporation community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Corporation official so that the 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 administrator, supervisor, or other Corporation-level 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.

Members of the Corporation community or third parties who believe they have been subjected to unlawful harassment (see definition on page 1) 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, will not adversely affect the complaining individual'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 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, 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 on "Protected Classes" (see definition on page 1), the principal or his/her designee will report the act of bullying and/or harassment to one (1) 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".

Director of Business Operations or other \_\_\_\_\_  
Superintendent Designee

812-738-2168

315 South Harrison Drive, Corydon, IN 47112

The names, titles, and contact information for the Compliance Officers will be published annually:

(X) on the School Corporation's web site.

A Compliance Officer 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 of the Compliance Officers within **(X )** 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 **(X)** Board President

All Corporation employees must report incidents of unlawful harassment (see definition on page 1) that are reported to them to the Compliance Officer within

**(X )** two (2) business days

of learning of the incident.

**Investigation and Complaint Procedure (see Form 3362 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 **(X)** twenty (20) 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 with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

### **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 and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee 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.

However, all complaints of unlawful harassment (see definition on page 1) involving a Corporation employee, any adult member of the Corporation community, or a third party against 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 feels that s/he is being unlawfully harassed (see definition on page 1) and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing 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.

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

All informal complaints must be reported to one of the Compliance Officers who will either 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) with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officers may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment 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 or a designee will exercise his/her authority to attempt to resolve all informal complaints within **(x)** twenty (20) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal 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. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

One 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 elects to file a formal complaint initially, 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/unlawful 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.

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.

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; 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 shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer 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. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent and/or Board Attorney.

Within **(X)** two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/unlawful harassment/retaliation.

A principal will not conduct an investigation unless directed to do so by the Compliance Officer.

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 **(X)** five (5) business days.

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

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who may reasonably 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 that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the 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 unlawful harassment (see definition on page 1) or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory 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).

**(X )** The Superintendent or designee may consult with the Board's legal counsel before finalizing the report.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a 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 written decision as described above.

A Complainant or respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board of School Trustees within five (5) business days of his/her receipt of the Superintendent's final decision.

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 Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to 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/retaliation regardless of whether the member of the Corporation community or third party alleging the unlawful harassment/retaliation 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 may be represented, at his/her own cost, at any of the above-described meetings/hearings.

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, or the filing of a concurrent criminal complaint. Use of the complaint procedures 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 of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed), and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, to 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.

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 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 or that s/he provides during the course of the investigation.

In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation 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. (See Policy 8310 – Public Records and/or Policy 8330 – Student Records)

**Remedial Actions, Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment (see definition on page 1) or retaliation by taking appropriate action reasonable 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. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

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 relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of 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 relevant collective bargaining agreement(s), if any.

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.

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.

**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, Office of Child Protective 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 the local 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 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.

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 Education 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

National School Boards Association Inquiry and Analysis - May 2008

**REVISED POLICY - VOL. 28, NO. 1**

**PERSONAL BACKGROUND CHECKS AND MANDATORY  
REPORTING OF CONVICTIONS ( ) AND ARRESTS**

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the Corporation's support staff.

Such an inquiry shall also be made for substitutes.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment on the Corporation's support staff which shall include the following:

- A. an expanded national criminal history check as defined by I.C. 20-26-2-1.5
- B. a search of the national sex offender registry maintained by the United States Department of Justice
- C. telephone inquiry with former employer(s)
- D. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- E. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1
  
- (X) a detailed background history including all prior employment and volunteer positions
  
- (X) an Indiana Bureau of Motor Vehicles driver history if the position involves driving

Each applicant shall certify under penalty of perjury his/her eligibility to be employed by the Board as a United States citizen or a qualified alien. The Board may deny employment to an applicant who is convicted of an offense for which the applicant's license for the position may be revoked or suspended by State law.

- [X] Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute.

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or defend a decision made pursuant to this policy.

Any costs associated with obtaining the criminal history record are to be borne by the applicant.

During the course of his/her employment with the School Corporation, each support staff employee shall be required to report his/her

- (X) arrest or the filing of criminal charges against the employee; and

conviction of criminal charges to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the convicted employee.

I.C. 10-13-3  
I.C. 20-26-2-1.5  
I.C. 20-26-5-10 and-11  
I.C. 20-28-5-8

**REVISED POLICY - VOL. 28, NO. 1**

**NONDISCRIMINATION AND**  
**EQUAL EMPLOYMENT OPPORTUNITY**

The School Board does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, "Protected Classes") 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.

The Superintendent shall appoint and publicize the name of the Compliance Officer(s) who is/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 discrimination or denial of equal access. The Compliance Officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Corporation's collectively bargained contracts dealing with hiring, promotion, and tenure should contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender specific terms should be eliminated from such contracts.

**Compliance Officer(s)**

The following person(s) is/are designated as the Corporation's Compliance Officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Corporation and address any complaint of discrimination:

Name and Title \_Director of Business Operations or other  
Superintendent Designee

Address \_315 South Harrison Drive, Corydon, IN 47112

Telephone No. 812-738-2168

### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation 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 to an administrator, supervisor, or other Corporation-level official so that the Board may address the conduct. Any administrator, supervisor, or other Corporation-level official who receives such a complaint shall file it with a Compliance Officer

**(X)** within two (2) business days.

Employees who believe they have been unlawfully discriminated/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 are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Corporation and/or a concurrent criminal complaint will not adversely affect the complaining individual's employment status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should 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.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, and receive complaints that are initially filed with a school building administrator, supervisor or other Corporation-level official. Upon receipt of a complaint, either directly or through a school building administrator, supervisor or other Corporation-level official, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The Compliance Officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the Compliance Officer

**(X)** within two (2) business days

of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, 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 misconduct. Thereafter, the Compliance Officer or designee must contact the employee within two (2) business days to advise him/her of the Corporation's intent to investigate the wrongdoing.

### **Complaint Procedures**

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

Due to the sensitivity surrounding complaints of unlawful discrimination or 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. 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).

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in employment.

In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Corporation.

#### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee or unsuccessful applicant for employment who believes s/he has been unlawfully discriminated 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 or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees, or unsuccessful applicants for employment, who believe that they have been unlawfully discriminated/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 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 or any other adult member of the Corporation community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/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 and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

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

An individual who believes s/he has been unlawfully discriminated/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 may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to the Compliance Officer(s); and/or (3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to the Compliance Officer(s) who will either 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 employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 4122 Nondiscrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints

**(X )** within twenty (20) business days of receiving the informal complaint.

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.

The Compliance Officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310)

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation 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 as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the Compliance Officer(s), Superintendent, or other Corporation-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination 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.

If a Complainant informs an administrator, supervisor, Superintendent, or other Corporation-level official, either orally or in writing, about any complaint of discrimination/retaliation, the employee who is informed of the complaint must report such information to the Compliance Officer

**(X)** within two (2) business days.

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; 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 shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

**[X ]** Within two (2) business days of receiving the complaint,

the Compliance Officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer, or a designee, will inform the individual alleged to have engaged in the discriminatory 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 provided with a copy of any relevant policies and/or administrative guidelines, including Policy 4122 - Nondiscrimination. The Respondent also must be informed of the opportunity to submit a written response to the complaint

**(X )** within five (5) business days.

Although certain cases may require additional time, the Compliance Officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation

**(X )** within twenty (20) business days of receiving the formal complaint.

The investigation will 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 Compliance Officer, or the 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 discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

**[X ]** The Superintendent or designee, shall consult with the Board's legal counsel before finalizing the report.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a decision regarding whether the charges have 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 delineate 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 written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board

**(X)** within five (5) business days of his/her receipt of the Superintendent's decision.

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 discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to 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 discrimination/retaliation regardless of whether the employee or unsuccessful applicant for employment alleging the unlawful discrimination/retaliation 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 may be represented, at his/her own cost, at any of the above-described meetings/hearings.

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, or the filing of a concurrent criminal complaint. Use of the complaint procedures 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 rights of the Complainant, the Respondent(s), 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.

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

During the course of a formal investigation, the Compliance Officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

In accordance with the Board's records retention policy, the Compliance Officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation 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. (See Policy 8310 – Public Records)

#### **Remedial Action, Sanctions and Monitoring**

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

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

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. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation 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 relevant collective bargaining agreement(s), if any.

All sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect. 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.

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.

### **Retaliation**

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination 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, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those 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.

### **Training**

The Compliance Officers also will oversee the training of Corporation employees so that all employees 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.

**Notice**

Notice of the Board's policy on nondiscrimination in 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.

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-6

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 Education Amendments 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

29 U.S.C. 6101, The Age Discrimination in Employment Act of 1975

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 of 2008

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

29 C.F.R. Part 1635

**REVISED POLICY - VOL. 28, NO. 1**

**REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS**

The School Board recognizes that its employees teach its students by example and serve as a role model for students. It therefore requires that they exemplify high standards of honesty and integrity and comply with Indiana and Federal law and Board policies and administrative guidelines in their words and actions. To implement these expectations, the Board requires its employees to report possible violations of these Board standards to their immediate supervisor.

An employee who is aware of words or acts of a Board member or employee that may violate Federal or Indiana law, Board policy, or administrative guidelines shall bring the words or actions to the attention of the employee's immediate supervisor. If the immediate supervisor does not respond within a reasonable time, or the immediate supervisor is the officer or employee whose words or actions are in question, the employee shall make the report required by this policy to the Superintendent. If the words or acts that violate this policy are the Superintendent's words or acts, the report shall be made to the Board president. An employee also may report suspected malfeasance, misfeasance or nonfeasance by a public officer to the State Board of Accounts.

Employees are subject to disciplinary action, up to and including termination for knowingly or recklessly making a false report under this policy or failing to make a report required by this policy.

After a verbal report of a violation of this policy is made, the immediate supervisor will direct the reporting employee to put the report in writing. If a reporting employee requires assistance in making a written report, the immediate supervisor shall assist the reporting employee.

An employee making a report required by this policy shall be protected from discipline, retaliation, or reprisal for making a report required by this policy as long as the employee had a good faith belief in the truth and accuracy of the information reported at the time of the report. A report in compliance with this policy is not required if the employee confirms that another employee has reported the same words or actions.

I.C. 5-11-1-9.5

I.C. 36-1-8-8

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**REVISED POLICY - VOL. 28, NO. 1**

**ANTI-HARASSMENT**

**General Policy Statement**

It is the policy of the 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.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition above), which is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information that 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 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, 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.

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.

### **Definitions**

#### **Bullying**

Bullying rises to the level of unlawful harassment (see definition on page 1) when one 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 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; 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.

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

Prohibited acts that constitute sexual harassment 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 sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. 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 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, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a 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;

- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. 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;
- J. inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- K. 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 or 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 (**x**) maybe 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, 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 conduct 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 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 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 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 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 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 conduct directed at the characteristics of a person's disabling condition, 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 conduct directed at or pertaining to a person's genetic information.

### **Reports and Complaints of Harassing Conduct**

Students, members of the Corporation community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Corporation official so that the Corporation 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 administrator, supervisor, or other Corporation-level 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.

Members of the Corporation community or third parties who believe they have been subjected to unlawful harassment (see definition on page 1) 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, will not adversely affect the complaining individual'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 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, 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 environment and may have constituted unlawful harassment (see definition on page 1) based on "Protected Classes" (see definition on page 1), the principal or his/her designee will report the act of bullying and/or harassment to one (1) 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”.

Director of Business Operations or Other Superintendent Designee

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(School Corporation Title)

812-738-2168

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(Telephone Number)

315 South Harrison Drive, Corydon, IN 47112

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(Office Address)

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The names, titles, and contact information for the Compliance Officers will be published annually:

(X) 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 of the Compliance Officers within **(X)** 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 **(X)** Board President. All Corporation employees must report incidents of harassment that are reported to them to the Compliance Officer within **(X )** two (2) business days of learning of the incident.

**Investigation and Complaint Procedure (see Form 4362 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 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 **(X )** twenty (20) 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 with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1) to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee 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.

However, all complaints of unlawful harassment (see definition on page 1) involving a Corporation employee, any adult member of the Corporation community, or a third party against 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 feels that s/he is being unlawfully harassed (see definition on page 1) and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing 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.

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

All informal complaints must be reported to one (1) of the Compliance Officers, who will either 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) with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment 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 or a designee will exercise his/her authority to attempt to resolve all informal complaints within **(x)** twenty (20) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal 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. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint 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 (1) of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, 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 members 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/unlawful 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.

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.

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; 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 shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer 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. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Superintendent and/or Board Attorney.

Within **(X )** two (2)business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/unlawful harassment/retaliation.

[ ] A principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Contemporaneously, one (1) 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 **(X )** five (5)business days.

Although certain cases may require additional time, one (1) of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. (interview(s) with the Respondent;
- C. interviews with any other witnesses who may reasonably 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 that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the 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 unlawful harassment (see definition on page 1) or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory 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).

**(X)** The Superintendent or designee shall consult with the Board's legal counsel before finalizing the report.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a 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 written decision as described above.

A Complainant or respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board of School Trustees within five (5) business days of his/her receipt of the Superintendent's final decision.

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 Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to 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/retaliation regardless of whether the member of the Corporation community or third party alleging the unlawful harassment/retaliation 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 may be represented, at his/her own cost, at any of the above-described meetings/hearings.

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, or the filing of a concurrent criminal complaint. Use of the complaint procedures 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 of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed), and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, to 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.

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 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 or that s/he provides during the course of the investigation.

In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation 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. (See Policy 8310 – Public Records and/or Policy 8330 – Student Records)

**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. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

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 relevant collective bargaining agreement(s), if any.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of 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 relevant collective bargaining agreement(s), if any.

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.

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.

### **Remediation**

In cases where the complaint investigation results in a finding that the allegation of harassment is substantiated, action must be taken by the Compliance Officer to remedy the past effects of such harassment. This may include but is not limited to providing a contact person to monitor the harassed student, providing tutoring to the student, allowing the student to retake tests or assignments, and counseling. Counseling shall be offered to all students who have been subjected to harassment.

### **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, Office of Child Protective 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 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.

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 Education 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

National School Boards Association Inquiry and Analysis - May 2008

**REVISED POLICY - VOL. 28, NO. 1**

**DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY  
FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT  
IN THE CORPORATION**

The Board establishes the following policy for determining student eligibility to attend the schools of this Corporation.

- A. The Board will educate, tuition free, students who have legal settlement in the Corporation, and students enrolled according to the requirements of I.C. 20-26-11.
- B. Where the legal settlement of a student cannot reasonably be determined by reference to the residence of the student's parent or legal guardian and the student is being supported by and living with a person whose residence is within the Corporation, the student may be enrolled without payment of tuition. If the parents are able to support the student and have placed the student in the home of another person primarily for the purpose of attending school in this Corporation without establishing legal guardianship as required by Indiana law, tuition **(X) will not be charged unless otherwise required by law according to Board Policy 6150.**
- C. A child who is placed in foster care by a court of competent jurisdiction shall be admitted tuition free, without regard to residency, to a school within the Corporation, as selected by the State Department of Human Services or the child placing agency responsible for placement of that child.
- D. Foreign students participating in a foreign-exchange program approved by the Indiana State Board of Education and living with a resident host family will be admitted tuition free.

- E. The Corporation will provide a free education to those students who are considered by Federal law to be illegal aliens, if the student's parent or legal guardian has legal settlement within the Corporation, or considered to be homeless by criteria established by the State (see Policy 5111.01 and AG 5111.01 - Homeless Students).
- F. Students who have completed the eleventh grade and have changed legal settlement to another school corporation may complete the twelfth grade in this Corporation.
- G. A married student living with a spouse or a married or unmarried emancipated minor is eligible to attend school without payment of tuition if the student resides in the Corporation.
- H. Children of Divorced Parents

Children of divorced parents may attend school in this Corporation without the payment of tuition if one (1) parent resides in this Corporation and an election is made utilizing the "Custodial Statement and Agreement: Divorce, Separation, or Abandonment" form provided by the Indiana State Board of Education.

The parent with physical custody of the student or the student, if the student is at least eighteen (18) years of age, must notify the Superintendent of the school corporation in which the parents/student seek to have the student enrolled of their election to enroll the student in the Corporation. The election shall be made on a yearly basis and applies throughout the school year unless the student's parent no longer resides within the attendance area of the Corporation.

- (X) A student who has been expelled from another school corporation or who is expelled from a nonpublic school or withdraws from a public or a nonpublic school to avoid expulsion may be enrolled in the Corporation in compliance with I.C. 20-33-8-20 during the actual or proposed expulsion if:
1. the student's parent informs the Corporation of the student's expulsion or withdrawal to avoid expulsion;
  2. the Corporation consents to the student's enrollment;
  3. the student agrees to the terms and conditions of enrollment established by the Corporation.

Such students **(X) will not be charged unless otherwise required by law** according to Board Policy 6150 if they do not have legal settlement in the Corporation.

If a student's parent fails to inform the Corporation of the expulsion or withdrawal to avoid expulsion or the student fails to follow the terms and conditions established for enrollment, the Corporation may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion. Before consent is withdrawn, the student must be given an opportunity for an informal meeting with the principal. At the informal meeting, the student is entitled to:

1. a written or verbal statement of the reasons for the withdrawal of consent;
2. a summary of the evidence against him/her;
3. an opportunity to explain his/her conduct.

**BOARD OF SCHOOL TRUSTEES  
SOUTH HARRISON COMMUNITY SCHOOL CORPORATION**

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- (X) Students whose parents do not have legal settlement within the Corporation but who present evidence that they will move into the Corporation within a short period of time may enroll in the schools of this Corporation as tuition students for the time not in residence.
- (X) Students who do not have legal settlement may/will be enrolled in the special education program of this Corporation pursuant to the provisions of a Cooperative agreement
- (X) Nonresident students may be accepted into the Summer School Program provided by this Corporation.

Transfer Students

**[X] Option #2**

In addition to students with legal settlement in the Corporation, students without legal settlement in the Corporation (hereafter referred to as “transfer students”) will be enrolled in compliance with I.C. 20-26-11-32 and the following procedure:

- A. By the last day of the preceding school year, , the Board will establish the number of transfer students that can be accepted in each building and grade level.
- B. The Board will establish a date by which requests to enroll a transfer student must be submitted to the Superintendent. This date shall be submitted to the Indiana Department of Education and published on the Corporation Internet website.
- C. Requests to enroll a student without legal settlement in the Corporation shall not be denied if the student to be transferred:
  - 1. has been enrolled in the Corporation in the prior school year;
  - 2. is a member of a household in which any other member of the household is a student in the transferee school; or
  - 3. has a parent who is an employee of the Corporation.
- D. If the number of requests to enroll in each building and grade level exceeds the number established by the Board reduced by the number of transfers that may not be denied as described in paragraph (C) above, the students to be enrolled in each building and grade level shall be determined by random selection in which each application submitted on or before the date established by the Board pursuant to paragraph (A) above has an equal chance of being selected.

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Pursuant to State law, a student's application to transfer to the Corporation may be denied if the student has been suspended for ten (10) or more school days, or suspended or expelled for possession of a firearm, deadly weapon, or a destructive device, causing physical injury to a person, or a violation of the Corporation's drug or alcohol rules during the twelve (12) months preceding the student's request to transfer.

For purposes of computing the number of days of suspension of the student requesting enrollment, student discipline received from a teacher pursuant to I.C. 20-33-8-25(b)(7) and I.C. 20-26-11-32(j) shall be included in the calculation of the number of school days that a student has been suspended.

No transfer student shall be accepted for enrollment for athletic reasons.

Transfer students

(X) will not be charged unless otherwise required by law.

I.C. 20-18-2-11 (legal settlement defined)  
I.C. 20-33-2-12 (transfer to another accredited or non-accredited school)  
I.C. 20-33-8-17 (expulsion for lack of legal settlement)  
I.C. 20-26-11-1 (residence defined)  
I.C. 20-26-11-2.5 (divorced parent election)  
I.C. 20-26-11-6(e) (option to not charge transfer tuition)  
I.C. 20-26-11-6.5 (children of school employees)  
I.C. 20-26-11-6.7 (nonpublic school students)  
I.C. 20-26-11-32 (lottery selection of student transfer requests, HEA 1381 – 2013)  
Plyer v. Doe, 457 U.S. 202 (1982) (State Statute denying free public education to illegal immigrants violated the Equal Protection Clause of the Fourteenth Amendment)

Divorced Parents Agreement:

<http://www.doe.in.gov/sites/default/files/legal/formiii.pdf>

Third Party Agreement:

<http://www.doe.in.gov/sites/default/files/legal/custodialstatementinstructions.pdf>

**REVISED POLICY - VOL. 28, NO. 1**

**ENTRANCE REQUIREMENTS**

The School Board shall establish student entrance requirements which are consistent with Indiana law and sound educational practice and which ensure equitable treatment and proper placement.

**A. Kindergarten**

Each child of legal settlement shall be eligible for Kindergarten providing that s/he has attained the age of five (5) on or before August 1st. This requirement also shall apply to children who transfer into the School Corporation and who may have attended private or public kindergarten in another locality.

**B. First Grade**

If a child seeking to enroll in first grade has not attended kindergarten, the Superintendent shall make a determination as to whether the student will enroll in kindergarten or first grade based upon the assessment model found in the administrative guidelines (see AG 5112C).

The Superintendent shall establish administrative guidelines which ensure compliance with State law, proper documentation of birth as well as a certified copy of any custody order or decree, appropriate screening, placement, and periodic assessment of children in kindergarten and first grade programs, certification that proper immunization is completed or in process, and the prompt transfer of records. Any indication that a student might be a missing child should be reported immediately to the Superintendent who, in turn, shall communicate with the appropriate authorities.

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I.C. 20-33-2-7

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**REVISED POLICY - VOL. 28, NO. 1**

WITHDRAWAL FROM SCHOOL

The School Board affirms that, while Indiana Law requires attendance of each student until eighteen (18) years of age, it is in the best interests of both the students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools.

The Board directs that whenever a student, sixteen (16) to eighteen (18) years of age, wishes to withdraw from school, an exit interview will be conducted. The following individuals shall attend the exit interview

- A. the student;
- B. the parent(s);
- (X) the principal;

The exit interview will include a determination of whether or not the student is withdrawing for reason of financial hardship, requiring the student to be employed to support the student's family or a dependent, illness, or an order by a court that has jurisdiction over the student.

During the exit interview, the individual(s) designated by the Board to attend, shall provide the student and the student's parent(s) a copy of statistics concerning the likely consequences of life without a high school diploma.

The student may not withdraw from school unless the student, the student's parent or guardian, and the principal agree to the withdrawal and the parent or guardian and the principal provide written consent for the student to withdraw from school. If the principal (this duty may not be delegated to a designee) does not consent to the student's withdrawal, the student's parent may appeal the denial to the Board.

At least five (5) days before holding an exit interview, the Corporation shall give notice by certified mail or personal delivery to the student, the student's parent(s), or the student's guardian that the student's failure to attend an exit interview or return to school if the student does not meet the requirements to withdraw from school will result in the revocation or denial of the student's driver's license or learner's permit and employment certificate.

The Superintendent shall develop a withdrawal form (Form 5130 F4) which is to be signed by the student, his/her parent, and the principal in accordance with this policy.

I.C. 9-24-2-1

I.C. 20-33-2-9

I.C. 20-33-2-28.5

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ATTENDANCE

The School Board, as an agency of the State, is required to enforce regular attendance of students. The Board recognizes that the presence in the classroom enables the student to participate in instruction, class discussions, and other related activities. As such, regular attendance and classroom participation are integral to instilling incentives for the student to excel.

Attendance shall mean to be physically present in a school or at another location where the school's educational program is being conducted during regular school hours on a day in which the educational program in which the student is enrolled is being offered.

Attendance shall be required of all Corporation students, except those exempted under other provisions of State law, during the days and hours that the school is in session.

(X) or during the attendance sessions to which s/he has been assigned.

Exceptions to compulsory attendance that shall be recognized by the school corporation as provided by state statute are:

- A. service as a page or honoree of the general assembly (I.C. 20-33-2-14)
- B. service on a precinct election board or helper to a political candidate on the date of an election (I.C. 20-33-2-15)
- C. subpoena to appear in court as a witness in a judicial proceeding (I.C. 20-33-2-16)
- D. service in active duty with the National Guard for not more than ten (10) days (I.C. 20-33-2-17)
- E. participating as a member of the Indiana wing of the civil air patrol for not more than five (5) days (I.C. 20-33-2-17.2)

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For any of these exceptions a student shall not be recorded as absent from school.

The Superintendent shall require, from the parent of each student or from an adult student who has been absent for any reason, a **(X )** written statement of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each:

- (X ) single absence;
- (X ) prolonged absence;
- (X ) absence of more than three (3) days duration;
- (X ) repeated unexplained absence and tardiness.

The Board considers the following for excused absences (with Principal verification of the validity and appropriateness of the documentation/absence):

- (X ) illness verified by a note from the parent
- (X ) illness verified by a note from a physician
- (X ) recovery from accident, with appropriate physician documentation
- (X ) required court attendance

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- (X) professional appointments – Parents are encouraged to schedule medical, dental, legal, and other necessary appointments other than during school hours. When appointments are necessary during the school day, the student shall report back to school immediately after the appointment with a signed statement from the doctor, dentist, lawyer, counselor, etc.
- (X) death **(X)** in the immediate family **(X)** or of a relative
- (X) observation or celebration of a bona fide religious holiday in accordance with Policy 5223
- (X) maternity
- (X) military connected families’ absences related to deployment and return
- (X) participating in an educationally related non-classroom activity which is consistent with and promotes educational philosophy and goals of the school corporation, facilitates the attainment of specific educational objectives, is part of the goals and objectives of an approved course or curriculum, represents a unique educational opportunity, cannot reasonably occur without interrupting the school day, and is approved in advance by the school principal (I.C. 20-33-2-17.5)
- (X) such other good cause as may be acceptable to the Superintendent or permitted by law

An unexcused absence is any absence not covered under the definition of excused absence or an exception to compulsory attendance. An out of school suspension shall not be considered an unexcused absence.

Repeated instances of unexcused absences may result in disciplinary action up to suspension or expulsion of a student.

Truancy is defined as absence from school without permission of the parent.

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The Superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school to an intake officer of the juvenile court or the Department of Child Services.

- [X ] Attendance need not always be within the school facilities, but a student will be considered to be in attendance if present at any place where school is in session by authority of the Board.
- [X ] The Board shall consider each student assigned to a program of other guided learning experiences, authorized under Policy 2370, to be in regular attendance for the program provided that s/he reports

to such staff member s/he is assigned for guidance at the place in which s/he is conducting study, and regularly demonstrates progress toward the objectives of the course of study.

The Superintendent shall develop administrative guidelines for the attendance of students which:

- (X) ensure a school session which is in conformity with the requirements of the law;
- (X) ensure that students absent for any excusable reason have an opportunity to make up work they missed;
- (X) govern the keeping of attendance records in accordance with the rules of the State Board;
- (X) ensure that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the Corporation's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

Such guidelines should provide that a student's grade in any course is based on his/her performance in the instructional setting and is not reduced for reasons of conduct. Such guidelines should also provide that if a student or a member of the student's household is in good academic standing, and has an exhibit at the Indiana State Fair for educational purposes, that student may receive up to five (5) excused absences. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned.

Such guidelines also shall provide for the reporting to the Bureau of Motor Vehicles those students who have been suspended for the second time during a school year, expelled, or excluded for misconduct.

- [X ]** The Superintendent shall ensure that the administrative guidelines on attendance properly address the matter of truancy by including a process which:
- A. identifies the habitual truant, that is, a student who is chronically absent by having unexcused absences from school for more than ten (10) school days in one (1) school year;
  - B. investigates the cause(s) of his/her truant behavior;
  - C. considers, when appropriate, modification of his/her educational program to meet particular needs which may be causing the truancy;
  - D. ensures that truant students are disciplined in accordance with the Corporation's policies and administrative guidelines on student discipline;
- [X ]** provides for reporting to the Bureau of Motor Vehicles those students who are habitual truants.

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The Superintendent also shall ensure that the Board's policy on attendance and the Corporation's administrative guidelines are made available to all parents and adult students.

I.C. 9-24-2-1, -4  
I.C. 20-33-2  
511 IAC 1-3-1

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**REVISED POLICY - VOL. 28, NO. 1**

IMMUNIZATION

The School Board requires that all students be properly immunized against diphtheria, pertussis (whooping cough), tetanus, measles, rubella (German measles), poliomyelitis, mumps, varicella (chicken pox), Hepatitis A, Hepatitis B, and meningitis. From time to time other communicable diseases may be designated by the State Board of Health.

The current list of required student immunizations at each grade level is listed in AG 5320 - Immunization of Students in School.

The Superintendent shall require parents to furnish to their child's school, no later than the student's first day of school attendance after enrollment, proof of the student's immunization status, either as a written document from the health care provider who administered the immunization or documentation provided from the State immunization data registry. Students whose parents do not provide the required documentation by the opening day of school may be admitted to school provided the documentation is received within twenty (20) school days and is in accord with the Superintendent's administrative guidelines on immunization. If the student remains unimmunized at the close of the twenty (20) school day period, the Superintendent shall commence expulsion proceedings, unless the parents have filed a religious objection or submitted a health care provider's statement that the needed immunizations are contraindicated.

Information concerning meningococcal disease (meningitis) and its vaccine shall be provided to students and parents at the beginning of the school year by the Superintendent. The information must include information concerning the causes, symptoms and spread of meningococcal diseases and places where parents may obtain additional information and vaccinations for their children. The Superintendent shall consult with the State Department of Education and the State Board of Health to develop necessary information and needed materials.

Materials concerning immunizations and immunization preventable diseases shall be provided to parents and guardians of students by each Building Principal, who shall obtain these materials from the State Department of Education. Posting the materials on the school building's website shall satisfy the distribution requirement.

Exemptions to the immunization requirements shall be granted, in accordance with State law, only for medical, religious, or other reasons allowed by the State.

The parent of each student who is entering grade six (6) shall be provided with information prescribed by the State Department of Health concerning cancer and the human papillomavirus (HPV) infection and that an immunization against the HPV infection is available.

The Superintendent shall ensure that all applicable immunization information is complete in the State immunization data registry not later than the first Friday in February each year.

I.C. 20-30-5-18

I.C. 20-34-3-2

I.C. 20-34-4-2 thru 6

**REVISED POLICY - VOL. 28, NO. 1**

GRADUATION REQUIREMENTS

It shall be the policy of the School Board to acknowledge each student's successful completion of the instructional program appropriate to the achievement of Corporation goals and objectives as well as personal proficiency by the awarding of a diploma at fitting graduation ceremonies.

The Board shall award a high school diploma to every student enrolled in this Corporation who meets the requirements of graduation established by this Board as provided by the State.

The Corporation may award a Core 40 diploma, a Core 40 with Academic Honors diploma, or a Core 40 with Technical Honors diploma. A general diploma may be awarded by the Corporation to students who complete the formal opt-out process.

Students with disabilities who have completed and are ready to exit their programs may participate in graduation activities and shall be awarded, as appropriate,

- (X) a diploma, a certificate of attendance.
- (x) a certificate of achievement.
- (x) a certificate of course completion.

The Board shall award a certificate of achievement to a student who is on a nondiploma track as determined by that student's case conference committee and indicated on the student's Individualized Education Program (IEP).

The Board shall award a certificate of course completion to a student who completes the minimum courses required for high school graduation but does not meet the Graduation Qualifying Examination requirement.

The Board shall award a high school equivalency certificate to any individual who meets the criteria established by State law.

Additional Requirements for Students with Disabilities

During the student's annual case review held when a student with a disability is enrolled in 8<sup>th</sup> grade, the case conference committee shall review and discuss with the student's parent (and the student, if appropriate):

- A. the types of diplomas available for students to receive in the State of Indiana;
- B. the course requirements for each type of diploma; and
- C. employment and career options for the student and the type of academic, technical, and vocational preparation necessary to achieve the employment or career.

The student's IEP must include the type of diploma the student will seek and courses that will allow the student to progress toward the diploma in a timely manner.

Beginning in grade 9 and in addition to the annual case review, the student's teacher of record shall communicate at least once each grading period with the student's parent concerning the student's progress toward the selected diploma. If the parent requests a meeting with the teacher of record to discuss the student's progress, the teacher must meet with the parent in a timely manner. Such a meeting does not constitute a case conference committee meeting, and a request for such a meeting does not abrogate a parent's right to call for a meeting of the case conference committee at any time.

Beginning with the class of students who expect to graduate in the 2010 - 2011 school year, each student is required to meet:

- A. the academic standards tested in the graduation examination;
- B. the Core 40 course and credit requirements adopted by the State Department of Education;
- C. additional graduation requirements established by the Board of School Trustees.

Upon the request of the student's parents, the student may be exempted from the Core 40 curriculum requirements and be required to complete the general curriculum to graduate as required by State law. Also, school officials may initiate a discussion with the parents about exempting a student from the Core 40 curriculum if the student does not pass at least three (3) courses required under the Core 40 curriculum or if the student scores in the twenty-fifth percentile or lower the first time the student takes the graduation exam. If the parent makes the decision to exempt the student from the Core 40 requirement, the student will be required to complete the general curriculum as required by State law.

Commencement exercises will include those students who are eligible for a diploma, certificate of attendance, **(X)** certificate of achievement, or **(x)** certificate of course completion as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

**NOTE: DENYING PARTICIPATION IN COMMENCEMENT EXERCISES TO SPECIAL EDUCATION STUDENTS WHO HAVE COMPLETED THEIR PROGRAM VIOLATES 511-IAC 7-27-9(b).**

I.C. 20-32-4-1 through 11  
I.C. 20-35-4-11  
511 IAC 5-3-2, 6-7.1-4 through 7

**REVISED POLICY - VOL. 28, NO. 1**

**ANTI-HARASSMENT**

**General Policy Statement**

It is the policy of the 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 educational opportunities, programs, and/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 all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment occurring in the Corporation's educational opportunities, programs, and/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 will vigorously enforce its prohibition against unlawful harassment (see definition on page 1), that is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), 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 and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational 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 on page 1) that the employee observes or which is reported to the employee.

The Corporation will investigate all allegations of unlawful harassment (see definition on page 1) and, in those cases where unlawful harassment is substantiated, will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment (see definition on page 1) will 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 (see definition on page 1) 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.

**Definitions**

**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 or school employee 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 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 status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive 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 gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment 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 sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. threats or insinuations that a person's academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of education may be adversely affected by not submitting to sexual advances;
- D. 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, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a 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;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;

- I. inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature;
- K. 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.

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 School 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 (**X**) 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 educational performance; of creating an intimidating, hostile, or offensive 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 conduct 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 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; of creating an intimidating, hostile, or offensive 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 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; of creating an intimidating, hostile, or offensive 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 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; of creating an intimidating, hostile, or offensive 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 conduct directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

### **Reports and Complaints of Harassing Conduct**

Students, members of the Corporation community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. All Corporation-level 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 administrator or other Corporation-level 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.

Members of the Corporation community or third parties who believe they have been subjected to unlawful harassment (see definition on page 1) 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, will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. 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, 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 on "Protected Classes" (see definition on page 1), the principal or his/her designee will report the act of bullying and/or harassment to one (1) 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”.

Director of Business Operations or Other Superintendent Designee

\_\_\_\_\_  
(School Corporation Title)  
812-738-2168

\_\_\_\_\_  
(School Corporation Title)

\_\_\_\_\_  
(Telephone Number)  
315 South Harrison Drive, Corydon, IN 47112

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
(Office Address)

\_\_\_\_\_  
(Office Address)

The names, titles, and contact information for the Compliance Officers will be published annually:

(x) 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 **(X)** 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 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 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 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 **(X)** 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 **(X)** two (2) business daysbusiness days of learning of the incident.

**Investigation and Complaint Procedure (see Form 5517 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 **(X)** twenty (20) 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 with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

#### **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 and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against in the Corporation's educational opportunities, programs, and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's educational 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.

Students who believe that they have been unlawfully harassed (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the information procedure may request that the informal process be terminated at any time to move to the formal complaint procedure.

However, all complaints of unlawful harassment (see definition on page 1) involving a Corporation employee, any adult member of the Corporation community, or a third party against 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 feels that s/he is being unlawfully harassed (see definition on page 1) and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing 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.

An individual who believes s/he has been unlawfully harassed (see definition on page 1) 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; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one (1) of the Compliance Officers who will either 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) with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.

- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends school.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment 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 (1) of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints within **(x ) twenty** (20) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

One 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 (1) of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, 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) or the Indiana Civil Rights Commission (ICRC), 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/unlawful 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 student reports the complaint must report such information to the Compliance Officer or designee within two (2) business days.

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.

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; 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 shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

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

Within **(x)** two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/unlawful harassment/retaliation.

[x] A principal will not conduct an investigation unless directed to do so by the Compliance Officer.

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 also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, one (1) of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;

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

At the conclusion of the investigation, the Compliance Officer or the 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 unlawful harassment (see definition on page 1) or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of the evidence standard will be used (i.e., it is more likely than not that unlawful harassment or retaliation occurred).

**(x )** The Superintendent or designee shall consult with the Board's legal counsel before finalizing the report.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a 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 written decision as described above.

A Complainant or respondent who is dissatisfied with the decision of the Superintendent may appeal through a signed written request to the Board of Trustees within five (5) business days of his/her receipt of the Superintendent's final decision.

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 Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to 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/retaliation regardless of whether the member of the Corporation community or third party alleging the unlawful harassment/retaliation 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 may be represented, at his/her own cost, at any of the above-described meetings/hearings.

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 or the Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures 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 of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed), and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, to 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.

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 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 or that s/he provides during the course of the investigation.

In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation 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. (See Policy 8310 – Public Records and/or Policy 8330 – Student Records)

**Remediation**

In cases where the complaint investigation results in a finding that the allegation of unlawful harassment/retaliation is substantiated, action must be taken by the Compliance Officer to remedy the past effects of such unlawful harassment/retaliation on a student. This may include but is not limited to providing a contact person to monitor the student, providing tutoring to the student, allowing the student to retake tests or assignments, and counseling.

**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.

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 relevant collective bargaining agreement(s), if any. Any discipline of students with disabilities will 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 ages and maturity levels of 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 relevant collective bargaining agreement(s), if any, and with Federal and State laws and regulations.

All 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**

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, Office of Child Protective 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 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.

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 Education 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., Titles 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

National School Boards Association Inquiry and Analysis - May 2008

**REVISED POLICY - VOL. 28, NO. 1**

DRUG PREVENTION

The School Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire school community.

**[X ]** As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by educational, rather than punitive, means.

For purposes of this policy, "drugs" shall mean:

- (X) all dangerous controlled substances as so designated and prohibited by Indiana statute;
- (X) any synthetic drug or derivative thereof defined as a controlled substance by Indiana statute;
- (X) all chemicals which release toxic vapors;
- (X) all alcoholic beverages;
- (X) tobacco and tobacco products;
- (X) any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- (X) anabolic steroids;
- (X) any "look-alike" substances;
- (X) any other illegal substance so designated and prohibited by law.

The Board prohibits the use, possession, concealment, or distribution of any drug and any drug-related paraphernalia at any time on Corporation property or at any school-related event. It further establishes a drug-free zone within 1000 feet of any facility used by the Corporation for educational purposes.

The Superintendent shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools. Such guidelines shall:

- A. emphasize the prevention of drug use;
- B. provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:
  - 1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;

- 2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
- (X) assists students to develop skills to make responsible decisions about substance abuse and other important health issues;
- (X) promotes positive emotional health, self-esteem, and respect for one's body;
- (X) meets the minimal objectives as stated in the essential performance objectives for health education as established by the State's Department of Education;
- C. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- D. provide standards of conduct that are applicable to all students which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;
- E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;
- F. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents to the appropriate programs;
- G. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;

- H. require the notification to parents and students that compliance with the standards of conduct is mandatory;
- I. provide a biennial review of the School Corporation's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;
- (X) provide for a student assistance program which includes guidelines for prevention activities and programs, for referrals of students to outside treatment providers, and for cooperative follow-up after treatment has been provided;
- (X) establish means for dealing with students suspected of drug use or suspected of possessing or distributing drugs in school and ensure that the Corporation's policy and administrative guidelines on Search and Seizure are complied with fully.

I.C. 20-30-5-11

I.C. 35-48-2-4

20 U.S.C. 7101 et seq., The Safe and Drug-Free Schools and Communities Act  
(Title IV, Part A of the Elementary and Secondary Education Act)

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**STUDENT FEES AND CHARGES**

Because of limited financial means, the School Board may need to levy certain charges to students to facilitate the utilization of adequate, appropriate learning materials. Such charges would be made on expendable items such as, but not limited to, magazines, workbook materials, paperback selections, and laboratory supplies as well as for lost or damaged books and materials for independent study or special projects, and School Corporation-sponsored trips. No student, however, shall be deprived of participation in an activity because of lack of financial ability to pay a charge.

A charge shall not exceed the combined cost of the material used, freight and/or handling and processing charges, and nominal add-on for loss.

When Corporation property, equipment, or supplies are damaged, lost, or taken by a student, a fee will be assessed. The fee will be reasonable, seeking only to compensate the Corporation for the expense or loss incurred.

The late return of borrowed books or materials from the Corporation's school libraries will be subject to appropriate fees.

Any fees collected by members of the staff are to be turned in to the Business Office within twenty-four (24) hours after collection.

In the event the above course of action does not result in the fee being collected, the Board authorizes the Superintendent or designee to take the student and/or his/her parents to Small Claims Court for collection.

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- [X] The Corporation may write-off any outstanding unpaid student fees of \$5.00 or less, if not paid by the first day of the school year following the school year or activity season in which the debt for nonpayment of student fees was incurred.

Unpaid student fees in excess of \$5.00 may, at the discretion of the School Treasurer or his/her designee, be written off one (1) year after the end of the school year or activity season in which the debt for nonpayment of student fees was incurred. Fees in excess of \$5.00 may be written off at any time, if the principal, or his/her designee, determines the student's parents, or the student, if age eighteen (18) or older or an emancipated minor, is unable to pay.

Indiana State Board of Accounts, *Public Schools Audit Manual*  
Indiana State Board of Accounts, *School Administrator*

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PAYROLL DEDUCTIONS

For those employees not covered by the terms of a negotiated agreement, the School Board authorizes that certain deductions may be made from an employee's paycheck upon receipt of proper written authorization on the appropriate form. Subject to I.C. 22-2-6-2 and other applicable law, deductions may be made for:

- A. Federal, State, and local income tax;
- B. Social Security and Medicare (FICA);
- C. Indiana State Teachers Retirement Fund or Public Employees Retirement Fund;
- (X) county local option income tax;
- (X) Section 125 deductions (cafeteria plans);
- (X) Section 403(b) deductions;
- (X) Section 457(b) deductions;
  
- (X) savings in a chartered credit union;
- (X) contributions to charitable or nonprofit organizations;
- (X) payment of dues to labor organizations of which the employee is a member;
- (X) payment of group health or life insurance premiums for a plan in which at least ten (10) percent of the Corporation employees participate;
- (X) other deductions as permitted by I.C. 22-2-6-2;

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Employees shall notify the Corporation's administrative offices in writing if they wish to participate in this payroll deduction program. Any payroll deduction agreement provided by an employee must otherwise comply with all of the provisions of applicable law and may be terminated as said law provides upon notice given in writing by either party.

To the extent permitted by law, the Board also declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to contribute such withheld amounts to an employee benefit plan described in section 403(b) or 457(b) of the Internal Revenue Code, which has been made available by the Corporation ("403(b) or 457(b) Plan"). Such contributions will be subject to the terms and conditions of the employee's salary reduction agreement and the Corporation's administrative guidelines that are adopted from time to time with respect to the 403(b) or 457(b) Plan, including the following:

- A. Amounts withheld at an employee's election for contribution to a 403(b) or 457(b) Plan will only be forwarded to a company/vendor that has been previously approved by the board and continues to remain on the Board's approved list of vendors.
- B. An employee must complete a standard salary reduction agreement that has been pre-approved by the Corporation.
- C. By providing employees with payroll deduction services for contributions to a benefit plan, the Board is not providing any financial advice to employees.
- D. The Board does not guarantee the return or quality of any tax-sheltered annuity, mutual fund, or other investment selected by an employee, and it is intended that the Board and the Corporation shall have no liability whatsoever for any investment alternative offered by an approved vendor or selected by an employee.

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- E. All costs incurred in the administration of the 403(b) or 457(b) Plan and corresponding investment fees shall be paid from the assets of the applicable 403(b) or 457(b) Plan.

I.C. 22-2-6-2  
Internal Revenue Service Code Section 403(b)

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**DISPOSITION OF REAL PROPERTY**

The School Board believes that the efficient administration of the Corporation requires the disposition of property and goods no longer necessary for the maintenance of the educational program or the operation of the School Corporation.

The Board shall direct the periodic review of all Corporation property and authorize the disposition by sale, donation, trade, or discard of any property not required for school purposes.

- [X ] All written offers on real property under consideration for disposition shall be presented as an item on the agenda of a public School Board meeting. A preliminary review of offers to purchase or lease shall include: source of offer, date of offer, expiration date of offer, and intended use of property.
  
- [X ] All property considered for disposition (sale) shall be subjected to two (2) current, outside, professional appraisals prior to the solicitation of offers.
  
- [X ] All property considered for lease or sale shall be reviewed by the Board prior to solicitation of offers. The solicitation of offers by the Board shall include an expiration date.
  
- [X ] In consideration of the best interest of the Corporation and of the residents and taxpayers, the Board reserves the right to reject any and all offers at its sole discretion, regardless of price and terms.
  
- [X ] Potential purchasers or lessees shall demonstrate financial capability to meet the terms and conditions of their purchase or lease offer.

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- [X ] Potential purchasers shall demonstrate reasonable likelihood of obtaining necessary city/township approvals and/or compliance with city/township zoning ordinances.
- [X ] Money derived from the sale or exchange of property that is no longer needed for school purposes shall be placed in any school fund established by law that the Board considers appropriate.

**Lease or Sale of Property to Charter School:**

**[NOTE: The following section does not apply to a school building that on or before July 1, 2011, was leased or loaned by the Corporation to another entity if the entity is not a building corporation or other entity that is related in any way to, or created by, the Corporation or the Board.]**

Except as specified below, before the Board may dispose of real property previously used for instruction, the Board shall make available for lease or purchase to any charter school any school building owned by the Corporation or any other entity that is related in any way to, or created by, the Corporation or the Board, including but not limited to a building corporation, that either is not used in whole or in part for classroom instruction at the time the charter school seeks to lease the building or appears on the list compiled by the State Department of Education (SDOE) of available properties described below in order for the charter school to conduct classroom instruction.

No later than August 1 each calendar year, the Board shall inform the SDOE if a school building that previously was used for classroom instruction is closed, unused, or unoccupied. The SDOE shall maintain a list of such closed, unused, or unoccupied school buildings and make the list available on its Internet website.

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A school building that appears for the first time on SDOE's list shall be designated as "Unavailable until (a date two (2) years after the school building first appears on the list)" if the Board indicates to the SDOE, on a form prescribed by the SDOE, that the school building may be reclaimed during that period for classroom instruction. If the Board does not indicate that a school building may be reclaimed, the Board shall designate the school building as "Available" on the SDOE's list. The Board may change the designation of a building from unavailable to available at any time. If a school building that is designated as unavailable on the SDOE's list remains unused for classroom instruction one (1) year after being reclaimed, the Board shall designate the school building as "Available" on the SDOE's list. The Board may reclaim a school building only one (1) time.

Within thirty (30) days after receiving notification from the SDOE that a charter school wishes to use a school building, the Board shall lease the school building to the charter school for one dollar (\$1.00) per year for as long as the charter school uses the school building for classroom instruction or for a term at the charter school's discretion, or sell the school building to the charter school for one dollar (\$1.00). The charter school must begin to use the school building for classroom instruction not later than two (2) years after acquiring the school building. If the school building is not used for classroom instruction within two (2) years after acquiring the school building, the school building shall be placed on the SDOE's list. If during the term of the lease the charter school closes or ceases using the school building for classroom instruction, the school building shall be placed on the SDOE's list.

If a Corporation school building is sold to a charter school pursuant to this procedure, and the charter school or any entity related to the charter school subsequently sells or transfers the school building to a third party, the charter school or related entity must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the school building) to the Corporation. Gain and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines.

During the term of a lease under this section, the charter school is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. The Corporation is responsible for any debt incurred for or liens that attached to the school building before the charter school leased the school building.

Notwithstanding anything to the contrary in this section, and with the sole exception of a waiver referenced below, when a school building is designated as "Available", the school building must remain designated as "Available" and may not be sold or otherwise disposed of for at least two (2) years. When the two (2) year period has elapsed, the Board may sell or otherwise dispose of the school building in accordance with I.C. 36-1-11.

The Board may request from the SDOE a waiver from the requirement to make a school building available to a charter school. In order for the Board to receive a waiver, the Board must apply to the SDOE for the waiver on a form prescribed by the SDOE. The application must include a statement that the Board believes that a charter school would not be interested in leasing or purchasing the vacant or unused school building.

A charter school may submit a written qualified objection to the Board's request for a waiver to the SDOE. In order to be considered a qualified objection, it must include:

- A. the name of the charter school that is interested in leasing or purchasing the vacant or unused school building; and
- B. a time frame, which may not exceed one (1) year from the date of the objection, in which the charter school intends to begin providing classroom instruction in the vacant or unused school building.

If the SDOE received a qualified objection, the school building will remain on the SDOE's list. If the SDOE does not, it will grant the waiver, and the Board may sell or otherwise dispose of the unused or vacant school building in accordance with I.C. 36-1-11.

I.C. 20-23-6-9  
I.C. 20-26-5-4  
I.C. 20-26-7-1  
I.C. 36-1-11

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**DISPOSITION OF SURPLUS PROPERTY**

The School Board requires the Superintendent to review the property of the School Corporation periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy.

A. Instructional Material

The Corporation shall review instructional materials (i.e. textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum
2. information that may not be current
3. worn beyond salvage

B. Equipment

The Corporation shall inspect the equipment used in the instructional program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment no longer readily available
2. repair records indicate equipment has no usable life remaining
3. obsolete and no longer contributing to the educational program

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4. some potential for sale at a school auction
5. creates a safety or environmental hazard

C. Textbooks

The Corporation shall dispose of textbooks in accordance with the procedures prescribed by statute.

The Corporation shall dispose of textbooks determined by Corporation officials to no longer be of use in the Corporation pursuant to Section D below.

D. Disposition

The Superintendent is authorized to dispose of obsolete instructional and other property by selling it to the highest bidder, by donation to appropriate parties, or by proper waste disposal. Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

I.C. 20-26-5-4

I.C. 36-1-11

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**USE OF CORPORATION PHYSICAL FITNESS FACILITIES**

In addition to the use of the Corporation's physical fitness facilities by students and staff, the Board authorizes use of these facilities by community participants other than students and staff subject to the requirements of this policy.

For purposes of this policy:

- A. "Corporation physical fitness facilities" means Corporation property, Corporation equipment, or a Corporation facility used by a community participant to participate in a physical fitness activity.
- B. "Community participant" means a
  - (X) resident of the community served by the Corporation
  - (X) personwho uses one or more Corporation physical fitness facilities. Excluded from this definition and therefore this policy are students participating in an activity as part of an official school function, and current employees who use one or more Corporation physical fitness facilities in the course of their employment by the Board.
- C. "Inherent risk of injury in a physical fitness activity" means a condition, danger, or hazard that is an integral part of a physical fitness activity, the use of exercise equipment, or the use of a facility provided by the Corporation as determined by a reasonable person considering the nature of the activity, equipment, or facility. The term includes the negligent acts of a community participant that may contribute to injury to the community participant or others, including failing to follow instructions; failing to exercise reasonable caution while engaging in an activity; or failing to obey written warnings or postings.
- D. "Operator" means an elementary school (as defined under I.C. 20-18-2-4) or an approved secondary school (as defined under I.C. 21-12-1-5) that owns, manages, controls, directs, or has operational responsibility for a recreational facility.

- E. "Recreation" includes physical exercise, leisure, or sports.
- F. "Recreational facility" means a building, location, or area primarily designed and used for purposes of recreation. The term includes:
  - 1. a gymnasium;
  - 2. a park;
  - 3. a playground;
  - 4. a swimming pool;
  - 5. a fieldhouse;
  - 6. a beach;
  - 7. a stadium;
  - 8. a golf course;
  - 9. a campground;
  - 10. a boat launching site;
  - 11. an arboretum;
  - 12. a bicycle path;
  - 13. a bridle path;
  - 14. a community center;
  - 15. a bowling alley;
  - 16. a billiard hall;
  - 17. a court, field, or other area designated for sports; and
  - 18. any other building, location, or area specifically set aside for recreation.

Corporation physical fitness facilities that are operated by an elementary school or an approved secondary school fall within the definition of "recreational facility" for purposes of this policy.

- G. "Recreational user" means an authorized user of a recreational facility who is using the facility for the recreational purpose for which it was primarily designed. However, the term does not include a person participating in or attending an intercollegiate or interscholastic event. A community participant is considered to be a "recreational user" for purposes of this policy when using Corporation physical fitness facilities that fall within the meaning of "recreational facility" for recreation.

Community participants and recreational users may use the Corporation physical fitness facilities and recreational facilities at times and in a manner approved by the Superintendent.

**[X ] OPTION 2**

Community participants and recreational users shall pay a fee as determined by the Board as a condition for the use of Corporation physical fitness facilities or recreational facilities.

As an additional condition for the use of Corporation physical fitness facilities and recreational facilities, a community participant or recreational user and the parent/guardian of a community participant or recreational user under eighteen (18) years of age shall execute a release in which s/he agrees to assume the inherent risk of injury in physical fitness activities and acknowledges receipt of the following written warning:

**WARNING**

**Under Indiana law, a school is not liable for an injury to, or the death of, a participant in physical fitness activities at this location if the death or injury results from the inherent risks of the physical fitness activity. Inherent risks of physical fitness activities include risks of injury inherent in exercise, the nature of a sport, the use of exercise equipment, or the use of a facility provided by a school. Inherent risks also include the potential that you may act in a negligent manner that may contribute to your injury or death, or that other participants may act in a manner that may result in injury or death to you.**

**You are assuming the risk of participating in this physical fitness activity.**

The WARNING language set out above shall be included verbatim in a written agreement executed by each community participant and recreational user before their first use of Corporation physical fitness facilities or recreational facilities. The WARNING shall be set out in the written agreement in bold font no smaller than fourteen (14) point. A copy of this written agreement shall be given to each community participant and recreational user at the time the agreement is signed.

The WARNING also shall be posted in letters at least one (1) inch in height on a sign placed in a location in Corporation physical fitness facilities and recreational facilities where community participants and recreational users are likely to be present and where it is visible to community participants and recreational users.

The operator of a recreational facility shall:

- A. post the duties of recreational users and the duties, obligations and liabilities of the operator in at least three (3) conspicuous locations in or along the recreational facility;
- B. maintain the stability and legibility of all signs, symbols, and posted notices required by this policy;
- C. ensure that, with respect to a recreational facility that is located in a building, at least one (1) floor supervisor is on duty when the recreational facility is open;

A floor supervisor must have received appropriate training to carry out the floor supervisor's duties and must use reasonable care in carrying out the floor supervisor's duties.

- D. maintain the floor or surface of the recreational facility in proper and reasonably safe condition;
- E. if the recreational facility is located in a building or includes a building, maintain in good and safe condition the areas of the building open to recreational users;

- F. maintain equipment in good mechanical condition;
- G. comply with all applicable State and local fire safety codes, building codes, and other safety codes applicable to a recreational facility;

Recreational users have the following duties:

- A. Maintain reasonable control of the recreational user's speed and course at all times.
- B. Use due care while operating or using equipment.
- C. Heed all posted signs and warnings.
- D. Maintain a proper view to avoid other recreational users, individuals, and objects.
- E. Accept responsibility for knowing the range of the recreational user's ability and using the recreational facility within the limits of the recreational user's ability.
- F. Refrain from acting in a manner that may cause or contribute to the injury of the recreational user or any other individual.

Recreational users are considered to have knowledge of and assume the risks of using the recreational facility.

For purposes of this policy, risks of using a recreational facility include the following:

- A. Injuries that result from collisions or incidental contact with other recreational users or other individuals who are properly present at the recreational facility.
- B. Injuries that result from falls caused by loss of balance.

- C. Injuries that involve objects or artificial structures that are not otherwise attributable to an operator's breach of the operator's duties or responsibilities under this policy.
- D. Injuries that result from the recreational user's violation of the recreational user's duties listed above.

Unless an operator violates the operator's duties or responsibilities, the assumption of risk set forth above is a complete defense to an action against an operator by a recreational user for injuries and property damage resulting from the assumed risks.

The measures taken by the Board in this policy to implement the limitation of liability permitted by I.C. 34-31-10 and I.C. 34-31-11.4 are not intended to be an election of a defense or a waiver of any other defense or limitation on Board or employee liability.

I.C. 34-6-2-91; Definition of operator

I.C. 34-6-2-129.4; Definition of recreation

I.C. 34-6-2-129.5; Definition of recreational facility

I.C. 34-6-2-129.6; Definition of recreational user

I.C. 34-13-3; Immunity of governmental entity or employee for tort claims

I.C. 34-13-4; Personal civil liability under civil rights laws

I.C. 34-31-10; Limited liability arising from the public use of school facilities for physical fitness activities

I.C. 34-31-11.4; Limited liability for operators of recreational facilities

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**PERSONAL BACKGROUND CHECK – CONTRACTED SERVICES**

To protect students and staff members, the Board requires an inquiry into the personal background of each employee of a contractor or sub-contractor who is likely to have direct, on-going contact with children within the scope of their employment.

The Superintendent shall establish the necessary procedures to provide that contractors and sub-contractors conduct an inquiry into the background information of these employees that shall include the following:

- A. an expanded national criminal history check as defined by I.C. 20-26-2-1.5
- B. a search of the national sex offender registry maintained by the United States Department of Justice
- C. arrest and/or filing of criminal charges against each employee within two (2) business days of the occurrence and the disposition of such arrest or filing of charges concerning employees of contractors and sub-contractors
- D. verification of enrollment in and use of the Federal E-Verify program to check eligibility to be employed (all employees)
  
- (X) a detailed background history including all prior employment and volunteer positions
  
- (X) an Indiana Bureau of Motor Vehicles driver history if the position involves driving

Personally identifiable information reported to the Corporation in the implementation of this policy shall not be released except as necessary to implement this policy or to defend a decision made pursuant to this policy.

Each contractor and sub-contractor providing services to the Corporation shall screen all employees who are likely to have direct, on-going contact with children in the course of providing services to the Corporation. Screening shall only be required one (1) time during the period of the current contract with the Corporation as long as the contractor has continuously screened new hires, and required the same of its sub-contractors and required that these employees report arrest and the filing of criminal charges against them. Compliance with this requirement shall be verified by either:

- A. inclusion of the requirement as material term of the contractor's or sub-contractor's contract; or
- B. execution of a certificate of compliance with this policy which shall be maintained with the contract in the Corporation's files.

Non-compliance with these requirements shall be a breach of a material term of any contract between a contractor/sub-contractor and the Corporation.

The Superintendent shall develop administrative guidelines to implement this policy. These procedures shall provide for the review of each reported arrest and/or criminal charge and for a response to the reported information that protects members of the school community from persons who may be dangerous to them. Failure of a contractor or sub-contractor to remove an employee from direct contact with students, upon request from the Superintendent, shall be considered to be a material breach of the contractor's or sub-contractor's contract with the Corporation.

I.C. 10-13-3  
I.C. 20-26-2-1.5  
I.C. 20-26-5-10, -11

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STUDENT RECORDS

In order to provide appropriate educational services and programming, the School Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student's privacy and restrict access to student's personally identifiable information.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person whom the School Corporation reasonably believes knows the identity of the student to whom the education record relates.

A social security number of a student contained in the records of the Corporation may be disclosed if the record is specifically required by a State or a Federal Statute or is ordered by a court under the rules of discovery.

PII concerning students shall be protected against theft, unauthorized access, alteration, disclosure, misuse, or invasion of privacy. Unless specifically authorized by the Superintendent or produced pursuant to a request under the Indiana Access to Public Records Act, PII concerning students shall not be left unprotected, shared or transferred from Corporation records to any place not within the control of the Corporation. This includes any laptop computer or portable storage medium.

The Board is responsible for maintaining records of all students attending schools in this Corporation. In addition to records mandated by the Federal Government, the State of Indiana requires that the Corporation record or include in the official high school transcript for each high school student the following information:

- A. attendance records
- B. the students' latest ISTEP/GQE test results
- C. any secondary level and postsecondary level certificates of achievement earned by the student
- D. immunization information from the student's immunization record
- E. any dual credit courses taken that are included in the core transfer library under I.C. 21-42-5-4

The Board also authorizes the collection of other student information including, but not limited to:

- A. observations and ratings of individual students by professional staff members acting within their sphere of competency;
- B. samples of student work;
- C. information obtained from professionally acceptable standard instruments of measurement such as:
  - 1. interest inventories and aptitude tests,
  - 2. vocational preference inventories,
  - 3. achievement tests,
  - 4. standardized intelligence tests,
- D. verified reports of serious or recurrent behavior patterns;
- E. rank in class and academic honors earned;

- F. psychological tests;
- G. custodial arrangements.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials and designated school personnel, who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" includes any student who is eighteen (18) years of age or older, or who is enrolled in a postsecondary institution regardless of his/her age.

In situations in which a student has both a custodial and a noncustodial parent, both shall have access to the student's educational records unless stated otherwise by court order. In the case of an eligible student, that is a student who is eighteen (18) years of age or older, parents will be allowed access to the records without the student's consent, provided the student is considered a dependent under Section 152 of the Internal Revenue Code.

A "school official" is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), school psychologist, therapist, or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for purposes of FERPA:

- A. persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant);
- B. school psychologists, whether employed by a special education cooperative, interlocal, joint services organization, or an outside contractor, for purposes of the referral, evaluation and identification of students suspected to have a disability;

- C. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online educational service providers).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "school official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties. "Designated school personnel" may include but is not limited to employees or agents of an insurance carrier providing a defense to the Corporation or its employees or agents.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the Corporation" or if the record is necessary in order for the designated school personnel official to perform an administrative, supervisory or instructional task for the Corporation or to perform a service or benefit for the student or the student's family or to provide a defense to the Corporation with respect to any of these tasks. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have a legitimate educational interest.

The Board authorizes the administration to:

- A. forward student records including disciplinary records with respect to suspensions and expulsions upon request to a private or public school or school corporation in which a student of this Corporation seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:
  - 1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification – Form 8330 F9 - includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
  - 2. the parent or eligible student, upon request, receives a copy of the record; and
  - 3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;
- B. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- C. request each person or party requesting access to a student's record to abide by the Federal and State regulations concerning the disclosure of information to a third party;
- D. report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;

- E. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the Corporation for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative(s) of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the Corporation will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

- F. disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as state and local educational authorities. The disclosed records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal requirements related to those education programs. A written agreement between the parties is required under this exception (see Form 8330 F16).

**[x ] Option A [NOTE: The following sentence should be selected by corporations with administrative guidelines.]**

The Corporation will verify that the authorized representative complies with FERPA regulations.

- G. disclose or report educational records to a State or local juvenile agency when the disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released; and the juvenile justice agency receiving the information certifies, in writing, that the agency or individual receiving the information has agreed not to disclose it to a third party, other than other juvenile justice agency, without the consent of the child's parent, guardian, or custodian.

A disclosure or reporting of educational records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the agency provides documentation to the Corporation that the agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to the supervision of the child as an adjudicated delinquent child.

The juvenile court may grant a school access to all or a portion of the juvenile court records of a child who is a student at the school if the Superintendent submits a written request establishing that the juvenile court records are necessary for the school to serve the educational needs of the child whose records are requested or to protect the safety or health of a student, an employee, or a volunteer at the school.

The school shall keep the records confidential. However, the confidentiality order does not prohibit the school from forwarding the juvenile records to another school or a person if a parent, guardian, or custodian of the child consents to the release of the juvenile court records to the person.

The Corporation will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Corporation shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Corporation's policy and administrative guidelines and/or those specified in the law.

#### **DIRECTORY INFORMATION**

Each year the Superintendent shall provide public notice to students and their parents of the Corporation's intent to make available, upon request, certain information known as "directory information". The Board designates as student "directory information": a student's **(X )** name; **(X )** address; **(X )** telephone number; **(X )** date and place of birth; **(X )** photograph **(X )** major field of study; **(X )** grade level; **(X )** participation in officially recognized activities and sports; **(X )** height and weight, if a member of an athletic team; **(X )** dates of attendance; (x) date of graduation; **(X )** type of diploma awarded; **(X )** awards received; **(X )** honor rolls; **(X )** scholarships.

- [X] The Board designates school-assigned email accounts as "directory information" for the limited purpose of facilitating students' registration for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes. School assigned email accounts shall not be released as directory information beyond this limited purpose and to any person or entity but the specific online educational service provider.

Directory information shall not be provided to any organization for profit-making purposes. The Superintendent may allow access to a school campus or give students' directory information to organizations that make students aware of educational or occupational options.

In accordance with Federal law, the Board shall comply with FERPA when releasing students' information to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information.

Parents and eligible students may refuse to allow the Corporation to disclose any or all of such "directory information" upon written notification to the Corporation within ten (10) days after receipt of the Superintendent's annual public notice.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education records or for the release of directory information, either parent may provide such consent unless specifically stated otherwise by court order.

The Corporation may disclose "directory information" on former students without consent of the parent(s)/eligible student, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

#### Disclosure of Lists of Students for Political or Commercial Purposes

It is the policy of the Board not to release the lists of students for commercial or political purposes. This policy shall be equally applied to similarly situated organizations and persons. (I.C. 5-14-3-3(f))

#### Inspection of Information Collection Instrument

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least ten (10) business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within five (5) business days of the principal receiving the request.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment
- B. book clubs, magazine, and programs providing access to low-cost literary products
- C. curriculum and instructional materials used by elementary and secondary schools
- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
- E. the sale by students of products or services to raise funds for school-related or education-related activities
- F. student recognition programs

The Superintendent shall prepare procedures to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except disclosures allowed without parental consent;
- D. challenge Board noncompliance with a parent's request to amend the records through a hearing;

- E. file a complaint of Corporation noncompliance with the United States Department of Education;
- F. obtain a copy of the Corporation's policy and administrative guidelines on student records.

The Superintendent also shall develop procedural guidelines for:

- (X) the proper storage and retention of records including a list of the type and location of records;
- (X) informing Corporation employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Corporation specifically as a consequence of permitting access or furnishing students' records in accordance with this policy and administrative guidelines.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the time frame for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

Violation of this Policy

As provided for by State law, an employee or agent of the Board:

- (X) who knowingly or intentionally discloses information classified as confidential by State statute commits a Class A infraction;
- (x) who intentionally, knowingly, or recklessly discloses or fails to protect information classified as confidential by this policy may be disciplined or terminated.

Additionally, State law provides that a person who recklessly, knowingly, or intentionally destroys or damages any public record commits a Level 6 felony unless the destruction is pursuant to a record retention scheduled adopted by the County Public Records Commission.

I.C. 5-14-3-3(f)

I.C. 5-14-3-4(a)(3) and (12)

I.C. 5-14-3-4(c)

I.C. 5-14-3-10

I.C. 5-15-6-8

I.C. 20-33-2-13I.C. 20-33-7-1 et seq.

I.C. 31-39-2-13.8

511 I.A.C. 7-38-1 et seq.

26 U.S.C. 152

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g

Individuals with Disabilities Education Act of 2004, 20 U.S.C. 1400 et seq.

20 U.S.C. 7165(b)

20 U.S.C. 7908

34 C.F.R. Part 99

34 C.F.R. Part 300

**REVISED POLICY - VOL. 28, NO. 1**

**SCHOOL SAFETY**

The Board of School Trustees is committed to maintaining a safe environment in all of the Corporation's schools. To that end, in accordance with State law,

- (x) the Corporation shall establish a *Safe School Committee* for the entire Corporation, the composition of which shall be in accordance with the Superintendent's guidelines.

**[X ] OPTION 2**

- (X) each school within the Corporation shall establish a *Safe School Committee*, the composition of which shall be in accordance with the Superintendent's guidelines.

Each *School Safety Committee* may include at least one (1) member who is a member of the school or Corporation career and technical education school.

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The *School Safety Committee* shall be responsible for developing a plan that addresses the following issues:

- A. Unsafe conditions, crime prevention, school violence, bullying, and other issues that prevent the maintenance of safe schools.
- B. Professional development needs for faculty and staff to implement methods that decrease problems identified above.
- C. Methods to encourage involvement by the community and students, development of relationships between students and school faculty and staff, and use of problem solving teams.
- D. Provide a copy of the floor plans for each building that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the local law enforcement agency and the fire departments that have jurisdiction over the school. The Corporation shall not disclose any record or part of any record if the disclosure of which would have a reasonable likelihood of threatening public safety by compromising the Corporation's security.

In developing the plan, the *School Safety Committee* **(X )** may seek input from representatives of the following:

- (X) local law enforcement **(X ) agencies**;
- (X) the local Fire Marshal(s) or his/her designee(s);
- (X) emergency medical services;
- (X) a member of the Board;
- (X) building administrators;

- (X) the local emergency management service agency;
- (X) School Resource Officer(s);
- [X]** The Superintendent shall recommend the approval and adoption of the Corporation's plan.

**Security Police Training**

In the case of a special police officer who is assigned as a security police officer for the Corporation, the Board shall require that the police officer receives training and education, approved by the State Board of Education, that will enable the police officer to appropriately deal with individuals with Autism and Asperger's Syndrome.

**Persistently Dangerous Schools**

The Board recognizes that State and Federal law requires that the Corporation report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not a school is considered "persistently dangerous" as defined by State policy.

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Pursuant to the Board's stated intent to provide a safe school environment, the Corporation's school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceeds the threshold number established in State policy, the Superintendent shall refer this to the *School Safety Committee*

for the Corporation

so that a plan of corrective action can be developed and implemented in an effort to reduce the number of these incidents in the subsequent year.

When developed, the Superintendent shall make a report to the Board about this plan of corrective action and recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in Policy 5113.02 and AG 5113.02.

In addition, the Superintendent shall meet with the *School Safety Committee*

for the Corporation,

discuss the school's designation as a persistently dangerous school, and develop a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

**Victims of Violent Crime**

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law the parents of the eligible student shall have the choice options provided by Policy 5113.02 and AG 5113.02.

I.C. 5-2-10.1-12, 20-26-16, 20-26-5-31, 20-34-3-20-9  
Title IX, Section 9532 of the No Child Left Behind Act of 2001

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**EMERGENCY PREPAREDNESS PLANS AND DRILLS**

The School Board recognizes that its responsibility for the safety of students extends to possible natural and man-made disasters and such emergencies are best met by preparedness and planning.

The Superintendent shall ensure that a written emergency preparedness plan is developed for the School Corporation and each school in the Corporation in consultation with local public safety agencies. The plan shall contain the following:

- A. appropriate warning systems
- B. procedures for notifying other agencies and organizations
- C. posting of evacuation routes
- D. emergency preparedness instruction for staff and students
- E. public information procedures
- F. steps that will be taken prior to a decision to evacuate buildings or dismiss classes, and

- G. provisions to protect the safety and well-being of staff, students and the public in case of:
1. fire;
  2. natural disaster, such as tornado, flood or earthquake;
  3. adverse weather conditions, such as winter storms or extreme heat;
  4. nuclear contamination, such as power plant or transport vehicle spills;
  5. exposure to chemicals, such as pesticides, industrial spills and contaminants, laboratory chemicals and cleaning agents; and
  6. man-made occurrences, such as student disturbance, weapon, weapon of mass destruction, contamination of water or air supply, hostage, and kidnapping incidents

Within sixty (60) days after the beginning of each school year, the Superintendent shall certify to the Indiana Department of Education that the emergency preparedness plans for the Corporation and each school have been reviewed and revised, if necessary. Within sixty (60) days of opening a new or significantly remodeled school, the Superintendent shall certify to the Indiana Department of Education that a new plan has been developed or that the existing plan has been reviewed and revised, if necessary.

In order to prepare students and staff for emergency situations, the Board requires the principal of each school in the Corporation to conduct emergency preparedness drills during the school year in compliance with the rules adopted by the State Board of Education, the State Fire Marshal and the Fire Prevention and Building Safety Commission, as applicable. Each school and attendance center will conduct at least one (1) tornado and one (1) man-made occurrence disaster drill per semester. These drills may be conducted instead of the monthly fire evacuation drill required by the State Fire Marshal; provided, however, that tornado and man-made occurrence drills conducted in place of a monthly fire drill may not be conducted in two (2) consecutive months and may not be conducted more than twice in a semester.

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- [X] The Board requires the principal of each school to also conduct lock-down, earthquake and other drills considered necessary in order to adequately prepare students and staff for emergency situations.

Each principal shall file a certified statement that all required drills have been conducted.

All threats to the safety of Corporation facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

The Superintendent shall develop procedures for the handling of emergencies which include a plan for the prompt and safe evacuation of the schools.

I.C. 20-34-3-20  
511 IAC 6.1-2-2.5  
675 IAC 22

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**COACH TRAINING**

The Corporation shall comply with State law governing the training and certification of all coaches and athletic activity sponsors. This applies to all coaches, whether employees, volunteers, or other individuals, who are participating in activities with student athletes.

All coaches, athletic activity sponsors and marching band instructors shall receive training regarding State law governing concussions and sudden cardiac arrest. All football coaches shall also complete a certified coaching education course that is sport specific; contains player safety content on concussion awareness, equipment fitting, heat emergency preparedness, and proper technique; requires the football coach/activity sponsor to complete a test demonstrating comprehension of the content of the course; and awards a certificate of completion to a football coach who successfully completes the course. The certification course must be completed prior to coaching. The course must be approved by the Indiana Department of Education, and each football coach must complete a course not less than once during a two-year period. However, each football coach must again complete instruction and successfully complete a test if s/he receives notice that new information has been added to the course prior to the end of the two (2) year period.

- [x] All coaches, athletic activity sponsors and marching band instructors, other than football coaches, shall be required to complete a coaching education course that should contain player safety content on concussion awareness, equipment fitting, heat emergency preparedness, and proper technique. The course must be completed prior to coaching or serving as an athletic activity sponsor. Each coach and athletic activity sponsor must complete a course not less than once during a two-year period.

The Superintendent shall establish administrative guidelines to ensure that each person employed as a coach or athletic activity sponsor has the appropriate qualifications, has been properly interviewed, has cleared a criminal background check, and has received the required training.

The guidelines shall also provide that all coaches and athletic activity sponsors must be informed of Corporation policies regarding reporting requirements and investigation requirements for complaints of bullying or harassment and suspected child abuse/sexual abuse.

I.C. 20-34-7

I.C. 20-34-8

**NEW POLICY - VOL. 28, NO. 1**

**REGISTERED SEX OR VIOLENT OFFENDERS**

Indiana's "Sex Offender Registration and Community Notification" law requires all "sex or violent offenders" to register with the chief of police of the consolidated city or the sheriff of the county (if it does not contain a consolidated city) in which they reside, work, or study. The chief of police or sheriff must then immediately update the Indiana Sex and Violent Offender Registry website established under I.C. 36-2-13-5.5 by making and publishing a photograph of the sex or violent offender on the Indiana Sex and Violent Offender Registry website, notify every law enforcement agency having jurisdiction in the county where the sex or violent offender resides, and update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS). The School Board is committed to assisting the chief of police/sheriff and the local law enforcement agency with their responsibility for Community Notification of registered sex or violent offenders as required by law.

- [x ]** The Superintendent may request that the chief of police/sheriff provide notice to the Superintendent at the same time that s/he provides notice to every law enforcement agency having jurisdiction in the county where the sex or violent offender resides, works, or studies when a sex or violent offender registers in the county where the School Corporation is located.

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**[x ]** The Superintendent or designee shall periodically, but no less than once every

**(x )** semester

during the school year, check the Indiana Sex and Violent Offender Registry website to assess whether any new sex or violent offenders have registered in the county where the Corporation is located.

**[x ]** Employees who receive said information shall promptly notify the building principal if a registered sex or violent offender who does not attend the school is observed in the vicinity of the school or a bus stop area.

**[x ]** The building principal shall promptly notify the Superintendent if s/he is informed by an employee that if a registered sex or violent offender who does not attend the school is observed in the vicinity of the school or a bus stop area.

The Superintendent shall notify the local law enforcement agency if, in the judgment of the Superintendent, the presence of a registered sex or violent offender on school property appears to be without a legitimate purpose or otherwise creates concern for the safety of children. The Superintendent shall cooperate with the local law enforcement agency if any additional action is to be taken.

I.C. 35-42-4-14(b) makes it a Level 6 felony for a registered sex or violent offender who also is a “serious sex offender” within the meaning of I.C. 35-42-4-14(a) to enter school property. The Superintendent shall notify the local law enforcement agency if s/he learns that a registered sex or violent offender who also is a “serious sex offender” within the meaning of I.C. 35-42-4-14(a) is on school property.

I.C. 11-8-8, Sex Offender Registration (“Zachary’s Law”)  
I.C. 35-42-4-14  
I.C. 36-2-13-5.5

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FOOD SERVICES

The Board will provide cafeteria or serving facilities in all schools where space and facilities permit and food service for the purchase and consumption of lunch for all students.

**[X]** The Board also will provide a breakfast program in accordance with procedures established by the State Department of Education.

The food-service program will comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the current USDA school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service program staff and other authorized persons.

Substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a health care provider who has prescriptive authority in the State of Indiana has provided medical certification that the student has a disability that restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b. To qualify for such substitutions the medical certification must identify:

- A. the student's disability and the major life activity affected by the disability;
- B. an explanation of why the disability affects the student's diet; and
- C. the food(s) to be omitted from the student's diet and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

- [X ]** On a case-by-case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who are not "disabled persons," but have a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:
- A. the medical or dietary need that restricts the student's diet; and
  - B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

For non-disabled students who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

Lunches sold by the school may be purchased by students and staff members and community residents in accordance with the procedures established by the Superintendent.

The operation and supervision of the food-service program is the responsibility of the Superintendent or designee. Food services will be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board will assist the program by furnishing available space, initial major equipment, and utensils.

In accordance with Federal law, the Superintendent or designee will take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available upon request. **[Please note: Schools participating in more than one (1) child nutrition program are only required to obtain two (2) food safety inspections per school year if the nutrition programs offered use the same facilities for the preparation and service of meals. Also, the requirement for two (2) inspections does not apply to schools that only offer the Special Milk Program.]**

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A periodic review of the food-service accounts will be made by the Superintendent or designee .Any surplus funds from the National School Lunch Program will be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from à la carte foods may accrue to the food services program.

With regard to the operation of the school food service program, the Superintendent shall require:

- A. maintenance of sanitary, neat premises free from fire and health hazards;
- B. preparation of food that complies with Federal food safety regulations;
- C. planning and execution of menus in compliance with USDA requirements;
- D. purchase of food and supplies in accordance with State and Federal law, USDA regulations, and Board policy; (see Policy 1130, Policy 1214, Policy 3113, Policy 3214, Policy 4113, Policy 4214, and Policy 6460)
- E. compliance with food holds and recalls in accordance with USDA regulations;
- F. accounting and disposition of food-service funds pursuant to Federal and State law and USDA regulations;
- G. safekeeping and storage of food and food equipment pursuant to USDA regulations;
- H. regular maintenance and replacement of equipment;
- I. compliance with the District's time and effort record-keeping policy by all School Corporation employees whose salaries are paid from USDA funds or with non-Federal funds used to meet a match or cost share requirement.

No foods or beverages, other than those associated with the Corporation's food-service program, are to be sold during food-service hours. The Corporation's food service program will serve only food items and beverages as determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans. Any competitive food items and beverages that are available for sale to students à la carte in the dining area between midnight and thirty (30) minutes following the end of the last lunch period also shall comply with the current USDA *Nutrition Standards for the National School Lunch and School Breakfast Programs*, and the USDA *Smart Snacks in Schools* regulations. Foods and beverages unassociated with the food-service program may be vended subject to the rules and regulations set forth in Policy 8540.

The Superintendent will require that the food service program serve foods in the schools of the Corporation that are wholesome and nutritious and reinforce the concepts taught in the classroom.

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.

Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.

7 CFR Parts 15b, 210, 215, 220, 225, 226, 227, 235, 240, 245, 3015

2 C.F.R. Part 200

USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

**REVISED POLICY - VOL. 28, NO. 1**

TRANSPORTATION

It is the policy of the Board to provide transportation for students when the distance between their home and school makes the service advisable. This policy and any administrative guideline implementing it shall be implemented in compliance with Federal and State law, regulations of the Indiana State Board of Education and the State School Bus Committee.

- [X ] School buses shall be purchased, housed, and maintained by the Board for the transportation of students between their home areas and the schools of the Corporation to which they are assigned. All use of tobacco including smoking is prohibited on a school bus. A school bus is a motor vehicle that is designed and constructed for the accommodation of at least ten (10) passengers and used for the transportation of school children to and from school, school athletic games or contests, and other school functions. The term "school bus" does not include a privately owned automobile with a capacity of not more than five (5) passengers that is used for the purpose of transporting school children to and from school.
- [X ] The Board may enter into a contractual agreement with a qualified contractor for the transportation of students.
- [X ] A special purpose bus is any motor vehicle designed and constructed for the accommodation of more than ten (10) passengers that meets the Federal school bus safety standards, except the requirement for stop arms and flashing lights, and that is used by the Board for transportation purposes not appropriate for school buses.

A special purpose bus may not be used to provide regular transportation of school children (except for persons enrolled in a special program, i.e., for the habilitation or rehabilitation of students with developmental disabilities, orthopedic impairments, or multiple disabilities between their residence and the school.

A special purpose bus may be used to transport students and their supervisors, including coaches, managers, and sponsors to athletic, other extracurricular school activities, and field trips.

A special purpose bus also may be used to transport homeless students.

- [X] If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid operator's, chauffeur's, commercial drivers, or public passenger chauffeur's license. If the special purpose bus has a capacity of more than fifteen (15) passengers, the operator must meet the requirements of a regular school bus driver.

A special purpose bus is not required to be constructed, equipped, or painted as specified for a regular school bus.

Transportation of eligible vocational or special education children between their home areas and schools outside the Corporation shall be arranged through the use of Corporation-owned vehicles, through cooperation with other corporations, through commercial carriers, and/or by other means in the most efficient and economical manner.

The Board shall provide transportation to non-public school students with legal settlement in the Corporation when seats are available on a bus on an existing route. This transportation shall be provided without charge when the Board does not incur additional expense, and shall be to and from the students' non-public school or the point on an established bus route that is nearest or most easily accessible to the non-public school.

Vehicle routes shall be established so that an authorized vehicle stop is available within reasonable walking distance of the home of a student entitled to transportation services.

The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well-being of the students while on a bus.

**BOARD OF SCHOOL TRUSTEES  
SOUTH HARRISON COMMUNITY SCHOOL CORPORATION**

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I.C. 16-41-37-2.3, 16-41-37-4 (“school bus” defined, smoking prohibited)

I.C. 9-13-2-161 (“school bus” defined)

I.C. 20-26-5-4(a)(5) (purchase of buses) and (8) (employ drivers)

I.C. 20-27-3 (State School Bus Committee)

I.C. 20-27-9 (use of school buses)

I.C. 20-27-11-1

*Hoagland v. Franklin Township Community School Corporation,*

No. 49S02-1410-PL-643, 27 N.E.3d 737 (Ind. 2015) (school corporation may discontinue transportation services for students)

*Archdiocese of Indpls. v. MSD of Lawrence Twp.,* 945 N.E.2d 757 (Ind. App. 2011);

*Frame v. South Bend Schools,* 480 N.E.2d 261 (Ind. App. 1985) (transporting non-public school students)

**REVISED POLICY - VOL. 28, NO. 1**

**PUBLIC ATTENDANCE AT SCHOOL EVENTS**

The School Board welcomes the attendance of members of the community at athletic and other public events held by the schools in the Corporation, but the Board also acknowledges its duty to maintain order and preserve the facilities of the Corporation during the conduct of such events.

The Board holds the legal authority to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators have the authority to call law enforcement officials if a person violates posted regulations or does not leave school property when requested. They are also authorized to use detectors and other devices to better ensure the safety and well-being of participants and visitors.

If a student or adult is asked to leave or is removed from a school event, no admission fees shall be refunded.

**[X ]** The Board directs that no alcoholic beverage or other controlled substance be possessed, consumed, or distributed

(X) nor any betting occur

(X) at any function sponsored by the Corporation.

(X) at any function occurring on Corporation premises.

**[X ]** Raffles and similar forms of fund-raising by Corporation-related organizations may be permitted by the Superintendent in accordance with Policy 9211 - Corporation Support Organizations and Policy 9700 - Relations with Special Interest Groups.

No qualified person with a disability will, because the Corporation's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto.

Individuals with disabilities have an equal opportunity to purchase tickets for events that have been sanctioned or approved by the Board in accordance with the provisions of the Americans with Disabilities Act, as amended.

Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the District's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go (see also Policy 8390 and AG 8390).

The Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video recordings of school events.

Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured in advance by the Corporation. If the performance is of copyrighted material and the necessary license has not been secured in advance by the Corporation, the audience shall be advised before the performance begins that audio and/or video recordings that will be re-broadcast or distributed in any way, such as posting on the internet, are prohibited.

The Board authorizes the Superintendent to establish rules and procedures governing the use of noncorporation audio/visual recording equipment at any Corporation-sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity.

**BOARD OF SCHOOL TRUSTEES**  
SOUTH HARRISON COMMUNITY **SCHOOL CORPORATION**

RELATIONS  
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Any person or organization seeking to film students or a school activity which is not a public event shall obtain prior permission from the Superintendent.

The Superintendent shall ensure that all notices, signs, schedules, and other communications about school events contain the following language: "The activity site is fully-accessible. Any person requiring further accommodation should contact the \_\_\_\_\_, at the School Corporation's central office."

**[X]** For any school-related activity at which tickets for admission are sold, the Superintendent is authorized to allocate a certain number of tickets to be available

(X) at no charge

(X) at a reduced fee determined by the Superintendent

**BOARD OF SCHOOL TRUSTEES**  
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I.C. 20-26-8-1

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

34 C.F.R. Part 104

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

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