



***Meeting of the Board of School Trustees
Regular Session, 7:00 PM
Tuesday, August 3, 2021***

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

I. Executive Session - 6:00 PM

1. Collective Bargaining - IC 5-14-1.5-6.1(b)2(A)
2. Pending litigation - IC 5-14-1.5-6.1(b)2(B)
3. Receive information about perspective employees - IC 5-14-1.5-6.1(b)5
4. Job performance evaluations of individual employees - IC 5-14-1.5-6.1(b)(9)

II. Call to Order - Regular Session - 7:00 PM

III. Roll Call

IV. Pledge of Allegiance

V. Approval of **Amended** Agenda

VI. Recognitions

VII. Presentations

1. **Construction & Manufacturing Program - Summer Intern Program**

VIII. Public Address to the Board

Limited to approximately fifteen (15) minutes as administered by President of the Board.

IX. Consent Agenda

1. **Approval of Board Minutes - Executive and Regular Sessions - July 6, 2021**

recommendation to approve as submitted

2. **Approval of Board Minutes - Special Session - July 23, 2021**

recommendation to approve as submitted

3. **Approval of Claim Docket**

recommendation to approve as submitted

4. Personnel

a. Corporation

- 1) **Memorandum of Employment - Sharon Grimes**

recommendation to approve as submitted

- 2) **Memorandum of Employment - Katie Broom**

recommendation to approve as submitted

- 3) **Memorandum of Employment - Pamela Carmichael**

recommendation to approve as submitted

- 4) **Memorandum of Employment - Susan Eastridge**

recommendation to approve memorandum of employment and assignment to classroom of Mary Allison Walker for the duration of her short term absence as submitted

- 5) **Linda Gohl - Substitute Teacher Instructional Assistant**

recommendation to approve employment

- 6) **Bus Driver**

recommendation for permission to create and post

b. Harrison County Exceptional Learners Cooperative

- 1) **Susan Turner - Instructional Assistant**

- recommendation to accept resignation*
- 2) **Jennifer Moore - School Psychologist**
recommendation to approve continuance of 120 day contract for the 2021-2022 school year
- c. Corydon Central High School
- 1) **Lisa Willett - Kitchen Helper**
recommendation to accept resignation and permission to post vacated position
- 2) **Kaitlyn Ramser - Volunteer Assistant Volleyball Coach**
recommendation to approve volunteer for the 2021-2022 school year
- 3) **Michelle Smith - Junior Volunteer Assistant Cheerleading Coach**
recommendation to approve junior volunteer for the 2021-2022 school year
- 4) **Jonathan Reynolds - Volunteer Assistant Cross Country Coach**
recommendation to approve volunteer for the 2021-2022 school year
- 5) **Peter Book - Volunteer Assistant Cross Country Coach**
recommendation to approve volunteer for the 2021-2022 school year
- d. Corydon Central Junior High School
- 1) **Allie Crulo-Rood - Junior High 7th Grade Basketball Coach Girls'**
recommendation to approve employment for the 2021-2022 school year
- 2) **Elizabeth Glomb - Junior High 8th Grade Basketball Coach Girls'**
recommendation to approve employment
- 3) **Amanda Felten - Junior High Tennis Coach Boys'**
recommendation to approve employment
- 4) **Chad Naiman - Volunteer Assistant Football Coach**
recommendation to approve volunteer for the 2021-2022 school year
- 5) **Christopher Walker - Volunteer Assistant Football Coach**
recommendation to approve volunteer for the 2021-2022 school year
- e. Corydon Intermediate School
- 1) **Justin Crawford - Elementary 5th Grade Basketball Coach Boys'**
recommendation to approve employment for the 2021-2022 school year
- 2) **Nicole Evans - Elementary 6th Grade Basketball Coach Girls'**
recommendation to approve transfer from 5th grade girls' basketball coach to 6th grade girls' basketball coach starting with the 2021-2022 school year
- 3) **Elizabeth Glomb - Elementary 5th Grade Basketball Coach Girls'**
recommendation to approve employment
- 4) **Alanna Fowler - Elementary Cheerleading Coach**
recommendation to approve employment for the 2021-2022 school year
- f. Corydon Elementary School
- 1) **Kelly Van Eman - Special Education Instructional Assistant**
recommendation to approve employment
- 2) **Tina Shaffer - Title 1 Instructional Assistant**
recommendation to approve transfer from Preschool Instructional Assistant to a Title 1 Instructional Assistant working 5.5 hours a day and permission to post vacated Preschool Instructional Assistant position
- 3) **ShawnaRae Crone - Title 1 Instructional Assistant**
recommendation to approve employment
- 4) **Chansey Johnson - Special Education Instructional Assistant**
recommendation to approve employment
- 5) **Abby Coulter - Special Education Instructional Assistant**
recommendation to approve employment
- 6) **Trevor Farris - Custodian**
recommendation to approve employment
- 7) **Mindy O'Neal - Substitute Teacher Instructional Assistant**
recommendation to accept resignation
- 8) **Megan Law - Special Education Instructional Assistant**
recommendation to approve employment
- g. Heth-Washington Elementary School
- 1) **Tonya Gerdon - Instructional Assistant**
recommendation to accept resignation and permission to change from full time 6.75 hour position to part-time 5.5 hour position and post
- h. New Middletown Elementary School
- 1) **Shawna Yeager - Academic Coach-Robotics**

recommendation to approve employment

i. South Central Elementary School

j. South Central Junior/Senior High School

1) **Andrew Massard - Varsity Baseball Coach**

recommendation to approve employment for the 2021-2022 school year

2) **Richard Tyree - Assistant Baseball Coach**

recommendation to approve employment for the 2021-2022 school year

3) **Robert Stem - Varsity Golf Coach Men's**

recommendation to approve employment for the 2021-2022 school year

4) **Robert Stem - Junior High Tennis Coach Boys'**

recommendation to approve employment for the 2021-2022 school year

5) **Memorandum of Employment - Nancy Day**

recommendation to approve as submitted

6) **Brooke Stewart - Teacher**

recommendation to approve leave of absence and permission to post temporary teacher position

k. Multiple Schools

1) Corydon Central High School/Corydon Central Junior High School

(1) **Sally Banning - College & Career Center Assistant**

recommendation to approve transfer from part-time 5.5 hour a day, 5 days a week at CCJHS to part-time 7.25 hours a day, 4 days a week at CCHS contingent upon filling position at CCJHS and permission to post vacated position at CCJHS

2) New Middletown Elementary School/South Central High School

(1) **Karen O'Conner - Custodian**

recommendation to approve transfer from part-time 5.5 hour cook at SCHS to full time 6 hour custodian at NMES and permission to post vacated position at SCHS

5. Operational Matters

a. Corporation

1) **Memorandum of Understanding - Harrison County Police Department - School Resource Officers - July 1, 2021 through June 30, 2024**

recommendation to approve memorandum as submitted

2) **Memorandum of Agreement - Town of Corydon Police Department - School Resource Officers - July 1, 2021 through June 30, 2024**

recommendation to approve memorandum as submitted

3) **Memorandum of Understanding - Harrison County Head Start - Birth - 5 Program**

recommendation to approve memorandum as submitted

4) **Review and Approve Policy 3220.01 - Teacher Appreciation Grants**

recommendation to approve Policy 3220.01 - Teacher Appreciation Grants as submitted in accordance with Indiana Code 20-43-10-3.5(c)

5) **Sharon Mathes - Appointment to the Harrison County Public Library Board**

recommendation to approve appointment to the HCPL Board to fill the role vacated by Mindy Wibbels as submitted

6) **Disposal of 2X2 Lighting Units - Multiple Locations**

recommendation to declare replaced 2x2 lighting units as scrap with permission to dispose as best determined

7) **Lease and Cost Per Image Agreement (5 Years) - XEROX Financial Services - Copiers for District Office**

recommendation to approve lease and cost per image agreements for 2 copiers in the district administration office for a term of five (5) years as submitted

8) **First Savings Bank Donation - Staff Giveaway**

recommendation to approve donation as submitted

9) **First Harrison Bank Donation - Staff Giveaway**

recommendation to approve donation as submitted

10) **YMCA Pool Lane Rental Agreement - October 25, 2021 to February 19, 2022**

recommendation to approve agreement as submitted

b. Harrison County Exceptional Learners Cooperative

1) **Lease and Cost Per Image Agreement (5 Years) - XEROX Financial Services - Copiers/Printer for HCELC Office**

recommendation to approve lease and cost per image agreements for three (3) units in the HCELC office for a term of five (5) years as submitted

2) **Service Agreement - Kaitlyn Mae Stotts**

recommendation to approve as submitted

3) Service Agreement - Ms. Grace Missi

recommendation to approve as submitted

4) Service Agreement - Breanna Ferguson

recommendation to approve as submitted

5) Service Agreement - Emily Kirkham

recommendation to approve as submitted

6) Service Agreement - Heather K. Hopper, OTR

recommendation to approve as submitted

7) Service Agreement - Susan Christie, OTR

recommendation to approve as submitted

8) Service Agreement - Tonia Hatfield, MSPT

recommendation to approve as submitted

9) Service Agreement - Dr. Paul Carney

recommendation to approve as submitted

10) Service Agreement - Stephanie Burgher, Licensed Mental Health Counselor

recommendation to approve as submitted

11) Service Agreement - Hannah Wallace

recommendation to approve as submitted

12) Service Agreement - Patricia Titus

recommendation to approve as submitted

13) Service Agreement - Laura R. Smith, LCSW

recommendation to approve as submitted

14) Service Agreement - Dena Rogers, PT

recommendation to approve as submitted

15) Service Agreement - Elizabeth Pursell, SLP

recommendation to approve as submitted

16) Service Agreement - Krista Williams

recommendation to approve as submitted

17) Service Agreement - Heather Stewart

recommendation to approve as submitted

c. Corydon Central High School

1) Donation - Anonymous - Cheerleading Program - \$3,000

recommendation to approve donation as submitted

2) Roofing Project - CCHS Locker Room/Concession Building

recommendation to grant administration permission to seek quotes and award project if within approval guidelines (estimated project cost is \$75,000)

3) Memorandum of Understanding - Indiana Online - French II & III

recommendation to approve as submitted

4) Memorandum of Understanding - Ivy Tech Community College - Columbus

recommendation to approve memorandum as submitted

d. Corydon Central Junior High School

1) Contract for Gymnasium Scoreboards with Advertisements - NEVCO Sports Marketing

recommendation to approve 5-year contract for scoreboards/advertisements as submitted

e. Corydon Elementary School

f. Corydon Intermediate School

g. Heth-Washington Elementary School

h. New Middletown Elementary School

1) Lease and Cost Per Image Agreement (5 Years) - XEROX Financial Services - Copiers/Printer for NMES

recommendation to approve lease and cost per image agreements for 3 units for NMES for a term of five (5) years as submitted

i. South Central Elementary School

1) Rubberized Playground Surfacing - Bluegrass Recreational Products - \$19,500 with Disposal of Existing Tiles

recommendation to install rubberized playground surfacing to replace inter-locking tiles on the SCES playground with declaration that existing tiles be declared surplus with no value and may be disposed in the manner determined best by administration

j. South Central Junior/Senior High School

1) **Revised Memorandum of Understanding - Ivy Tech Community College - Sellersburg - Dual Credit 2021-2022**

recommendation to approve revision as submitted

k. Multiple Schools

6. Field Trips

- a. Corydon Central High School
- b. Corydon Central Junior High School
- c. Corydon Elementary School
- d. Corydon Intermediate School
- e. Heth-Washington Elementary School
- f. New Middletown Elementary School
- g. South Central Elementary School
- h. South Central Junior/Senior High School
- i. Multiple Schools

7. Fundraisers

a. Corydon Central High School

1) **Fundraiser - Football Team - Golf Scramble - Team Apparel & Equipment - August 15, 2021**

recommendation to approve fundraiser as submitted

2) **Fundraiser - Health Occupations Students of America - Pretzel/Cookie Sales - Leadership Conferences - August 31, 2021**

recommendation to approve fundraiser as submitted

3) **Fundraiser - Yearbook Sales - 2021-2022 School Year**

recommendation to approve fundraiser as submitted

- b. Corydon Central Junior High School
- c. Corydon Elementary School
- d. Corydon Intermediate School
- e. Heth-Washington Elementary School
- f. New Middletown Elementary School
- g. South Central Elementary School
- h. South Central Junior/Senior High School
- i. Multiple Schools

1) Corydon Central High School/South Central High School

(1) **Fundraiser - Health Occupations Students of America - Shirt Sales - Leadership Conferences - September 1, 2021**

recommendation to approve as submitted

2) **Fundraiser - Travel Group - Mum Sales - Trip Payments - August 18, 2021**

recommendation to approve as submitted

X. Unfinished Business

XI. New Business

1. **Policy 0112 - Bylaws: Purpose**

first reading, no action required

8

2. **Policy 0164.4 - Bylaws: Meeting of the Board Defined**

first reading, no action required

9

3. **Policy 0164.5 - Bylaws: Member Participation in Meetings through Electronic Means of Communication**

first reading, no action required

11

4. **Policy 0164.6 - Bylaws: Meetings During Declared Disaster Emergencies**

first reading, no action required

13

5. **Policy 0167.1 - Bylaws: Voting**

first reading, no action required

15

6. **Policy 1220 - Administration: Employment of the Superintendent**

first reading, no action required

17

7. **Policy 1422 - Administration: Nondiscrimination and Equal Employment Opportunity**

first reading, no action required

20

8. **Policy 1422.02 - Administration: Nondiscrimination Based on Genetic Information of the Employee**

first reading, no action required

29

9. **Policy 1623 - Administration: Section 504/ADA Prohibition Against Disability Discrimination in Employment**

first reading, no action required

31

10. Policy 1662 - Administration: Anti-Harassment	38
<i>first reading, no action required</i>	
11. Policy 2240 - Program: Controversial Issues	50
<i>first reading, no action required</i>	
12. Policy 2260 - Program: Nondiscrimination and Access to Equal Educational Opportunity	52
<i>first reading, no action required</i>	
13. Policy 2260.01 - Program: Section 504/ADA Prohibition Against Discrimination Based on Disability	62
<i>first reading, no action required</i>	
14. Policy 2266 - Program: Nondiscrimination on the Basis of Sex in Education Programs or Activities	72
<i>first reading, no action required</i>	
15. Policy 2623 - Program: Student Assessment	82
<i>first reading, no action required</i>	
16. Policy 2700 - Program: Annual Performance Report	83
<i>first reading, no action required</i>	
17. Policy 3120 - Professional Staff: Employment of Professional Staff	88
<i>first reading, no action required</i>	
18. Policy 3122 - Professional Staff: Nondiscrimination and Equal Employment Opportunity	92
<i>first reading, no action required</i>	
19. Policy 3122.02 - Professional Staff: Nondiscrimination Based on Genetic Information of the Employee	101
<i>first reading, no action required</i>	
20. Policy 3123 - Professional Staff: Section 504/ADA Prohibition Against Disability Discrimination in Employment	103
<i>first reading, no action required</i>	
21. Policy 3220 - Professional Staff: Staff Evaluation	110
<i>first reading, no action required</i>	
22. Policy 3362 - Professional Staff: Anti-Harassment	112
<i>first reading, no action required</i>	
23. Policy 4120 - Support Staff: Employment of Support Staff	124
<i>first reading, no action required</i>	
24. Policy 4122 - Support Staff: Nondiscrimination and Equal Employment Opportunity	128
<i>first reading, no action required</i>	
25. Policy 4122.02 - Support Staff: Nondiscrimination Based on Genetic Information of the Employee	137
<i>first reading, no action required</i>	
26. Policy 4123 - Support Staff: Section 504/ADA Prohibition Against Disability Discrimination in Employment	139
<i>first reading, no action required</i>	
27. Policy 4362 - Support Staff: Anti-Harassment	146
<i>first reading, no action required</i>	
28. Policy 4425 - Support Staff: Nursing Mothers	158
<i>first reading, no action required</i>	
29. Policy 4430 - Support Staff: Leaves of Absences	159
<i>first reading, no action required</i>	
30. Policy 5111 - Students: Determination of Legal Settlement and Eligibility for Enrollment of Students without Legal Settlement in the Corporation	161
<i>first reading, no action required</i>	
31. Policy 5130 - Students: Withdrawal from School	166
<i>first reading, no action required</i>	
32. Policy 5410 - Students: Promotion, Placement and Retention	168
<i>first reading, no action required</i>	
33. Policy 5517 - Students: Anti-Harassment	170
<i>first reading, no action required</i>	
34. Policy 5610 - Students: Suspension and Expulsion of Students	182
<i>first reading, no action required</i>	
35. Policy 5895 - Students: Student Employment	185
<i>first reading, no action required</i>	
36. Policy 6114 - Finances: Cost Principles - Spending Federal Funds	187
<i>first reading, no action required</i>	

37. Policy 6250 - Finances: Required ADM Counts for the Purpose of State Funding and Verification of Residency for Membership	191
<i>first reading, no action required</i>	
38. Policy 6325 - Finances: Procurement - Federal Grants/Funds	194
<i>first reading, no action required</i>	
39. Policy 7440.01 - Property: Electronic Monitoring and Recording	200
<i>first reading, no action required</i>	
40. Policy 7450 - Property: Property Inventory	202
<i>first reading, no action required</i>	
41. Policy 7455 - Property: Accounting System for Fixed Assets	204
<i>first reading, no action required</i>	
42. Policy 7530.02 - Property: Staff Use of Personal Communication Devices	206
<i>first reading, no action required</i>	
43. Policy 8390 - Operations: Animals on School Corporation Property	210
<i>first reading, no action required</i>	
44. Policy 8400 - Operations: School Safety	215
<i>first reading, no action required</i>	
45. Policy 8405 - Operations: Environmental Health and Safety Issues - Indoor Air Quality, Animals in the Classroom, and Idling Vehicles on School Property	223
<i>first reading, no action required</i>	
46. Policy 8462 - Operations: Child Abuse and Neglect	227
<i>first reading, no action required</i>	
47. Policy 8500 - Operations: Food Service Program	229
<i>first reading, no action required</i>	
48. Policy 8510 - Operations: Wellness	233
<i>first reading, no action required</i>	
49. Policy 8600 - Operations: Transportation	240
<i>first reading, no action required</i>	
50. Policy 8606 - Operations: Bus Drivers and Cellular Telephone Use	243
<i>first reading, no action required</i>	
51. Policy 8800 - Operations: Religious/Patriotic Ceremonies and Observances	245
<i>first reading, no action required</i>	
52. Policy 9700 - Relations: Relations with Special Interest Groups	247
<i>first reading, no action required</i>	
53. Policy 2370.02 - Policy Manual - Technical Correction - Flex Program	251
<i>first reading, no action required</i>	
XII. Motions as the Result of Executive Session	
XIII. Superintendent's Communications and Reports	
1. Opening Day of School Update	
2. COVID-19 Update	
XIV. Board Members' Communication, Reports and Questions	
1. First Day - Staff Giveaway - Community Sponsors	
XV. Upcoming Events	
1. ISBA/IAPSS Fall Conference - October 11-12, 2021	
2. National School Board Association National Conference - April 2-4, 2022	
XVI. Adjournment	

The Board's meeting site is fully accessible to all persons. Any person requiring further accommodation should contact the School Corporation's administrative office at 812-738-2168.



Book	Policy Manual
Section	Policies for the Board
Title	Revised Bylaw - Vol. 33, No. 2 - May 2021 - PURPOSE
Code	po0112
Status	First Reading
Adopted	June 7, 1993

0112 - **PURPOSE**

The School Board exists for the purpose of a governing system for providing a free, public education for qualifying preschool and in grades kindergarten through twelve ~~for children in _____~~. **[i.e., kindergarten through 12th]**

~~[OPTION 1] (- for resident children and children of qualified employees who may be allowed to transfer into the School Corporation as required by law attending) the _____ [enter name of the school corporation].~~

[OPTION 2] (x.) for resident children, children of qualified employees who are allowed to transfer into the School Corporation as required by law, and other transfer students approved according to Board policy attending the South Harrison Community School Corporation. ~~enter name of school corporation].~~

~~DRAFTING NOTE: Selection OPTION 1 if Board policy 5111 does NOT allow transfer students. Choose OPTION 2 if Board policy 5111 allows for transfer students to attend the Corporation.}}~~

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Legal	I.C. 20-26-5-1
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Book	Policy Manual
Section	Policies for the Board
Title	Revised Bylaw - Special Update - Emergency and Electronic Meetings - June 2021 - MEETING OF THE BOARD DEFINED
Code	po0164.4
Status	First Reading
Adopted	January 7, 2014
Last Revised	October 6, 2020

0164.4 - MEETING OF THE BOARD DEFINED

As used in these bylaws, 'meeting' means a gathering of a majority of School Board members for the purpose of taking 'official action' as defined at I.C. 5-14-1.5-2(d) on public business. The term 'meeting' does not include the following:

- A. A social or chance gathering not intended to avoid the principles of the Indiana Open Door law set forth in I.C. 5-14-1.5-1.
- B. An on-site inspection of a project, program, or facility of applicants for incentives or assistance from the Board.
- C. Traveling to and attending meetings of organizations devoted to betterment of government.
- D. A caucus as defined at I.C. 5-14-1.5-2(h).
- E. A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources.
- F. An orientation of members of the Board on their role and responsibilities as public officials, but not for any other official action.
- G. A gathering of Board members for the sole purpose of administering the oath of office specified in I. C. 20-26-4-2 to a Board member or members.
- H. Collective bargaining discussions that the Board engages in directly with the exclusive representative of a bargaining unit consisting of ~~Board~~ School Corporation employees. This exception from the definition of a 'meeting' of the Board applies only when the Board has not appointed an agent or agents to conduct collective bargaining on behalf of the Board. A committee appointed by the Board or the Board President to conduct collective bargaining shall not constitute a 'governing body' subject to the Open Door Law (I.C. 5-14-1.5-2((b)(3) and (c) (8))).

The Board's meetings normally shall be held at a location within the ~~School~~ Corporation boundaries that may accommodate public attendance. In such meetings, some members may participate through electronic communication in accordance with Bylaw 0164.5. However, the Board authorizes the ~~[select one of the following] (-) Superintendent (-) Board President (X)~~ Superintendent and Board President acting in concert [end of option] to determine that it is necessary or appropriate to hold a regular, special or emergency Board meeting by means of remote or virtual participation by all Board members and remote or virtual public access, considering whether and how public comment will be allowed and in compliance with the Open Door Law to the extent required by the Governor ~~and~~ or the Public Access Counselor or pursuant to Bylaw 0164.6, only in the event that circumstances justify such a meeting. Notice of such meetings shall be made as required by the Open Door Law or as modified by the Governor or the Public Access Counselor and include information regarding public access to the remote or virtual Board meeting. Any meeting held under this provision may include voting by Board members (see Policy 0167.1 - Voting), and such votes shall not be invalid merely

because of the remote or virtual nature of the meeting if a legal exception exists to requirements under the Open Door law regarding remote voting, for example, by Executive Order of the Governor or guidance provided by the Public Access Counselor [or pursuant to Bylaw 0164.6](#).

The Board President shall conduct the meeting so as to facilitate public understanding, including requiring Board members to identify themselves before speaking and limiting instances of multiple Board members speaking at the same time, to the extent possible.

In the event of an Executive Order issued by the Governor or guidance provided by the Public Access Counselor, notice of a Board meeting may be provided using alternative means than is required by the Open Door Law. For example, permitting notice to be made through electronic means, e.g., on the Corporation website or social media site, rather than by posting and publication as required by Policy 0165 - Notice of Board Meeting.

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- I.C. 20-26-4-3 Notice of meetings to Board members
- I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings



Book	Policy Manual
Section	Policies for the Board
Title	New Bylaw - Special Update - Emergency and Electronic Meetings - June 2021 - MEMBER PARTICIPATION IN MEETINGS THROUGH ELECTRONIC MEANS OF COMMUNICATION
Code	po0164.5
Status	First Reading

0164.5 - MEMBER PARTICIPATION IN MEETINGS THROUGH ELECTRONIC MEANS OF COMMUNICATION

Subject to the limitations listed below, the School Board shall permit Board members to participate in a meeting by an electronic means of communication if it allows all Board members participating in the meeting to simultaneously communicate with each other and allows the public to simultaneously attend and observe the meeting if it is not an executive session.

A Board member participating by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the Board member can be seen and heard. At least fifty percent (50%) of the Board members must be physically present at a meeting.

~~{DRAFTING NOTE: You may, but are not required to, select one or both of the following options}~~

{OPTION 1} The number of Board members who may participate in any given meeting through an electronic means of communication is limited to three (3) Board members. **~~{DRAFTING NOTE: If selecting OPTION 1, the blank must be filled with a number less than fifty percent of the full Board membership.}~~**

{END OPTION 1}

{OPTION 2} The total number of meetings in a calendar year that may be conducted with members participating by an electronic means of communication is limited to _____ (___) meetings.

{END OPTION 2}

A Board member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A Board member must physically attend at least one (1) meeting between sets of meetings that the Board member attends by electronic communication unless the Board member's absence is due to:

- A. military service;
- B. illness or other medical condition;
- C. death of a relative; or
- D. an emergency involving actual or threatened injury to persons or property.

A Board member may not attend more than fifty percent (50%) of the Board meetings in a calendar year by an electronic means of communication unless the Board member's electronic participation is due to:

- A. military service;

- B. illness or other medical condition;
- C. death of a relative; or
- D. an emergency involving actual or threatened injury to persons or property.

All votes taken during a meeting conducted with at least one Board member participating through an electronic means of communication shall be by roll call. The Board minutes prepared for meetings in which at least one Board member participates by an electronic means of communication must state the name of each Board member who:

- A. was physically present at the place where the meeting was conducted;
- B. participated in the meeting by using any electronic means of communication; and
- C. was absent.

The Board minutes also shall identify the electronic means of communication by which:

- A. Board members participated in the meeting; and
- B. the public attended and observed the meeting if it was not an executive session.

Board members may not participate in a Board meeting by electronic communication if the Board is attempting to take final action to:

- A. adopt a budget;
- B. make a reduction in personnel;
- C. initiate a referendum;
- D. establish or increase a fee;
- E. establish or increase a penalty;
- F. use the Board's power of eminent domain authority; or
- G. establish, raise, or renew a tax.

A technological failure in an electronic means of communication that disrupts or prevents:

- A. the simultaneous communication between a Board member who is not physically present at the meeting and the Board; or
- B. a member of the public who is not present at the meeting from attending and observing the meeting does not prevent the Board from conducting the meeting or affect the validity of an action taken by the Board at the meeting if the sum of the Board members physically present at the meeting and the Board members participating by electronic communication without technological failure satisfies the quorum and, if a final action is taken, the Board's voting requirements.

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I.C. 5-14-1.5-3.5



Book	Policy Manual
Section	Policies for the Board
Title	New Bylaw - Special Update - Emergency and Electronic Meetings - June 2021 - MEETINGS DURING DECLARED DISASTER EMERGENCIES
Code	po0164.6
Status	First Reading

0164.6 - **MEETINGS DURING DECLARED DISASTER EMERGENCIES**

This Bylaw applies only if:

- A. the Governor declares a disaster emergency under I.C. 10-14-3-12; or
- B. the executive (as defined in I.C. 36-1-2-5) of a political subdivision declares a local disaster emergency under I.C. 10-14-3-29.

Until the disaster emergency or local disaster emergency is terminated, School Board members are not required to be physically present at a Board meeting. During the disaster emergency or local disaster emergency, Board members may meet by any means of electronic communication, if the following are satisfied:

- A. At least a quorum of the Board members participate in the meeting by means of electronic communication or in person.
- B. The public is able to simultaneously attend and observe the meeting, unless held in executive session.

All votes taken in a meeting conducted with at least one Board member participating through an electronic means of communication during a declared disaster emergency or local disaster emergency shall be by roll call. The Board minutes prepared for meetings in which at least one Board member participates by an electronic means of communication during a declared disaster emergency or local disaster emergency must state the name of each Board member who:

- A. was physically present at the place where the meeting was conducted;
- B. participated in the meeting by using any electronic means of communication; and
- C. was absent.

The Board minutes also shall identify the electronic means of communication by which:

- A. Board members participated in the meeting; and
- B. the public attended and observed the meeting if it was not an executive session.

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Legal I.C. 5-14-1.5-3.7



Book	Policy Manual
Section	Policies for the Board
Title	Revised Bylaw - Special Update - Emergency and Electronic Meetings - June 2021 - VOTING
Code	po0167.1
Status	First Reading
Adopted	June 7, 1993
Last Revised	October 6, 2020

0167.1 - **VOTING**

All regular and those special meetings of the School Board at which the Board is authorized to take official action shall be conducted in compliance with the Indiana Open Door Law (I.C. 5-14-1.5). Except with respect to the approval or modification of a contract, no action shall be valid unless approved at a public meeting of the Board by a majority vote of a quorum of the Board and a proper record made of the vote. Board action to approve or modify a contract shall require an affirmative vote of a majority of all members of the Board. A Board member must be physically present in order to cast a valid vote unless otherwise permitted to participate in and vote during Board meetings remotely or virtually pursuant to an Executive Order ('EO') of the Governor or guidance issued by the Public Access Counselor ('PAC') or as provided in Bylaw 0164.5 or Bylaw 0164.6.

A Board member who is not physically present at a meeting of the Board, ~~but who communicates with members of the Board during the meeting by telephone, computer, videoconferencing, or any other electronic means of communication that permits the member to hear and be heard by the Board members and public present at the meeting, may participate in any Board discussion, but may not participate in a vote taken at the meeting and may not be considered to be present at the meeting for purposes of the existence of a quorum unless otherwise permitted to participate in and vote during Board meetings remotely or virtually pursuant to an EO of the Governor or guidance issued by the PAC.~~ may participate in the meeting through electronic communications in accordance with Bylaw 0164.5. A member participating electronically shall be considered present for purposes of establishing a quorum, but may participate in any final action taken at the meeting only if the member can be seen and heard, except for meetings authorized by Bylaw 0164.6. All votes taken during a meeting conducted with at least one member participating through electronic communication shall be by roll call.

The minutes of a meeting must state each member who was physically present, each member who participated by using electronic means of communication, and each member who was absent.

Abstentions shall not be counted as votes, but shall be recorded in the minutes of a meeting and are deemed to acquiesce in the outcome of the vote. In situations in which a specific number of affirmative votes are required and abstentions have been recorded, the motion shall fail if the specified number of affirmative votes have not been cast. In the case of a tie vote in which a member abstains, the motion shall fail for lack of a majority.

All actions requiring a vote ~~(-)~~ ~~shall be conducted by roll call~~ ~~(x)~~ may be conducted by voice, show of hands, or roll call **[END OF OPTION]** provided that the vote of each member be recorded; however, when Board members are permitted to participate in and vote during Board meetings remotely or virtually pursuant to an EO of the Governor or guidance issued by the PAC, voting shall be conducted as required by the Governor's EO or PAC's Guidance. Additionally, voting must comply with Bylaw 0164.5 or Bylaw 0164.6 if one of those bylaws is implicated. Proxy voting shall not be permitted. Any member may request that the Board be polled.

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- Legal
 - I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings
 - I.C. 20-26-4-8
 - I.C. 20-26-4-3 Notice of meetings to Board members



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - EMPLOYMENT OF THE SUPERINTENDENT
Code	po1220
Status	First Reading
Adopted	June 7, 1993
Last Revised	March 6, 2018

1220 - EMPLOYMENT OF THE SUPERINTENDENT

The School Board vests the primary responsibility for administration of the School Corporation in the Superintendent. The appointment of the Superintendent is, therefore, one of the most important functions the Board can perform.

Whenever the position of Superintendent becomes vacant, the Board will appoint a Superintendent and fix his/her salary and term of employment, which will be for a term of at least one (1) year and not more than three (3) years. However, a contract may be extended for not more than an additional five (5) years beyond the term of the original contract.

NOTE: SELECT THIS OPTION IF THE BOARD IS ELECTED

Beginning with July 1, 2021, and thereafter, the Board will not enter into a contract with a Superintendent on or after the date of the election of one or more members of the governing body until January 1 of the year immediately following the year of the election. This policy provision does not apply if the membership of the governing body does not change as a result of the particular election.

[END OF OPTION]

If the contract contains a provision that establishes an amount the Board must pay to the Superintendent to buy out the contract, the amount may not be more than an amount equal to the lesser of:

- A. the Superintendent's salary for any one (1) year under the contract; or
- B. \$250,000.

A Superintendent's salary under clause (A) does not include benefits or any other forms of compensation that the Superintendent receives as payment under the contract other than the Superintendent's salary.

The Board will actively seek the best qualified and most capable candidate for the position of Superintendent.

~~It may be aided in this task by:~~

- A. ~~a committee of Board members;~~
- B. ~~the services of professional consultants;~~
- C. ~~the counsel of the out-going Superintendent;~~
- D. ~~the participation of members of the community.~~

Recruitment procedures will be prepared in advance of the search and will include:

- A. preparation of a written job specification for the position of Superintendent;
- B. preparation of written specifications of qualification in addition to proper State certification;

- C. preparation of informative material describing this Corporation and its educational goals;
- D. where feasible, the opportunity for applicants to visit the schools of this Corporation;
- E. the requirement that each selected candidate for the position be interviewed by Board members in a format that encourages him/her to express his/her educational philosophy;
- F. solicitation of applications from a wide geographical area;
- G. consideration of all applicants fairly without discrimination on the basis of race, gender, age, religion, ethnic background, disability, or other condition unrelated to the position of Superintendent.

No person may be employed as Superintendent of this Corporation unless s/he has signed an employment contract with the Board.

At least seven (7) days before a contract for employment is entered into between the Board and the Superintendent, the Board shall hold a public meeting on the proposed contract to hear objections to and support for and discuss the proposed contract.

The Board Secretary shall submit notice of the hearing on the proposed contract for publication in a newspaper serving the Corporation in compliance with I.C. 5-3-1 and for posting on the newspaper's Internet website in compliance with I.C. 5-3-1-1.5 at least once no less than ten (10) days before the date of the hearing. The Board Secretary also shall direct that the published notice be posted on the Corporation's Internet website.

The notice shall:

- A. state that on a given day, time, and place, the Board will meet to discuss and hear objections to and support for the proposed contract; and
- B. set forth the details of the proposed contract, including the actual monetary value of the contract, benefits, and any additional forms of compensation for each year of the contract.

The name of the candidate for the position of Superintendent shall not be included in the notices or discussion of the proposed contract.

Such contract will be in the basic form of the regular teacher's contract if the Superintendent holds a license under I.C. 20-28-5 and will include:

- A. the term for which employment is contracted, including beginning and ending dates;
- B. the salary which the Superintendent will be paid and the intervals at which s/he will be paid;
- C. the benefits to which s/he is entitled;
- D. such other matters as may be necessary to a full and complete understanding of the employment contract.

See also Policy 8311 - Public Access to Employee Contracts for further posting requirements following the approval of an employment contract with the Superintendent.

Anti-Nepotism:

"Relatives" include: children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in-laws, or bona fide dependents of a Board member or the Superintendent.

[NOTE: Choose Option A or Option B below]

[Option A]

[x] Relatives of Board members may be employed by the Corporation, provided the member of the Board involved does not participate in any way in the discussion or vote on the relative's employment. Should the Corporation choose to employ a relative as herein defined, both the relative and the Board member must file a conflict of interest statement. Except that such relatives may be employed only for a period which does not exceed one (1) school year. [END OF OPTION]]

[Option B]

~~[] The Corporation will not employ (but may reemploy) the () relatives children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in-laws, or bona fide dependents of a Board member. [END OF OPTION]~~

[NOTE: Choose Option C or Option D below]

[Option C]

[x] Relatives of the Superintendent may be employed by the Corporation, provided the staff member being employed is not placed in a position in which the relative staff member s/he would be supervised directly by the Superintendent. Except that such relatives may be employed only for a period which does not exceed one (1) school year. [END OF OPTION]]

[Option D]

~~[] The Corporation will not employ (but may reemploy) the relatives children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in laws, or bona fide dependents of the Superintendent. [END OF OPTION]~~

[NOTE: The Corporation is not required to have a non-fraternization policy; however, Neola recommends adoption of language regarding non-fraternization for various legal reasons, including but not limited to claims of sexual harassment or potentially being found to be negligent for failure to provide direction, especially regarding the supervisor/subordinate relationship.]

Non-Fraternization:

[NOTE: Choose Option E or Option F below]

[Option E]

~~[] Corporation employees may not date, develop romantic relationships with or have sexual relations with individuals who are the employee's supervisor or those that they supervise. [END OF OPTION]~~

[Option F]

[x] If Corporation employees in a supervisor-subordinate relationship choose to date, engage in a romantic relationship, or have sexual relations the employees must notify the Corporation's administration and accept the Corporation's decision to transfer one or both of the employees so that they no longer have a supervisor-subordinate relationship. Anyone employed in a managerial or supervisory role needs to heed the fact that personal relationships with employees who report to them may be perceived as favoritism, misuse of authority, or potentially sexual harassment, and, consequently, they are unacceptable. [END OF OPTION]

~~[NOTE: OTHER OPTIONS TO BE CONSIDERED]~~

~~[] Corporation employees may date and develop friendships and relationships with other employees—both inside and outside of the workplace—as long as the relationships do not have a negative impact on their work or the work of others.~~

~~[] Any relationship that interferes with the Corporation culture of teamwork, the harmonious work environment, or the productivity of employees, will be subject to discipline, up to and including termination.~~

[x] Adverse workplace behavior - or behavior that affects the workplace that arises because of personal relationships - will not be tolerated. Corporation employees who disregard this policy will be subject to discipline, up to and including termination.

~~[NOTE: OTHER OPTIONS TO BE CONSIDERED][NOTE: OTHER OPTIONS TO BE CONSIDERED]~~

~~[] The Superintendent so appointed will devote himself/herself to the duties of his/her office.~~

[x] Any candidate's intentional misstatement of fact material to his/her qualification for employment or the determination of his/her salary will be considered by this Board to constitute grounds for his/her dismissal.

~~[] The person selected for the position of Superintendent will be required to undergo a physical examination reasonably related to the duties s/he will be required to perform, the cost of which will be borne () by the Corporation. () by the candidate. [END OF OPTION]~~

The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with I.C. 20-28-8-6, -7, and -8. If the Superintendent holds a license under I.C. 20-28-5, the rights of a Superintendent as a teacher under any other law are not affected by the contract unless those rights conflict with the terms of I.C. 20-28-8-6(b), in which case the provisions of I.C. 20-28-8-6(b) govern.

- I.C. 5-14-1.5-6.1(b)(5) and (9)
- I.C. 20-28-8-6
- I.C. 20-28-8-7
- ~~I.C. 20-28-8-8~~

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- Legal I.C. 5-14-1.5-6.1(b)(5) and (9)
- I.C. 20-28-8-6
- I.C. 20-28-8-7



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po1422
Status	First Reading
Adopted	January 7, 2014
Last Revised	December 4, 2018

1422 - 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, gender status,~~ sexual orientation and gender identity), disability, age, religion, military status, ancestry, ~~or~~ genetic information, ~~or any other legally protected category which are classes protected by Federal and/or State law~~ (collectively, "Protected Classes") ~~occurring in the Corporation's employment opportunities, in its~~ 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~~ including employment opportunities.

Notice of the Board's policy on nondiscrimination and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Definitions

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

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

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

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

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

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

Military status: refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Indiana organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

~~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.~~

Corporation 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. The Board designates the following individuals to serve as the Corporation's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs also may serve as the Corporation's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there always should be a CO available to investigate a claim of discrimination/retaliation that pertains to the other CO. The Board must list either the Name or Title of the CO; while the Board may list both the Name and Title, Neola suggests that the Board consider listing only the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.]

Director of Business Operations or Building Administrator; 315 South Harrison Drive, Corydon, IN 47112; (812) 738-2168; nondiscrimination@shcsc.k12.in.us

[Name and/or Title]

[Address]

[Telephone No.]

[Email address]

[Name and/or Title]

[Address]

[Telephone No.]

[Email address]

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and:

- A. in the staff handbooks.
- B. in the Corporation's Annual Report to the public.
- C. on each individual school's website.
- D. in the Corporation's calendar.
- E. _____

The COs 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/retaliation or denial of equal access. The COs 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, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Any sections of the Corporation's collectively bargained, negotiated agreements dealing with hiring, promotion, and tenure need to 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. [END OF OPTION] A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

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. report shall provide it to the CO within two (2) business days. [END OF OPTIONS]

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her gender status, sexual orientation, and gender identity.

Any questions concerning whether alleged conduct might violate this prohibition should be brought to the CO's attention promptly.

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~~ Complainant'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)~~ COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. ~~The compliance officer(s) COs shall accept complaints-reports of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, and receive complaints-Third Party and such reports that are initially filed with a school building~~ are made to an 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-report of alleged discrimination/retaliation, the CO will begin contact the Complainant and initiate~~ either an informal or formal complaint process (depending on the Complainant's request ~~of the person alleging the discrimination/retaliation or~~ and the nature of the alleged discrimination/retaliation); or designate a specific individual to conduct such a process.

The ~~compliance officer~~ CO will provide a copy of this policy to ~~any person who files a complaint~~ the Complainant and the Respondent. In the case of a formal complaint, the ~~compliance officer~~ CO 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 () CO~~ within two (2) business days: ~~() within _____ () business days [END OF OPTION]~~ 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~~ COs 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-employee~~ should notify immediately ~~notify~~ other Corporation employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the ~~compliance officer~~ CO or designee must contact the ~~employee~~ Complainant within two (2) business days to advise ~~him/her~~ the Complainant of the ~~Corporation's Board's~~ intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedures (See Form 1422 F2)

~~Any-Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any~~ employee who ~~believes that s/he has alleges to have~~ been subjected to unlawful discrimination or retaliation may seek resolution of ~~his/her~~ the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation 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~~ are encouraged 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. The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").~~

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop ~~quickly~~ inappropriate behavior promptly 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 who alleges unlawful discrimination or retaliation.~~ 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 when the Complainant and the Respondent mutually agree to participate in it.

~~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 The Complainant may proceed immediately to the formal complaint process, and individuals who seek resolution through participate in 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 and~~ a student will be ~~formally~~ investigated formally, ~~and a concurrent criminal complaint shall be filed.~~

As an initial course of action, if ~~an individual~~ a **Complainant** 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 comfortable and feels safe doing so, the **individual Complainant** should tell or otherwise inform the ~~person who engaged in~~ **Respondent** that the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The ~~complaining individual~~ **Complainant** should address the alleged misconduct as soon after it occurs as possible. ~~A/~~ The ~~compliance officer is~~ **COs are** available to support and counsel ~~individuals~~ **the Complainant** when taking this initial step or to intervene on behalf of the individual if requested to do so. ~~A Complainant who is uncomfortable or unwilling to approach the Respondent directly about the inappropriate conduct may file an informal or a formal complaint.~~

~~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, (e.g., sex discrimination),~~ the ~~compliance officer~~ **CO** 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~~ A **Complainant who alleges unlawful discrimination/retaliation** may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to ~~the compliance officer(s) one of the COs;~~ and/or (3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to ~~the compliance officer(s) one of the COs,~~ who ~~either~~ 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~~ **the Complainant** with a range of options aimed at bringing about a prompt resolution of ~~their~~ **the Complainant's** concerns. Depending upon the nature of the complaint and the wishes of the ~~individual claiming unlawful discrimination/retaliation~~ **Complainant**, informal resolution may involve, but ~~is not be~~ limited to, one or more of the following:

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

While there are no set time limits within which an informal complaint must be resolved, the ~~compliance officer~~ **CO** or designee ~~will exercise his/her authority is directed~~ to attempt to resolve all informal complaints ~~()~~ within fifteen (15) business days of receiving the informal complaint. ~~()~~ **within _____ () business days of receiving the informal complaint. [END OF OPTION]**

~~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)~~

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

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, ~~if~~ one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, ~~or if~~ the ~~individual~~ **Complainant** elects to file a formal complaint ~~initially from the outset,~~ ~~this or~~ ~~the CO determines the allegations are not appropriate for resolution through the informal process,~~ ~~the~~ 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. A Complainant may file a formal complaint, either orally or in writing, with a Principal, the CO, the Superintendent, or other Corporation official.~~

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a **formal** complaint within thirty (30) calendar days after the conduct occurs. ~~If a Complainant informs a Principal, the Superintendent, or other Corporation official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.~~

~~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 () within two (2) business days. () within _____ () business days.[END OF OPTION]~~

Throughout the course of the process, the ~~compliance officer-CO~~ should keep the parties reasonably 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 known: the identity of the ~~individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct Respondent~~; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the ~~compliance officer-CO~~ will consider whether any action should be taken in the investigatory phase to protect the Complainant from further 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 Respondent~~. In making such a determination, the ~~compliance officer-CO~~ should consult the Complainant to assess his/her agreement to whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the ~~compliance officer may CO~~ still may take whatever actions s/he deems are deemed appropriate in consultation with the Superintendent.

~~[] Within two (2) business days of receiving the formal complaint, [] Within _____ () business days of receiving the complaint, [END OF OPTION] the compliance officer, or a designee, the CO or 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, CO~~ will inform the ~~individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent")~~; that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 1422 - Nondiscrimination and Equal Employment Opportunity. The Respondent also must be informed of the opportunity to submit a written response to the complaint ~~() within five (5) business days. () within _____ () business days.~~

Although certain cases may require additional time, the ~~compliance officer, CO~~ or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation ~~() within fifteen (15) business days of receiving the formal complaint. () within _____ () business days of receiving the formal complaint. [END OF OPTION]~~

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, CO~~ 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 Respondent has engaged in unlawful harassment/retaliation of the Complainant~~. The CO's 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 ~~compliance officer, or the designee, should CO may~~ consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the ~~compliance officer-CO~~ or ~~the~~ designee, the Superintendent either must either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final written decision will be delivered to both the Complainant and the Respondent.

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

If the Superintendent determines the ~~Complainant was subjected to Respondent engaged in~~ unlawful discrimination/retaliation, s/he toward the Complainant, the Superintendent 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.

~~[] The decision of the Superintendent shall be final.~~

~~[OR]~~

[x.] A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written request statement to the Board () within five (5) business days () within _____ () business days [END OF OPTION] of his/her of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Treasurer/CFO () (x) Board President or Board Attorney (x) Director of Business Operations/Treasurer. x

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

[END OF OPTIONS]

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~~ Complainant pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The ~~Complainant and the Respondent~~ parties may be represented, at his/her their own cost, at any of the above-described ~~interviews/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, OCR, EEOC or ICRC, the filing of charges with local law enforcement,~~ or the filing of a ~~concurrent criminal complaint civil action in court~~. Use of ~~the this internal complaint procedures process~~ is not a prerequisite to the pursuit of other remedies. ~~Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.~~

Privacy/Confidentiality

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

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. ~~Additionally, the Respondent must be provided the Complainant's identity.~~
~~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 CO~~ 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 is learned or provided~~ during the course of the investigation.

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

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

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination 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 or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of ~~the any~~ relevant collective bargaining agreement ~~(s), if any or student code of conduct~~.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where unlawful 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 any~~ relevant collective bargaining agreement ~~(s), if any or student code of conduct~~.

~~All~~ Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its 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 makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws or this policy, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws or this policy.

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

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

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

Education and Training

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

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

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all ~~information,~~ documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, ~~including which may include but are not limited to: complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).~~

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

- L. copies of the Board policy and procedures/guidelines used by the Corporation to conduct the investigation and any documents used by the Corporation at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- [DRAFTING NOTE: The following options should be selected if the Corporation concludes that the following items are not adequately encompassed in the preceding paragraphs.]**
- N. ~~(-) documentation of any training provided to Corporation personnel related to this policy, including but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]~~
- O. ~~(-) documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~(-) copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;~~
- Q. ~~(-) copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;~~
- R. ~~(-) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

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

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. 5-14-3 (Access to Public Records Act)

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-6

I.C. 22-9-10, Employment Opportunities for Veterans and Indiana National Guard and Reserve Members Fourteenth Amendment, U.S. Constitution

~~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. 701 et seq., Rehabilitation Act of 1973, as amended

~~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~~

38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act

~~42 U.S.C. 1983~~

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

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~~ 1973 as amended

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

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

29 C.F.R. Part 1635, The GINA Regulations

34 C.F.R. Part 110, The Age Discrimination Act Regulations© Neola ~~2018~~ 2021

Legal

I.C. 5-14-3 (Access to Public Records Act)
I.C. 20-28-10-12
I.C. 20-28-10-13
I.C. 20-33-1-6
I.C. 22-9-10, Employment Opportunities for Veterans and Indiana National Guard and Reserve Members
Fourteenth Amendment, U.S. Constitution
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended
38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act
42 U.S.C. 2000 et seq., Civil Rights Act of 1964
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 1973 as amended
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635, The GINA Regulations
34 C.F.R. Part 110, The Age Discrimination Act Regulations



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po1422.02
Status	First Reading
Adopted	May 1, 2012

1422.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The School Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information ~~is~~ also is prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.

The identity of the Compliance Officer (see Policy 1422 - Nondiscrimination and Equal Employment Opportunity) shall be posted throughout the School Corporation and published in any Corporation statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and on the Corporation website.

In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq. and 29 C.F.R. 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide genetic information, including that individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave, or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Board's Corporation's application for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a Board-Corporation employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the Board-Corporation.

The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits its-Corporation employees and agents, including commercial background investigation agents, from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall ~~immediately~~ be redacted immediately and not shared beyond the point of first receipt.

As used in this policy, "genetic information," means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the Board's-Corporation's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

The ~~Superintendent shall appoint a GINA-Corporation's~~ Compliance Officer (see Policy 1422 - Nondiscrimination and Equal Employment Opportunity) ~~is who shall be~~ responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to insure the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School-District-Corporation. The GINA Compliance Officer ~~shall~~ also shall verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members, and that all requests for health-related information (e.g., to support an



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po1623
Status	First Reading
Adopted	May 1, 2012

1623 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The ~~Board of~~ School ~~Trustees~~ Board prohibits discrimination against any employee or applicant based upon ~~his/her~~ disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Definitions

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

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

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

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

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

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

An individual with a disability means a person who has, ~~had~~ ~~has~~ a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities.

Major Life Activities

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Impairment That Substantially Limits a Major Life Activity

~~An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.~~

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

Qualified Individual with a Disability

A qualified ~~person~~ individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position ~~such the~~ individual holds or desires and ~~, with or without reasonable accommodation,~~ can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the ~~Corporation's Board's~~ program and/or activities. A reasonable accommodation is not ~~necessarily~~ required for an individual who is merely regarded as having a disability.

Facilities

No qualified person with a disability will be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies because the Corporation's facilities are inaccessible to or unusable by persons with disabilities.

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.

~~Corporation~~ Compliance Officer(s)

The Board designates the following ~~person(s) is/are designated individual(s) to serve~~ as the ~~Corporation Section~~ Corporation's Compliance Officers (also known as Section 504 Compliance ~~Officer(s)/Officers/ADA Coordinator(s) Coordinators~~) (hereinafter referred to as the "COs"). ~~Corporation Compliance Officer(s)";~~

~~DRAFTING NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs also may [serve as the Corporation's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there always should be a CO available to investigate a claim of discrimination/retaliation that pertains to the other CO. The Board must list either the Name or Title of the CO; while the Board may list both the Name and Title, Neola suggests that the Board consider listing only the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.]~~

Director of Business Operations or Building Administrator; 315 South Harrison Drive, Corydon, IN 47112; (812) 738-2168; nondiscrimination@shcsc.k12.in.us.

{Name and/or Title}

{Address}

{Telephone No./Fax No.}

{Email address}

{Name and/or Title}

{Address}

{Telephone No./Fax No.}

{Email address}

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and:

- A. (x) in the staff handbooks.
- B. ~~) in the Corporation's Annual Report to the public.(~~

C. ~~() on each individual school's website.~~

D. ~~() in the Corporation's calendar.~~

E. ~~() _____.~~

~~The Corporation Compliance Officer(s) [] is [] are [END OF OPTION] responsible for coordinating the Corporation's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Corporation Compliance Officer. The COs 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/retaliation or denial of equal access. The COs 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, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. () Any sections of the Corporation's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to 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. [END OF OPTION] A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.~~

~~The Corporation Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.~~ The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. [See below.](#)

Training

~~The Corporation Compliance Officer(s) will also oversee the training of employees in the Corporation so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.~~

~~The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.~~

Facilities

~~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.~~

Notice

~~Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Corporation's Compliance Officer(s) will be posted throughout the Corporation, and published in the Corporation's recruitment statements or general information publications.~~

Investigation and Complaint Procedures (See Form 1623 F2)

~~Any employee who alleges to have been subjected to unlawful discrimination or retaliation on the basis of disability may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.~~

~~Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily within fifteen (15) business days of the complaint being received).~~

~~The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").~~

Informal Complaint Procedure

~~The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.~~

~~The Complainant may proceed immediately to the formal complaint process, and individuals who participate in 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 and a student will be formally investigated.~~

~~As an initial course of action, if a Complainant feels comfortable and safe doing so, the Complainant should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint.~~

In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to one of the COs; and/or 3) to the Superintendent or other Corporation-level employee.

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

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

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of Policy 1623 - Section 504/ADA Prohibition Against Disability Discrimination in Employment to the individuals in the school building or office where the Respondent works/attends school.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

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

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

Formal Complaint Procedure

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

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

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a principal, the Superintendent, or other Corporation official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

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

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the CO 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 Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the Superintendent.

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

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 1623 - Section 504/ADA Prohibition Against Disability Discrimination in Employment. 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, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/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 reasonably may be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO 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 Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's 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.

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

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final written decision will be delivered to both the Complainant and the Respondent.

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

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent 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.

~~The decision of the Superintendent shall be final.~~
~~{OR}~~

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

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

~~{END OF OPTIONS}~~

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

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the OCR, EEOC or ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

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

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

Remedial Action and Monitoring

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

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

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination 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 or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

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

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

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

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

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

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

Education and Training

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

Retention of Investigatory Records and Materials

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

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Corporation's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;

- J. documentation of any supportive measures offered and/or provided to the Complainant and the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and procedures/guidelines used by the Corporation to conduct the investigation and any documents used by the Corporation at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

[DRAFTING NOTE: The following options should be selected if the Corporation concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- N. ~~(-) documentation of any training provided to Corporation personnel related to this policy including, but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]~~
- O. ~~(-) documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~(-) copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;~~
- Q. ~~(-) copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;~~
- R. ~~(-) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report and any written responses submitted by the Complainant or the Respondent.~~

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

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

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Legal 29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
 29 C.F.R. Part 1630
 34 C.F.R. Part 104



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - ANTI-HARASSMENT
Code	po1662
Status	First Reading
Adopted	May 6, 2014
Last Revised	December 4, 2018

1662 - ANTI-HARASSMENT

General Policy Statement

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

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

~~All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition in first paragraph) 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 in first paragraph) occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment~~ and, in those cases where unlawful harassment is substantiated, ~~the Board will~~ take immediate steps to end the harassment, prevent its ~~recurrence,~~ reoccurrence, and remedy its effects.

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

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

~~Furthermore, Corporation employees who fail to report any incident of alleged unlawful harassment (see definition in first paragraph) 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 above)~~ 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 above)~~.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment ~~(see definition above)~~, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Notice

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

Definitions

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

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

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

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

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

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

Bullying

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

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

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

- ~~A. places a student in reasonable fear of harm to his/her person or damage to his/her property;~~
- ~~B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or~~
- ~~C. has the effect of substantially disrupting the orderly operation of a school.~~

Sexual Harassment

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

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

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

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

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

Prohibited acts that constitute sexual harassment ~~under this policy~~ may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include; but are not limited to:

- A. ~~unwelcome~~ Unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. ~~sexual violence, including~~ Unwanted physical and/or sexual ~~assault contact~~;
- C. ~~threats~~ Threats or insinuations that a person's employment, wages, ~~academic grade,~~ promotion, ~~classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events,~~ or other conditions of employment ~~or education~~ may be adversely affected by not submitting to sexual advances;
- D. ~~unwelcome~~ Unwelcome verbal expressions ~~of a sexual nature~~, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; (x) unwelcome suggestive or insulting sounds or whistles; (x) obscene telephone calls;
- E. ~~sexually~~ Sexually suggestive objects, pictures, ~~videotapes, graffiti, videos, posters,~~ audio recordings or literature; placed in the work ~~or educational~~ environment that reasonably, which may embarrass or offend individuals;
- F. ~~unwelcome~~ Unwelcome and inappropriate touching, patting, or pinching; (x) obscene gestures;
- G. Asking or telling about sexual fantasies, sexual preferences, or sexual activities;
- H. Speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. ~~a~~ 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; ~~remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;~~
- L. ~~in~~ (x) 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;
- M. ~~inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;~~
- N. (x) verbal, ~~Verbal,~~ nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent ~~such~~ that it adversely affects, limits, or denies an individual's employment or ~~education or~~ creates a hostile or abusive employment ~~or educational~~ environment.

~~**NOTE:** Sexual conduct/relationships with students by a Corporation employee or any other adult member of the Corporation community is prohibited, and any teacher, administrator, coach, other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 35-42-4-9. The~~

~~issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student () may () will [not recommended] be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student regardless of the age of the student will initiate the termination process for the employee.~~

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; ~~of~~ creating an intimidating, hostile, or offensive working ~~or, and/or~~ learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may ~~include but is not limited to occur where~~ conduct ~~is~~ directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references ~~relative to regarding~~ racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; ~~of~~ creating an intimidating, hostile, or offensive working ~~and/or~~ learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may ~~include but is not limited to occur where~~ conduct ~~is~~ directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or ~~involving involves~~ religious slurs.

National Origin /Ancestry Harassment

Prohibited national origin/~~ancestry~~ harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin ~~or ancestry~~ and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; ~~of~~ creating an intimidating, hostile, or offensive working ~~and/or~~ learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may ~~include but is not limited to occur where~~ conduct ~~is~~ directed at the characteristics of a person's national origin ~~or ancestry~~, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; ~~of~~ creating an intimidating, hostile, or offensive working ~~and/or~~ learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may ~~include but is not limited to occur where~~ conduct ~~is~~ directed at the characteristics of a person's ~~disabling condition, disability,~~ such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment ~~also may include but is not limited to further may occur where~~ conduct ~~is~~ directed at or ~~pertaining pertains~~ to a person's genetic information.

Corporation Compliance Officers

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

~~DRAFTING NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs also may serve as the Corporation's Section 504 Compliance Officer(s)/ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) COs, there always should be a CO available to investigate a claim of harassment that pertains to the other CO. The Board must list either the Name or Title of the CO; while the Board may list both the Name and Title, Neola suggests that the Board consider listing only the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.}]~~

~~Director of Business Operations or Building Administrator; 315 South Harrison Drive, Corydon, IN 47112; (812) 738-2168; nondiscrimination@shcsc.k12.in.us or antiharassment@shcsc.k12.in.us.~~

~~[Name and/or Title]~~

~~_____ [Address]~~

~~_____ [Telephone No.]~~

~~_____ [Email address]~~

~~_____ [Name and/or Title]~~

~~_____ [Address]~~

~~_____ [Telephone No.]~~

~~_____ [Email address]~~

~~The names, titles, and contact information of these individuals will be published annually on the Corporation's website and:~~

- A. ~~(x)~~ in the student or parent and staff handbooks.

- B. ~~) in the Corporation's Annual Report to the public.(~~
- C. ~~(-) on each individual school's website.~~
- D. ~~(-) in the Corporation's calendar.~~
- E. ~~(-) _____~~

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

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

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

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

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

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

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

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

Investigation and Complaint Procedure (See Form 1662 F1)

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

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

~~If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01 — Bullying, the principal or his/her designee believes that the reported misconduct may have created a hostile work or learning environment and may have constituted unlawful harassment (see definition in first paragraph) based "Protected Classes" (see definition in first paragraph), 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":

[Name and Title]

[Address]

[Telephone No./Fax No.]

[Email address]

[Name and Title]

[Address]

[Telephone No./Fax No.]

[Email address]

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

in the student, parent, and staff handbooks;

in the School Corporation Annual Report to the public;

on the School Corporation's web site;

on each individual school's web site;

in the School Corporation's calendar;

The Compliance Officers will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition in first paragraph); 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 in first paragraph) of a student is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officers within two (2) _____ [END OF OPTION] 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 in first paragraph) directly from any member of the School Corporation community or a visitor to the Corporation or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School Corporation community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. However, if the alleged harasser is the Superintendent, the recommendations shall be submitted to the Board President School Board Attorney

All Corporation employees must report incidents of unlawful harassment (see definition in first paragraph) that they observe or that are reported to them to the Compliance Officer within two (2) business days _____ business days [END OF OPTION] 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 in first paragraph) 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 in first paragraph) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition in first paragraph) was substantiated are set forth below. Due to the sensitivity surrounding complaints of unlawful harassment (see definition in first paragraph), 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. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) _____ [END OF OPTION] business days of the complaint being received).

Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily within fifteen (15) business days of the complaint being received).

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

Informal Complaint Procedure

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

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

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

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

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

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

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

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

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

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

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

~~If the Complainant is dissatisfied with the results of the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal 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 Complainant elects to file a formal complaint initially, from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process,~~ the formal complaint process ~~as described below~~ shall be implemented.

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

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

~~A Complainant may file a formal complaint, either orally or in writing, with a Principal, the CO, the Superintendent, or other Corporation official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.~~

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

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

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

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

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

Upon receiving a formal complaint, the ~~Compliance Officer-CO~~ will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the ~~alleged harasser~~ Respondent. In making such a determination, the ~~Compliance Officer-CO~~ should consult the Complainant to assess ~~his/her agreement to any whether the individual agrees with the proposed action deemed appropriate~~. If the Complainant is unwilling to consent ~~to the proposed any change, that is deemed appropriate by the Compliance Officer, the Compliance Officer may still the CO still may~~ take whatever actions ~~s/he deems are deemed~~ appropriate in consultation with the Superintendent ~~and/or Board Attorney~~.

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

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

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

The investigation will include:

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

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

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

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer ~~or the~~ designee, the Superintendent ~~must~~ either ~~must~~ issue a written decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

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

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

~~[] The decision of the Superintendent shall be final.~~
[OR]

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

~~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 in first paragraph) or retaliation.~~

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

[END OF OPTIONS]

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

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

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

Privacy/Confidentiality

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

All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity. ~~All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).~~

During the course of a formal investigation, the ~~Compliance Officer CO or his/her~~ designee will instruct all members of the Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that ~~s/he learns is learned or that s/he provides provided~~ during the course of the investigation.

Remedial Action, Sanctions, and Monitoring

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

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

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

Sanctions and Disciplinary Action

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

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the any relevant collective bargaining agreement(s) if any agreement or student code of conduct.

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

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

Retaliation

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

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

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

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

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

Education and Training

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

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

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, including which may include but are not limited to: ~~complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).~~

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Corporation's response to the alleged violation of this policy;

- D. written witness statements;
 - E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;
 - F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
 - G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
 - H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
 - I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
 - J. documentation of any supportive measures offered and/or provided to the Complainant or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
 - K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
 - L. copies of the Board policy and procedures/guidelines used by the Corporation to conduct the investigation and any documents used by the Corporation at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
 - M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- ~~[DRAFTING NOTE: The following options should be selected if the Corporation concludes that the following items are not adequately encompassed in the preceding paragraphs.]~~
- N. ~~(-) documentation of any training provided to Corporation personnel related to this policy, including but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]~~
 - O. ~~(-) documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;~~
 - P. ~~(-) copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;~~
 - Q. ~~(-) copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;~~
 - R. ~~(-) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report and any written responses submitted by the Complainant or the Respondent.~~

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

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

Retaliation

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

~~Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition in first paragraph), 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. 6101 et seq., Age Discrimination Act of 1975

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

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- Legal
 - 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. 6101 et seq., Age Discrimination Act of 1975
 - 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



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - CONTROVERSIAL ISSUES
Code	po2240
Status	First Reading
Adopted	June 7, 1993
Last Revised	May 2, 1994

2240 - **CONTROVERSIAL ISSUES**

The School Board believes that the consideration of controversial issues has a legitimate place in the instructional program of the ~~schools~~ School Corporation.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions. **[END OF OPTION]**

For purposes of this policy, a controversial issue is a topic

~~() on which opposing points of view have been promulgated by responsible opinion;~~

likely to arouse both support and opposition in the community. **[END OF OPTIONS]**

The Board will permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

- A. ~~()~~ is related to the instructional goals of the course of study and level of maturity of the students;
- B. ~~()~~ does not tend to indoctrinate or persuade students to a particular point of view;
- C. ~~()~~ encourages open-mindedness and is conducted in a spirit of scholarly inquiry; ~~;~~ and
- D. does not cause a substantial disruption in the school environment.

Controversial issues related to the program may be initiated by the students themselves, provided they are presented in the ordinary course of classroom instruction, relate to the topic of instruction, and ~~it is not substantially disruptive to the educational setting~~ do not cause substantial disruption into the school environment.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the principal.

When controversial issues have not been specified in the course of study, the Board will permit the instructional use of only those issues which ~~() have been approved by the Superintendent () who shall report periodically such approval to the Board for their review.~~ have been approved by the principal. ~~() department head.~~ **[END OF OPTIONS]**

In the discussion of any issue, a teacher may express a personal opinion, but shall identify it as such, and must not express such an opinion for the purpose of persuading students to ~~his/her~~ the teacher's point of view. Teachers should be mindful that this does not permit them to offer opinions on topics which should not be the subject of discussion in the classroom due to their inappropriateness for the age(s) of the students involved. As always, teachers are expected to demonstrate good judgment as professionals in introducing controversial issues and expressing personal opinions in the classroom as exemplars for their students. **[END OF OPTION]**

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either the content or activities conflicts with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from a particular class for specified reasons. The student, however, will not be excused from participating in the course and will be provided alternate learning activities during times of such parent-requested absences.

The Superintendent shall develop administrative guidelines for dealing with controversial issues and with parental concerns about program content or the use of particular materials.

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Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
Code	po2260
Status	First Reading
Adopted	June 7, 1993
Last Revised	December 4, 2018

2260 - 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 School Board of School Trustees the School Corporation does not discriminate on the basis of race, color, national origin, sex (including transgender gender status, sexual orientation and or gender identity), disability, age (except as authorized by law), 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 its 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.

The Corporation will identify, evaluate, and provide a free appropriate public education to students with disabilities who are determined eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504).

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, including 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.

The Corporation's educational programs include the academic and nonacademic setting. Each qualified student with a disability shall be educated with students without disabilities to the maximum extent appropriate. In the nonacademic setting, a student with a disability shall participate with students without disabilities to the maximum extent appropriate.

Notice of the Board's policy on nondiscrimination and the identity of the Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Principal's Responsibilities

Each Principal shall verify that the procedures used with students and parents for selection of and participation in any part of the Corporation's academic, co-curricular, or extra-curricular programs do not discriminate on the basis of the Protected Classes.

Superintendent's Responsibilities

Educational programs shall be designed to meet the varying needs of all students. In order to achieve the aforesaid goal, the Superintendent shall: 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 the 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-verify that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;
2. verify that facilities are made available, in accordance with Board Policy 7510 – Use of School 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;
3. verify that the educational programs of this Corporation are accessible to all students. All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise qualified student with a disability the opportunity to participate in the academic or other school programs on the same basis as students without disabilities;
4. require that service animals for students who require this type of assistance shall be permitted access to all facilities, programs, and events of the Corporation.

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 and 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 the Protected Classes.

Definitions

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

~~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.~~

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

Respondent is the individual who is alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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

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

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

"Military status" refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It also includes the period of time for which a person is absent from school for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Corporation 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:~~

The Board designates the following individuals to serve as the Corporation's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

~~NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs also may serve as the Corporation's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there always should be a CO available to investigate a claim of discrimination that pertains to the other CO. The Board must list either the Name or Title of the CO; while the Board may list both the Name and Title, Neola suggests that the Board consider listing only the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.]]~~

Director of Business Operations or Building Administrator; 315 South Harrison Drive, Corydon, IN 47112; (812) 738-2168; nondiscrimination@shcsc.k12.in.us

Name and/or Title

Address

Telephone No.

Email address

Name and/or Title

Address

Telephone No.

Email address

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and:

- A. ~~() in the parent/student and staff handbooks.~~
- B. ~~) in the Corporation's Annual Report to the public.(~~
- C. ~~() on each individual school's website.~~
- D. ~~() in the Corporation's calendar.~~
- E. ~~() _____~~

The COs 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, retaliation, or denial of equal access. The COs 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, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 3-22, who reside in the Corporation but do not receive public education.

The Board is committed to educating (or providing for the education of) each qualified individual with a disability with individuals without disabilities to the maximum extent appropriate. Generally, the Corporation will place an individual with a disability in the general education environment unless it is demonstrated that the education of the individual in the general education environment, even with the use of supplementary aids and services, cannot be achieved satisfactorily. If the Board operates a separate class or facility that is identified as being provided for individuals with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without disabilities.

In addition, the Superintendent shall establish procedures to identify English Learner (EL) students, 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). ~~The Superintendent is responsible for verifying that a concentration of EL students in one or more programs is not the result of discrimination.)(~~

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 () within two (2) business days. () within _____ () business days. **[END OF OPTION]**

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 () within two (2) business days () within _____ () business days **[END OF OPTION]** of learning of the incident/conduct.

Students and Corporation employees are required, and all other members of the Corporation community and Third Parties are encouraged, to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other Corporation official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other Corporation employee or official who receives such a complaint shall file it with the CO within two (2) business days. **[NOTE: while students are advised to report discrimination/retaliation to administrators, supervisors, or other Corporation officials, the Board recognizes that some students may report discrimination/retaliation to a teacher. When a teacher receives such a report, the teacher must file it with the CO as indicated above.]**

Members of the Corporation community, which includes students or Third Parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. 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.

If during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs, who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

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

The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO 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 CO within two (2) business days of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers-COs 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 CO/designee must contact the employee Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the student is under the age of eighteen (18) within two (2) business-school days to advise him/her of the Corporation's Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedures (see Form 2260 F2)

Any-Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any student who believes that s/he has alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of his/her the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation 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-are encouraged 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.

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR") or the Indiana Civil Rights Commission ("ICRC"). The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: <http://www.ed.gov/ocr>.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop ~~quickly~~ inappropriate behavior ~~promptly~~ and facilitate resolution through ~~an~~ informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who ~~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-~~ alleges unlawful discrimination or retaliation. 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 when the Complainant and the Respondent mutually agree to participate in it.

~~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.~~

The Complainant may proceed immediately to the formal complaint process, and individuals who participate in 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 and~~ a student will be investigated formally ~~investigated, and a concurrent criminal complaint shall be filed.~~

As an initial course of action, if an individual a Complainant 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 comfortable and~~ safe doing so, the individual should tell or otherwise inform the person who engaged in Respondent that the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual Complainant should address the alleged misconduct as soon after it occurs as possible. ~~A/The Compliance Officer is~~ The COs are available to support and counsel ~~individuals the Complainant~~ when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who uncomfortable or unwilling to approach the Respondent directly about the inappropriate conduct may file an informal or a formal complaint.

~~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 (e.g., sex discrimination), ~~such as sexual discrimination,~~ the Compliance Officer CO 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-~~ A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: ~~(1) to a building administrator in the school the student attends; (2) directly to one of the Compliance Officer(s) COs; and/or (3) to the Superintendent or other Corporation-level employee.~~

All informal complaints must be reported to one of the Compliance Officer(s) COs, who ~~will~~ either will 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 the Complainant~~ with a range of options aimed at bringing about a prompt resolution of ~~their Complainant's~~ concerns. Depending upon the nature of the complaint and the Complainant wishes, ~~of the individual claiming unlawful discrimination/retaliation,~~ informal resolution may involve, but ~~is not be~~ limited to, ~~one or more of the following:~~

- A. Advising the individual Complainant about how to communicate ~~his/her~~ concerns to the ~~person who allegedly engaged in the discriminatory/retaliatory behavior Respondent.~~
- 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 Respondent~~ works or attends school.
- C. If both parties agree, the Compliance Officer Co may arrange and facilitate a meeting or mediation between the ~~individual claiming discrimination/retaliation Complainant~~ and the ~~individual accused of engaging in the misconduct Respondent~~ to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer CO or designee ~~will exercise his/her authority is directed~~ to attempt to resolve all informal complaints ~~(-)~~ within fifteen (15) business days of receiving the informal complaint. ~~(-)~~ within ~~_____ (-) business days of receiving the informal complaint.~~ **[END OF OPTION]**

~~Parties who are-~~ If the Complainant is dissatisfied with the ~~results of the~~ informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, parties either party 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 Complainant elects to file a formal complaint initially, this from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process, the~~ 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"); A Complainant may file a formal complaint, either orally or in writing, with an administrator, the Compliance Officer(s), a Principal, the CO, the 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. formal complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, or other Corporation official at the student's school, Superintendent, or other Corporation employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days. 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 () within two (2) business days. () within () business days. [END OF OPTION]~~

Throughout the course of the process, the ~~Compliance Officer CO~~ should keep the parties reasonably 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 known: the identity of the ~~individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct Respondent~~; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the ~~Compliance Officer CO~~ will consider whether any action should be taken in the investigatory phase to protect the Complainant from further 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 Respondent~~. In making such a determination, the ~~Compliance Officer CO~~ should consult with the Complainant to assess his/her agreement to whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the ~~Compliance Officer may CO~~ still may take whatever actions s/he deems are deemed appropriate in consultation with the Superintendent.

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

Simultaneously, the ~~Compliance Officer, or a designee, CO~~ will inform the ~~individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), Respondent~~ that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including this policy Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The Respondent also must be informed of the opportunity to submit a written response to the formal complaint ~~() within five (5) business days. () within () business days. [END OF OPTION]~~

Although certain cases may require additional time, the ~~Compliance Officer, CO or a designee,~~ will attempt to complete an investigation into the allegations of discrimination/retaliation ~~() within fifteen (15) business days of receiving the formal complaint. () within () business days of receiving the formal complaint. [END OF OPTION]~~. The investigation will include:

- A. interview(s) interviews with the Complainant;
- B. interview(s) interviews with the Respondent;
- C. interviews with any other witnesses who 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 CO or designee,~~ shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful harassment/retaliation of the Complainant ~~has been subjected to unlawful discrimination/retaliation~~. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful 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)~~.

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

Absent extenuating circumstances, within five (5) business days of receiving the report of the ~~Compliance Officer or the CO or~~ designee, the Superintendent ~~must~~ either must issue a decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

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

If the Superintendent determines the ~~Complainant was subjected to Respondent engaged in~~ unlawful discrimination/retaliation against the Complainant, s/he the Superintendent 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.

~~[] The decision of the Superintendent shall be final.~~
~~[OR]~~

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written request statement to the Board ~~()~~ within five (5) business days of his/her the party's receipt of the Superintendent's decision. () within () business days of his/her receipt of the Superintendent's decision. [END OF OPTION] The written statement of appeal must be submitted to the Treasurer/CFO (x) Board President, Board Attorney (x) or Director of Business Operations/Treasurer.

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

[END OF OPTIONS]

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~~ Complainant pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

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

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

Privacy/Confidentiality

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

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

~~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 CO~~ 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 is learned or provided~~ during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken because of the discrimination, the opportunity to complete assignments missed due to absences related to the discrimination, or other appropriate action.

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

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 Disciplinary Action**

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 ~~or the suspension/expulsion of a student~~. All disciplinary action will be taken in accordance with applicable State law and the terms of ~~the any relevant collective bargaining agreement(s), if any, agreement or student code of conduct~~. ~~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, ~~including the age and maturity level of any student involved~~. 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 any relevant collective bargaining agreement(s), if any, and with Federal and State laws and regulations agreement or student code of conduct~~.

~~All Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its 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 makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws or this policy, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws or this policy.~~

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

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

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

Education and Training

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

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

~~The CO is responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records), which may include but are not limited to:~~

- A. ~~all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy.~~
- B. ~~any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy.~~
- C. ~~any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Corporation's response to the alleged violation of this policy.~~

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

[DRAFTING NOTE: The following options should be selected if the Corporation concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- N. ~~() documentation of any training provided to Corporation personnel related to this policy, including but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]~~
- O. ~~() documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~() copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;~~
- Q. ~~() copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;~~
- R. ~~() copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

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

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, Section 504 of the Rehabilitation Act of 1973, as amended

~~29 C.F.R. Part 1635~~ 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

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 of 1973, as amended

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~~

29 C.F.R. Part 1635, The GINA Regulations

34 ~~CFR C.F.R.~~ Part 110, ~~(7/27/93) The Age Discrimination Act Regulations~~

Guidelines for Vocational Education Program Programs ~~Guidelines for Eliminating Discrimination and Denial of Services~~, Department of Education, Office ~~of~~ for Civil Rights, March 21, 1979

~~Title III of the No Child Left Behind Act of 2001~~

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Legal

I.C. 20-33-1-1

Fourteenth Amendment, U.S. Constitution

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

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Guidelines for Vocational Education Programs, Department of Education, Office for Civil Rights, March 21, 1979



Book	Policy Manual
Section	Policies for the Board
Title	Replacement Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY
Code	po2260.01
Status	First Reading
Adopted	December 7, 2010
Last Revised	May 1, 2012

2260.01 - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance solely by reason of disability. The School Board does not discriminate in admission or access to, participation in, treatment in, or employment in its programs or activities. As such, the Board's policies and practices will not discriminate against employees and students with disabilities, and the Board will make its facilities, programs, and activities accessible to qualified individuals with disabilities. Discrimination will not be permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices of the Board.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Free Appropriate Public Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education ("FAPE") to students with disabilities within its jurisdiction who are determined eligible for special education and related services under the Individuals with Disabilities Education Act ("IDEA") or Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities (see Definitions below), the Board shall provide the student a FAPE. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of students without disabilities are met shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities shall be equal to the quality of services provided to students without disabilities.

The Board is committed to educating (or providing for the education of) each qualified student with a disability within its jurisdiction with students without disabilities to the maximum extent appropriate. Generally, the Corporation will place a student with a disability in the general education environment unless it is demonstrated that the education of the student in the general education environment, even with the use of supplementary aids and services, cannot be achieved satisfactorily. If the Corporation places a student in a setting other than the general education environment, it shall take into account the proximity of the alternate setting to the student's home. If the Board operates a separate class or facility that is identified as being provided for students with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without disabilities.

The Corporation will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified students with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the Corporation, referrals to agencies that provide assistance to individuals with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods and nonacademic and extracurricular services and activities, including those listed above, the Corporation will verify that students with disabilities participate with students without disabilities in such services and activities to the maximum extent appropriate.

In accordance with Section 504, parents and students shall be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Section 504. In addition, students and their parents shall be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). Finally, students and parents shall be advised of their right to request a due process

hearing before an Impartial Hearing Officer ("IHO") regarding the identification, evaluation, or educational placement of persons with disabilities, and their right to examine relevant education records. (See also AG 2260.01B - Section 504/ADA - Complaint and Due Process Procedures)

Definitions

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

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

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

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

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

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

Anti-Individual with a disability means a person who has, has a record of, or is regarded as having a physical or mental impairment that substantially limits one or more major life activities.

Major Life Activities

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including but not limited to functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Impairment That Substantially Limits a Major Life Activity

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

Qualified Individual with a Disability

With respect to public preschool, elementary and secondary educational services, a qualified individual with a disability means a student with a disability:

- A. who is of an age during which persons without disabilities are provided educational services;
- B. who is of any age during which it is mandatory under Indiana law to provide educational services to persons with disabilities; or
- C. to whom the State is required to provide a free appropriate public education pursuant to the IDEA.

With respect to vocational education services, a qualified individual with a disability means a student with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. The Board will not deny a student with a disability access to its vocational education programs or courses due to architectural and/or equipment barriers or because the student needs related aids or services to receive an appropriate education.

With respect to employment, a qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position the individual holds or desires and can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

With respect to employment, the Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a

record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Facilities

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 because the Corporation's facilities are inaccessible to or unusable by persons with disabilities.

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.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the Corporation's Compliance Officers (also known as Section 504 Compliance Officers/ADA Coordinators) (hereinafter referred to as the "COs").

[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs also may serve as the Corporation's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there always should be a CO available to investigate a claim of discrimination/retaliation that pertains to the other CO. The Board must list either the Name or Title of the CO; while the Board may list both the Name and Title, Neola suggests that the Board consider listing only the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.]

Director of Business Operations or Building Administrator; 315 South Harrison Drive, Corydon, IN 47112; (812) 738-2168; nondiscrimination@shcsc.k12.in.us or antiharassment@shcsc.k12.in.us.

~~Name and/or Title~~
~~Address~~
~~Telephone No.~~
~~Email address~~

~~Name and/or Title~~
~~Address~~
~~Telephone No.~~
~~Email address~~

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and:

- A. in the staff handbooks.
- B. ~~() in the Corporation's Annual Report to the public.~~
- C. ~~() on each individual school's website.~~
- D. ~~() in the Corporation's calendar.~~
- E. ~~() _____.~~

The COs 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/retaliation or denial of equal access. The COs 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, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. ~~() Any sections of the Corporation's collectively bargained, negotiated agreements dealing with hiring, promotion, and tenure need to 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. [END OF OPTION]~~ A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below. The Board further will establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing, for parents of students with disabilities.

Reports and Complaints of Unlawful Discrimination and Retaliation

Students and Corporation employees are required, and all other members of the Corporation community and Third Parties are encouraged, to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other Corporation official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other Corporation employee or official who receives such a complaint shall file it with the CO within two (2) business days. **[NOTE: while students are advised to report discrimination/retaliation to administrators, supervisors, or other Corporation officials, the Board recognizes that some students may report discrimination/retaliation to a teacher. When a teacher receives such a report, the teacher must file it with the CO as indicated above.]**

Members of the Corporation community, which includes students or Third Parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. 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.

A student and/or parent may initiate the internal complaint procedure when they believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as having a disability or believed to have a disability pursuant to Section 504 and are not eligible under the IDEA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the OCR or requesting an impartial due process hearing.

If during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs, who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

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

The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO 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 CO within two (2) business days of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs 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 CO/designee must contact the Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the student is under the age eighteen (18) within two (2) school days to advise of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedures (See Form 2260.01B F2)

Any person who alleges to have been subjected to unlawful discrimination or retaliation on the basis of disability may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to ~~promptly~~ stop inappropriate behavior ~~promptly~~ and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an individual who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process, and individuals who participate in 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 and a student will be ~~formally~~ investigated ~~formally~~.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the Complainant should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to ~~directly~~ approach the Respondent directly about the inappropriate conduct may file an informal or a formal complaint.

In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint; either orally or in writing to: 1) ~~to~~ a building administrator; 2) ~~directly to~~ one of the COs; ~~and~~; or 3) ~~to~~ the Superintendent or other Corporation-level employee.

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

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

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability to the individuals in the school building or office where the Respondent works/attends school.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

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

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

Formal Complaint Procedure

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

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

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 formal complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a ~~P~~Principal, the Superintendent, or other Corporation-level official; either orally or in writing; about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

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

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the CO 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 Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the Superintendent.

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

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260.01 - Section 504/ADA

~~Prohibition Against Discrimination Based on Disability:1623—Section 504/ADA Prohibition Against Disability Discrimination in Employment.~~ The Respondent also must be informed of the opportunity to submit a written response to the formal complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/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 reasonably may be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO 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 Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's 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.

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

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final written decision will be delivered to both the Complainant and the Respondent.

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

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation against ~~toward~~ the Complainant, the Superintendent 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.

~~[] The decision of the Superintendent shall be final.~~

~~[OR]~~

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

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

~~[END OF OPTIONS]~~

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

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies, such as the filing of a complaint with the OCR, ~~EEOC~~ or ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and comply ~~conform~~ with any discovery or disclosure obligations.

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

During the course of a formal investigation, the CO 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 is learned

or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, **the opportunity to complete assignments missed due to absences related to the discrimination**, or other appropriate action.

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

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination 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 **or the suspension/expulsion of a student**. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement **(s) or student code of conduct**.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, **including the age and maturity level of any student involved**. In those cases where unlawful 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 any relevant collective bargaining agreement **(s) or student code of conduct**.

Where the Board becomes aware that a prior disciplinary action has been taken against **the Respondent an employee**, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Impartial Due Process Hearing

A student and/or parent may request an impartial due process hearing regarding the identification, evaluation, or placement of a student with a disability. The student and/or parent may but are not required to first exhaust the above complaint procedure before requesting an impartial due process hearing. The parent of a student with a disability and a student over 18 years old (if not under guardianship) or an emancipated student has the right to: (1) examine records or documents that the school relied on in making its decision about the student; (2) request an impartial due process hearing that provides the parent **and/or student** with an opportunity to participate and permits representation by an attorney; and (3) have an opportunity for review of the decision made at the hearing.

A request for an impartial due process hearing should be made as soon as possible following a dispute in order to ensure that witnesses are available but no more than two years following the date of the matter in dispute. A request for an impartial due process hearing must be put in writing, identify the specific circumstances or areas of dispute that have given rise to the request for a hearing, and offer possible solutions to the dispute. The request for due process hearing must be filed with a Corporation CO within the time limits specified above. The CO is available to assist individuals in filing a request for an impartial due process hearing.

When a request for an impartial due process hearing is received, the aggrieved party will have the opportunity to receive a hearing conducted by an IHO (i.e., by a person not employed by the Corporation, not involved in the education or care of the child, and not having a personal or professional interest that would conflict with the IHO's objectivity in the hearing). The Corporation will maintain a list of trained IHOs that may include IDEA/Article 7 hearing officers, attorneys, and Directors of Special Education outside the Corporation. The Corporation CO will appoint an IHO from that list, and the Corporation will bear the costs of the hearing. The appointment of an IHO will be made within fifteen (15) school days after the request for an impartial due process hearing is received.

A party to an impartial due process hearing has the right to:

- A. ~~to~~ be accompanied and advised by legal counsel and ~~by~~ individuals with special knowledge or training with respect to the problems of students with disabilities at the party's own cost;
- B. present evidence and confront, cross-examine and compel the attendance of witnesses;
- C. a written or electronic verbatim record of the hearing; and
- D. written findings of fact and conclusions of law setting forth the reasons for the decision.

The IHO shall conduct the impartial due process hearing within a reasonable period of time (i.e., not to exceed ninety (90) calendar days from the request for a hearing, unless this time-frame is mutually waived by the parties or is determined by the IHO to be impossible to comply with due to extenuating circumstances). The IHO will give the parent and/or student written notice of the date, time and place of the hearing. Notice will be given no less than twenty-one (21) calendar days prior to the date of the hearing, unless otherwise agreed to by the parent and/or student. The notice shall include:

- A. a statement of the time, place and nature of the hearing;
- B. a statement of the legal authority and jurisdiction under which the hearing is being held;

- C. a reference to the particular section(s) of the statutes and rules involved;
- D. a statement of the availability of relevant records for examination;
- E. a short and plain statement of the matters asserted; and
- F. a statement of the right to be represented by counsel.

The IHO shall conduct the hearing in a manner that will afford all parties a full and fair opportunity to present evidence and otherwise to be heard. The parent and/or student may be represented by another person of the parent or student's choice, including an attorney. The IHO shall make a full and complete record of the proceedings.

The IHO shall render a decision in writing to the parties within thirty (30) calendar days following the conclusion of the hearing. The decision will be based solely on the testimony and demonstrative evidence presented at the hearing and include a summary of the evidence (i.e., findings of fact) and the reason for the decision (conclusions of law). The IHO's decision shall include a statement that either party may appeal the decision.

Appeal of the IHO's decision may be made to a Federal court of competent jurisdiction.

OCR Complaint

At any time, if a student or parent believes that the student has been subjected to discrimination based upon disability in violation of Section 504 or the ADA, the student or parent may file a complaint with the OCR. The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Chicago Office
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: 312-730-1560
FAX: 312-730-1576
TDD: 800-877-8339
E-mail: OCR.Chicago@ed.gov
Web: <http://www.ed.gov/ocr>

Except in extraordinary circumstances, the OCR does not review the result of individual placement and other educational decisions, so long as the Corporation complies with the "process" requirements of Subpart D of Section 504.

Retaliation

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

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

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

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

Education and Training

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

Retention of Investigatory Records and Materials

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

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

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

~~[DRAFTING NOTE: The following options should be selected if the Corporation concludes that the following items are not adequately encompassed in the preceding paragraphs.]~~

- N. ~~() documentation of any training provided to Corporation personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed and/or presented during the training.]~~
- O. ~~() documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~() copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;~~
- Q. ~~() copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;~~
- R. ~~() copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

Additionally, the CO shall retain copies of any written request for an impartial due process hearing, the IHO's notices to the parties, the evidence entered in the hearing, any transcript of the hearing, and the IHO's decision.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

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

Legal

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

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

29 C.F.R. Part 1630, ADA Regulations

34 C.F.R. Part 104, Section 504 Regulations



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES
Code	po2266
Status	First Reading
Adopted	October 6, 2020

2266 – NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

Introduction

The School Board of the South Harrison Community School Corporation (hereinafter referred to as "the Board" or "the Corporation") does not discriminate on the basis of sex (including sexual orientation or gender identity) in its education programs or activities and is required by Title IX of the Education Amendments of 1972 and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. **[DRAFTING NOTE: In the new Title IX regulations, the term "admission" refers to admission to postsecondary institutions (i.e., institutions of graduate higher education, institutions of undergraduate higher education, institutions of professional education, and institutions of vocational education); thus, if a K-12 school does not operate a vocational program (e.g., a school or institution that has as its primary purpose preparation of students to pursue a technical, skilled, or semi-skilled occupation or trade or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers full-time study), the K-12 school does not officially need to include "admission and" in the preceding sentence (and where that phrase is used throughout this policy). Neola, however, has elected to include it because all K-12 schools "enroll" students and often the term "enroll" is viewed as synonymous with the term "admit." Since K-12 schools cannot discriminate when enrolling students into the education programs or activities that they operate, it seems appropriate to include the term "admission."]** The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the Corporation has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Members of the Corporation Community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. Third Parties who engage in Sexual Harassment also are subject to the disciplinary sanctions listed in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the Corporation's education programs and activities.

Coverage

This policy applies to Sexual Harassment that occurs within the Corporation's education programs and activities and that is committed by a member of the Corporation Community or Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the Corporation's education programs and activities; such Sexual Misconduct / Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws (x) and/or Employee / Administrator Handbook(s) **[End of Option]** if committed by a Corporation employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the Corporation's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student or by Board policies and administrative guidelines, applicable State and/or Federal laws (x) and/or Employee / Administrator Handbook(s) **[End of Option]** if committed by a Corporation employee.

Complaints alleging sexual harassment and/or discrimination on the basis of sex also are covered by and subject to the investigation procedures in Board Policy 5517 - Anti-Harassment. Complaints not covered by this policy still may be governed by and subject to the procedures in Policy 5517 - Anti-Harassment.

Definitions

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

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. A Corporation employee conditioning the provision of an aid, benefit, or service of the Corporation on an individual's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Corporation's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the "nonforcible" sex offenses of Incest and Statutory Rape. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

[DRAFTING NOTE: Select Option 1 or Option 2. While Neola is comfortable with Option 2, given that offenses 2 (sodomy) and 3 (sexual assault with an object) cover parts of Option 1 that are not included in Option 2, Neola suggests the Board consult with its local legal counsel concerning which definition of "Rape" to adopt. By way of background, Option 1 represents the definition of "Rape" that is required by the Clery Act's regulations — i.e., the definition contained in the Summary Reporting System ("SRS") of the FBI's Uniform Crime Reporting ("UCR") Program. Unfortunately, the SRS is being faded out effective January 2021; at that time, the SRS is being replaced by the National Incident-Based Reporting System (NIBRS), which contains a different definition of "Rape" — i.e., the definition contained in Option 2. Additionally, it is relevant to note that the definitions of the remaining sexual assault offenses already are derived from the NIBRS's definitions. If a Board selects Option 1, it may be necessary to update the policy later to a new definition of "Rape" (i.e., the one contained in Option 2) once the SRS is retired. Alternatively, a Board could include both definitions to hopefully minimize the need to amend this policy — even on a technical amendment basis — so soon after it is adopted. If a Board elects to include both definitions, it should include the following parentheticals: (a) at the end of Option 1: "(effective until the FBI retires the Summary Reporting System, which is scheduled for January 2021)," and (b) at the end of Option 2: "(effective upon the retirement of the Summary Reporting System, which is scheduled for January 2021)."]

1. **[OPTION 1]** Rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Attempted rape is included. **[END OF OPTION 1]** **[OPTION 2]** Rape is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. **[END OF OPTION 2]**
2. Sodomy is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. Sexual Assault with an Object is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

4. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
5. Incest is **nonforcible** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
6. Statutory Rape is **nonforcible** sexual intercourse with a person who is under the statutory age of consent as defined by State law.
7. Consent refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent. **[DRAFTING NOTE: The Title IX regulations do not require the Board to adopt a particular definition of "consent," but it is advisable to adopt a definition because "consent" is an element of each of the first four terms listed above. Since there are a number of different definitions of consent from which to choose, the Board should consult its local legal counsel concerning selecting a specific definition of consent that represents its position on the topic; the investigator(s) and decision-maker(s) will then uniformly apply the adopted definition.]**
8. Incapacitated refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep. **[DRAFTING NOTE: Depending on the definition of "consent" that the Board adopts, it may be necessary to define "incapacitated" in the policy. If it is not defined in the policy, it should certainly be defined in the Administrative Guideline; even if defined in the policy, the Administrative Guideline provides an opportunity to expand on the concept of "consent" and what the Board means by the term "incapacitated."]**

"**Domestic violence**" includes felony or misdemeanor crimes of violence committed by:

- A. A current or former spouse or intimate partner of the victim;
- B. A person with whom the victim shares a child in common;
- C. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- D. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
- E. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

"**Dating violence**" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

"**Stalking**" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Complainant: "Complainant" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Respondent: "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Formal Complaint: "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Corporation investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the Corporation, a Complainant must be participating in or attempting to participate in the Corporation's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: "Actual knowledge" means notice of Sexual Harassment or allegations of Sexual Harassment to the Corporation's Title IX Coordinator, or any Corporation official who has authority to institute corrective measures on behalf of the Board, or any Corporation employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Corporation. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only Corporation official with actual knowledge is the Respondent.

Supportive Measures: "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Corporation's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Corporation's educational environment or deter Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), **() referral to Employee Assistance Program [End of Option]**, and other similar measures.

Education Program or Activity: "Education program or activity" refers to all operations of the Corporation, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement, and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Corporation. It also includes locations, events, and circumstances that take place off-school property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

Corporation Community: "Corporation Community" refers to students and Corporation employees (i.e., administrators and professional and classified staff), as well as Board members, agents, volunteers, contractors, and other persons subject to the control and supervision of the Board.

Third Parties: "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).

Inculpatory Evidence: "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged Sexual Harassment.

Exculpatory Evidence: "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

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

Eligible Student: "Eligible Student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Title IX Coordinator(s)

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

[DRAFTING NOTE: Neola suggests the Board consider appointing both a male and a female Title IX Coordinator. The Board must list either the Name or Title of the Title IX Coordinator, while the Board may list both the Name and Title, Neola suggests that the Board consider only listing the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.]

 (Name)

 (Corporation Title)

 (Office Address)

 (Telephone Number)

 (Corporation issued E-mail Address)

 (Name)

{Corporation Title}

{Office Address}

{Telephone Number}

{Corporation issued E-mail Address}

Appropriately Trained Male and Female Administrators as Identified on the School Corporation Website
315 South Harrison Drive, Corydon, IN 47112
(812) 738-2168
www.shcsc.k12.in.us

The Title IX Coordinator shall report directly to the Superintendent except when the Superintendent is a Respondent. In such matters, the Title IX Coordinator shall report directly to (X) the Board Attorney ()
_____. Questions about this policy should be directed to the Title IX Coordinator.

The Superintendent shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Corporation employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of the South Harrison Community _____ School Corporation does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Corporation's Title IX Coordinator(s) is/are:

Appropriately Trained Male and Female Administrators as Identified on the School Corporation Website
315 South Harrison Drive, Corydon, IN 47112
(812) 738-2168
www.shcsc.k12.in.us

{Name}

{Corporation Title}

{Office Address}

{Telephone Number}

{Corporation issued E-mail Address}

{Name}

{Corporation Title}

{Office Address}

{Telephone Number}

{Corporation issued E-mail Address}

Any inquiries about the application of Title IX and its implementing regulations to the Corporation may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: <https://www.shcsc.k12.in.us/board-relations/> ~~{insert the web address at which Policy 2266 can be found, or insert a hyperlink tied to the title of the policy}~~. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the Corporation will respond.

The Superintendent also shall prominently display the Title IX Coordinator's(s) contact information – including Name(s) and/or Title(s), Phone Number(s), Office Address(es), and Email Address(es) – and this Policy on the Corporation's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Corporation employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The Corporation's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before the imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the Corporation's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies also may be disciplinary or punitive in nature and may burden the Respondent.

The Process described herein relates exclusively to complaints brought under this Policy. The Corporation will continue to handle complaints subject to the Corporation's other nondiscrimination and anti-harassment policies, including Policy 5517 - Anti-Harassment; Policy 5517.01 - Bullying; Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity; Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability; 1422/3122/4122 - Nondiscrimination and Equal Employment Opportunity; and 1662/3362/4362 - Anti-Harassment.

Report of Sexual Discrimination/Harassment

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s) contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s). (X) Anonymous reports may be submitted, ~~using () the online reporting form posted at {insert the web address for the reporting form, or insert a hyperlink tied to the phrase "online reporting form" [or () the hotline reporting number {insert phone number}]. [DRAFTING NOTE: It is recommended that the Title IX Coordinator(s) be trained on evaluation of anonymous reports to determine if sufficient information is provided as to proceed under either this Policy or another related policy.]~~

Students, Board members, and Corporation employees are required, and other Corporation Community members and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Corporation employee, who will, in turn, notify the/a Title IX Coordinator. ~~[DRAFTING NOTE: All Corporation employees are mandatory reporters pursuant to the Title IX regulations. Existing policy, however, also requires students and Board members to report any information they have concerning allegations of sex discrimination or Sexual Harassment. Neola suggests that the Board continue this additional requirement in this policy, along with the language encouraging other individuals to make such reports; this will coincide with similar requirements that are imposed on Board members and students in other nondiscrimination and anti harassment policies. If the Board decides it does not want to go beyond the scope of the regulations for purposes of this policy, it should replace the first sentence of this paragraph with either of the following: "Corporation employees are required to report allegations of sex discrimination or Sexual Harassment promptly to the Title IX Coordinator." OR "Corporation employees are required, and Board members, Corporation Community members and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Corporation employee, who in turn will notify the/a Title IX Coordinator."]~~ Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment. ~~[DRAFTING NOTE: If the Superintendent is the Title IX Coordinator, substitute () _____ () Board Attorney () _____ () Board President" in place of "Superintendent."]~~

The Board does business with Third Parties who are not students or employees of the Board. Notwithstanding any rights that a given Third Party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or Third Party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any Third Party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct / Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies ~~() and/or administrative guidelines [END OF OPTION]~~, the applicable Student Code of Conduct, or Employee ~~/Administrator Handbook(s)~~.

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Corporation employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Corporation employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. ~~[DRAFTING NOTE: The regulations do not specify within how many days the Corporation employee must notify the Title IX Coordinator of receiving a report of Sexual Harassment; Neola suggests "two (2) days." Alternatively, the Board could make this language more open-ended — e.g., " * * * must immediately/promptly notify the/a Title IX Coordinator of such information or report."]~~ The Corporation employee must also comply with mandatory reporting responsibilities regarding suspected abuse, abandonment or neglect of a child pursuant to I.C. 31-33-5-1 and Policy 8462- Student Abuse and Neglect, if applicable. If the Corporation employee's knowledge is based on another individual bringing the information to the Corporation employee's attention and the reporting individual submitted a written complaint to the Corporation employee, the Corporation employee must provide the written complaint to the Title IX Coordinator.

If a Corporation employee fails to report an incident of Sexual Harassment of which the Corporation employee is aware, the Corporation employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days ~~[DRAFTING NOTE: The regulations do not define "promptly" or otherwise specify within how many days the contact has to be made; Neola suggests "two (2) days"]~~) of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the Corporation to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the Corporation may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the Corporation determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5605 – Suspension and Expulsion of Students with Disabilities 5610 – Suspension and Expulsion of Students, Policy 5611 – Due Process Rights, and 5620 – Court Assisted Resolution of Suspension and Expulsion. ~~[DRAFTING NOTE: The Board may substitute "Superintendent" or "Title IX Coordinator" in place of "Corporation" in the first sentence. Alternatively, the Superintendent could designate, through the administrative guideline, one or more administrators, including the Title IX Coordinator, to make emergency removal decisions after conducting the individualized safety and risk analysis. In Indiana, emergency removals may be imposed only in the manner delineated in I.C. 20-33-8. Additionally, emergency removals must be conducted in compliance with the Individuals with Disabilities Education Act, as amended, and/or Section 504 of the Rehabilitation Act of 1973.]~~

If the Respondent is a non-student employee, the Corporation may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the Corporation Community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above ~~() and by _____ [DRAFTING NOTE: The Board may set forth additional method(s) by which a Formal Complaint may be filed (e.g., online portal submission).]~~ If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint. ~~[DRAFTING NOTE: If the Superintendent is the Title IX Coordinator, substitute () _____ () "Board Attorney" () "Board President" in place of "Superintendent" in the preceding sentence.]~~

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the Corporation will follow its Grievance Process, as set forth herein. Specifically, the Corporation will undertake an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and will not make credibility determinations based solely on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct (x) and the Employee ~~/Administrator Handbook~~. ~~[DRAFTING NOTE: The Board should confirm/verify that its Student Code of Conduct and any Employee/Administrator Handbook(s) include a prohibition against intentionally making a false report, submitting a false Formal Complaint, or making a false statement or submitting false information during a Title IX grievance process. Such misconduct should be a sanctionable offense pursuant to the Student Code of Conduct and Employee/Administrator Handbook(s).]~~

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The Corporation will seek to conclude the grievance process, including resolving any appeals, within ninety (90) days of receipt of the Formal Complaint. ~~[DRAFTING NOTE: The Title IX regulations do not specify a deadline for completing the grievance process; Neola suggests 90 days (i.e., 12 weeks) based on the following considerations: (1) within two days of receipt of the Formal Complaint, the Title IX Coordinator sends requisite notice to parties; (2) two weeks (14 calendar days) to investigate (remember the need for advance written notice to a party and adequate time for the party to prepare before any interviews/hearings/meetings; time for parties to present witnesses (including expert witnesses) and other inculpatory or exculpatory evidence); (3) at the conclusion of the investigation and before finalizing the investigative report, two weeks (a minimum of 10 calendar days) for the parties to review the evidence and submit their feedback; (4) up to a week (i.e., 7 calendar days) for the investigator to consider such feedback and prepare the investigative report; (4) two-week (a minimum of 10 calendar days) for the parties to review the investigative report and submit questions and receive answers to questions submitted to parties and witnesses (if the Board permits hearings, the hearing cannot occur until the Complainant and Respondent have had a minimum of 10 calendar days to review the investigative report); (5) a week (i.e., 7 calendar days) for the decision-maker(s) to prepare the decision; (6) up to a week (Neola suggests three (3) calendar days) for the parties to review the decision and submit a notice of appeal; (7) a week (7 calendar days) for the parties to submit their written statements in support of or in opposition to the appeal; and (8) a week (7 calendar days) for the appeal decision-maker(s) to prepare a final decision. Any informal resolution process could impact this schedule. Given this fairly aggressive timeline, the Board may want to remove the appeal process from this timeline — i.e., delete the phrase "including resolving any appeals," from the sentence, which would allow more time for potential use of the informal resolution process. Further, the preceding schedule does not provide time for a hearing that could further extend the timeline needed to complete the grievance process.]~~

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as: the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. ~~[DRAFTING NOTE: The Board should consult with its local legal counsel on a case-by-case basis to determine whether there may be other reasons/good cause for a delay or extension of time — e.g., the complexity and severity of the matter, or school breaks.] () The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.~~

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitute Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:
 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.

3. inform the parties of any provision in the Student Code of Conduct (), this policy, () and/or Employee/Administrator Handbook ~~[DRAFTING NOTE: While the Title IX regulations only reference "code of conduct" Neola suggests that the Board reference other applicable documents that expressly prohibit an individual from making false statements or knowingly submitting false information as part of the grievance process.]~~ that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

~~[DRAFTING NOTE: The Title IX regulations do not define "upon receipt" or otherwise specify within how many days the notice must be sent; Neola suggests the Title IX Coordinator send the notice within "two (2) days" of receipt of the Formal Complaint; this suggestion is memorialized in the corresponding Administrative Guideline. Please note, however, that it could be argued that the notice should be sent sooner. Regardless, the Title IX Coordinator should have a template notice form available that can be completed quickly with the requisite information after receipt of the Formal Complaint.]~~

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator, and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The Corporation shall investigate the allegations in a Formal Complaint, unless the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the Corporation's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator shall dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the Corporation may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee / Administrator Handbook.

The Title IX Coordinator may dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation ~~()~~ or hearing ~~[DRAFTING NOTE: Select this option if the Board permits hearings.]~~:

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the Corporation or employed by the Board; or
- C. specific circumstances prevent the Corporation from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator promptly must send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

~~[DRAFTING NOTE: The Board may adopt provisions, rules, or practices other than those required by the Title IX regulations as part of its grievance process for handling Formal Complaints of Sexual Harassment, provided they apply equally to both parties and do not violate the language in the regulations. The Board should discuss this option with its local legal counsel.]~~

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that otherwise would occur are stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Corporation employee () or another adult member of the Corporation Community or Third Party sexually harassed a student. ~~[DRAFTING NOTE: The Title IX regulations prohibit the use of an informal resolution process when the allegations involve a Corporation employee sexually harassing a student; Neola suggests that it also may not be appropriate to use informal resolution processes when a Third Party is alleged to have sexually harassed a student. Since this is not a requirement, it is offered as an option. If the optional language is not selected, the Board retains the discretion to use informal resolution processes as may be determined appropriate by the Title IX Coordinator on a case-by-case basis.]~~

() The informal resolution process is not available to resolve allegations regarding a sexual assault involving a student Complainant and a student Respondent. ~~[DRAFTING NOTE: While this language is not required by the Title IX regulations, Neola suggests the Board select this option because of the severity of this type of Sexual Harassment.]~~

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the Corporation, not the parties.

In making the determination of responsibility, the decision-maker(s) is/are directed to use the () preponderance of the evidence standard ~~() clear and convincing evidence standard~~. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

~~[DRAFTING NOTE: Neola suggests the Board adopts the "preponderance of the evidence standard." The preponderance of the evidence standard is an equitable standard of proof and the legal standard by which most civil lawsuits, including civil rights claims, are adjudicated in the United States. This standard requires the decision-maker(s) to determine that there is a greater than fifty percent (50%) likelihood (i.e., it is more probable/likely than not) that the Respondent engaged in the alleged Sexual Harassment. The "clear and convincing evidence standard," on the other hand, is a higher standard of evidence, in which the Corporation would need to show to the decision-maker(s) that the truth of the allegations is highly probable (i.e., that the contention is substantially more likely to be true than untrue). Some argue that using the clear and convincing standard may skew the playing field toward the Respondent by enhancing protection for the Respondent at the expense of the Complainant. The same standard of evidence must be applied for Formal Complaints against students as is applied to Formal Complaints against employees, and the same standard of evidence must be used for all Formal Complaints of Sexual Harassment.]~~

The Corporation is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the Corporation with voluntary, written consent to do so; if a student party is not an Eligible Student, the Corporation must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The Corporation may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

~~() The Corporation establishes the following restrictions, which apply equally to both parties, regarding the extent to which an advisor may participate in the proceedings: [DRAFTING NOTE: The Board should consult with its local legal counsel concerning any restrictions it may want to place on an advisor's participation in the proceedings, including rules of decorum. This topic is also addressed in Administrative Guideline 2266.]~~

- C. ~~() Board Policy 2461—Recording of Corporation Meetings Involving Students and/or Parents controls whether a person is allowed to audio-record or video-record any meeting or grievance proceeding;~~

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The Corporation will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all ~~() hearings~~ [DRAFTING NOTE: Select this option if the Board permits hearings]; investigative interviews or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of three (3) ~~()~~ days' notice with respect to investigative interviews and other meetings ~~()~~ and ~~()~~ days' notice with respect to hearings [End of Option]. [DRAFTING NOTE: The Board should consult with its local legal counsel concerning whether to set a minimum amount of advance notice—i.e., define "sufficient time"; Neola suggests a minimum of three (3) days' advanced notice for hearings and one (1) day's advanced notice for investigative interviews and other meetings.]

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the Corporation does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the ~~() investigator~~ Title IX Coordinator [END OF OPTION] will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. [DRAFTING NOTE: The Board should select the following option if it provides for a hearing before the decision maker] ~~() The Corporation will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.~~

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to: [DRAFTING NOTE: Select one of the following two options. The Board should select the second option if it is providing a hearing or permitting the decision-maker(s) to decide whether to conduct a hearing on a case-by-case basis.]

- A. the decision-maker(s) issuing a determination regarding responsibility.
- B. ~~() a hearing or the decision-maker(s) issuing a determination regarding responsibility.~~

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

~~[DRAFTING NOTE: The Board may, but need not, provide for a hearing before the decision-maker(s) reaches a determination of responsibility. Neola suggests that the Board not provide for a hearing. If the Board decides not to provide for a hearing, the Board should select OPTION 1; if the Board elects to provide a hearing or to provide the decision-maker(s) with the discretion to conduct a hearing on a case-by-case basis, the Board should select OPTION 2. Additionally, if the Board operates a vocational program (see the Drafting Note contained in the first paragraph for the definition of "vocational program"), Neola suggests that the Board consult its local legal counsel concerning whether it must provide for a live hearing related to formal complaints involving parties associated with the vocational program. If the Board determines with its legal counsel that it must provide for a live hearing, it should select Option E of Option 2, at least with respect to formal complaints involving parties involved in the vocational program (i.e., it does not need to provide for a live hearing for its regular K-12 education programs and activities that it operates.)]~~

[OPTION 1]

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

~~[END OF OPTION 1—NOTE: If Option 1 is selected proceed to [END OF OPTION 2] and commence with Determination Regarding Responsibility]~~

~~() [OPTION 2—NOTE: Option 2 is inclusive of all Letter Options (A)–(E)]~~

~~After the investigator sends the investigative report to the parties and the decision-maker(s), and prior to the decision-maker(s) issuing a determination of responsibility, the decision-maker(s) ~~() may~~ ~~() will~~ conduct a hearing.~~

~~[DRAFTING NOTE: Select Option A or Option B. If the Board selects "may," it should select Option A; if it selects "will," it should select Option B.]~~

~~() [Option A]~~

~~If the decision maker(s) decides not to conduct a hearing, the decision-maker(s) will state in writing the reason for not conducting a hearing and provide that explanation to the parties. Additionally, before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.~~

~~If the decision maker(s) elects to conduct a hearing, the hearing will proceed as follows:~~

~~[End of Option A]~~

~~() [Option B]~~

~~The hearing will proceed as follows:~~

~~[End of Option B]~~

~~[DRAFTING NOTE: Select Option C or Option D or Option E; Neola suggests Option C]~~

~~() [Option C]~~

~~At the hearing, the decision-maker(s) will allow each party or each party's advisor to submit relevant questions to the decision-maker(s) who will ask the questions to the other party and any witnesses. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Only relevant cross-examination and other questions, including follow-up questions and questions challenging credibility, will be permitted. Such cross-examination and questioning at the hearing shall be conducted orally and in real time.~~

~~() If a party does not have an advisor present at the hearing, the Corporation will provide, without fee or charge to that party, an advisor of the Corporation's choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party.~~

~~[End of Option C]~~

~~() [Option D]~~

~~Prior to commencing the hearing, the decision-maker(s) will decide whether to allow each party's advisor to ask questions directly of the other party and any witnesses, or instead to have the questions submitted to the decision-maker(s) who will ask the other party and any witnesses the questions.~~

~~If the decision-maker(s) permits each party's advisor to ask the other party and any witnesses relevant questions and follow-up questions, including questions challenging credibility, such cross-examination at the hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If the decision-maker(s) permit each party's advisor to ask questions directly to the other party and any witnesses, the decision-maker(s) shall not restrict the extent to which advisors may participate in the hearing.~~

~~If, on the other hand, the decision-maker(s) decides to have each party's advisor (or the party, if the party does not have an advisor) submit relevant questions to the decision-maker(s), the decision-maker will ask the questions to the other party and any witnesses. Such cross-examination at the hearing will be conducted orally and in real time by the decision-maker(s) based upon questions submitted by a party's advisor or the party.~~

~~Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.~~

~~If the decision-maker(s) permits the parties' advisors to ask the questions directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding anything to the contrary in this policy, an advisor of the Corporation's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.~~

~~() If the decision-maker(s) decides not to have the parties' advisors ask the questions directly, and a party does not have an advisor present at the hearing, the Corporation will provide, without a fee or charge to that party, an advisor of the Corporation's choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party.~~

~~[End of Option D]~~

~~() [Option E]~~

~~At the live hearing, the decision-maker(s) shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding anything to the contrary in this policy, the decision-maker shall not restrict the extent to which advisors may participate in the hearing.~~

~~Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.~~

~~If a party does not have an advisor present at the live hearing, the Corporation will provide, without fee or charge to that party, an advisor of the Corporation's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.~~

~~[End of Option E]~~

~~Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.~~

~~If a party or witness does not submit to cross-examination at the hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.~~

~~Hearings may be conducted with all parties physically present in the same geographic location or, at the discretion of the () decision-maker(s) () Title IX Coordinator(s) [end of option], any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the decision-maker shall provide for the hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or witness answering questions. The Corporation will create an audio or audio-visual recording, or transcript, of any hearing and make it available to the parties for inspection and review.~~

~~[END OF OPTION 2]~~

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard ~~() clear and convincing evidence standard. [DRAFTING NOTE: Be sure to select the same evidence standard previously selected above.]~~

The written determination will include the following content:

- A. Identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence ~~() and hearings held [DRAFTING NOTE: The Board should only select this option if it permits hearings];~~
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the Corporation impose on the Respondent(s) and whether remedies designed to restore or preserve equal access to the Corporation's education program or activity should be provided by the Corporation to the Complainant(s); and
- F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

[OPTION 1]

Informal or formal disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

~~[END OF OPTION]~~

~~() [OPTION 2]~~

~~Disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment), including but not limited to:~~

~~[END OF OPTION]~~

A. Informal Discipline

1. writing assignments;
2. changing of seating or location;
3. before-school, lunchtime, after-school detention;
4. in-school discipline;
5. Saturday school.

B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;
6. expulsion for up to one (1) year; and
7. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion of Students, Policy 5610.02 – In-School Discipline, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Act (IDEA), as amended, and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

Disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy including but not limited to (i.e., engaging in Sexual Harassment):

- A. oral or written warning;

- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination;
- J. any other sanction authorized by any applicable Employee/Administrator Handbook and/or applicable collective bargaining agreement.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual. If the Superintendent is the Respondent, the Title IX Coordinator will notify the Board Attorney ~~() Board () of the recommended remedies for consideration and, if necessary and appropriate, implementation in compliance with applicable due process procedures, whether statutory or contractual.~~
[DRAFTING NOTE: The Board should review applicable policy(ies) / administrative guidelines / employee handbooks to determine whether changes are needed to stated timelines related to the imposition of discipline as a result of possible delays caused by the Board's obligation to follow this grievance process and procedures; likewise, the Board may need to discuss with union representatives how the implementation of this grievance process may impact any disciplinary provisions contained in applicable collective bargaining agreements (e.g., timelines, permitted attendees at investigative interviews, etc.).]

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Disciplinary sanctions/consequences may be imposed on a non-student / non-employee member of the Corporation Community or a Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment), including but not limited to:

- A. oral or written warning;
- B. suspension or termination/ cancellation of the Board's contract with the ~~third party~~ **Third Party** vendor or contractor;
- C. mandatory monitoring of the ~~third party~~ **Third Party** while on school property and/or while working/interacting with students;
- D. restriction/prohibition on the ~~third party's~~ **Third Party's** ability to be on school property; and
- E. any combination of the same.

If the decision-maker(s) determines the ~~third party~~ **Third Party** Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately imposing a disciplinary sanction/consequence, the Superintendent (or the Board when the Superintendent is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances. If the Respondent is a Member of the Board, s/he shall be excluded from any determination regarding the imposition of a disciplinary sanction/consequence by the remaining School Board members.

The Corporation's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process and procedures, the Superintendent (or the Title IX Coordinator if the Superintendent is the Respondent) may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

[DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed.]

- D. The recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Sexual Harassment);
- E. ~~()~~ _____

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein must submit a written appeal to the Title IX Coordinator within five (5) ~~()~~ days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein. **[DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within ninety (90) days of receipt of the Formal Complaint, Neola suggests that the deadline for submitting a written appeal be set at "within five (5) days" of the appealing party's receipt of the decision-maker(s)'s determination of responsibility.]**

Nothing herein shall prevent the Superintendent (or the Board when the Superintendent is the Respondent) from ~~imposing any remedy, including implementing appropriate remedies, excluding~~ disciplinary ~~sanction sanctions~~, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. **[DRAFTING NOTE: Select OPTION 1, OPTION 2, OPTION 3, or OPTION 4.]**

[OPTION 1] The decision-maker(s) for the appeal shall determine when each party's written statement is due. **[END OF OPTION 1]**

~~()~~ **[OPTION 2]** The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within _____ () days after the Title IX Coordinator provides notice to the non-appealing party of the appeal. **[END OF OPTION 2]**

~~() [OPTION 3] The appealing party's written statement must be submitted within () days after the Title IX Coordinator receives notice of the appeal. The other party's written statement must be submitted within () days after the Title IX Coordinator provides that party a copy of the appealing party's written statement. () The appealing party will have () days to submit a rebuttal to the other party's written statement. [DRAFTING NOTE: Neola does not recommend that the Board select this extra option.] [END OF OPTION 3]~~

~~() [OPTION 4] Specifically, the appealing party must submit with the notice of appeal a written statement challenging the determination of responsibility. The nonappealing party shall have up to () days after receipt of the appealing party's written statement to submit his/her written statement in support of the determination of responsibility. [END OF OPTION 4]~~

~~[DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within ninety (90) days of receipt of the Formal Complaint, Neola suggests that the deadline for both parties to submit a written statement pursuant to OPTION 2 be set at "within five (5) days" of the Title IX Coordinator providing notice to the non-appealing party of the appeal. If the Board selects OPTION 3, Neola suggests that the party's respective written statements be submitted within three (3) days of the triggering event (i.e., submission of the notice of appeal for the appealing party, and receipt of the appealing party's written statement for the nonappealing party), and if the Board selects the extra option in OPTION 3, Neola suggests the appealing party have only two (2) days after receipt of the non-appealing party's written statement to submit the rebuttal. Alternatively, in order to expedite the appeal, the Board could select OPTION 4 and require the appealing party to submit his/her written statement challenging the determination of responsibility at the same time s/he submits his/her notice of appeal. The nonappealing party would then be permitted to submit a written statement in support of the determination of responsibility within the same number of days that the appealing party had to submit the notice of appeal/statement challenging the determination of responsibility (e.g. three or five days, depending on the appeal deadline selected above).]~~

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's(s) determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) () days of when the parties' written statements were submitted. ~~[DRAFTING NOTE: If the Board indicated above an intent to ordinarily complete the grievance process, including any appeal, within ninety (90) days of receipt of the Formal Complaint, Neola suggests that the deadline for the decision-maker(s) of the appeal to issue the final decision be set at "within five (5) days" of the date the parties submitted their written statements or the date a last written statement is submitted pursuant to Option 3 or Option 4.]~~

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies / disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. () No further review beyond the appeal is permitted.

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitute(s) retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation ~~() and/or hearing [DRAFT NOTE: Select this option if the Board permits hearings] (end of option)~~, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

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

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The Corporation will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA's regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the Corporation's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

Training

The Corporation's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- the definition of Sexual Harassment (as that term is used in this policy);
- the scope of the Corporation's education program or activity;
- how to conduct an investigation and implement the grievance process, ~~() that includes hearings [DRAFTING NOTE: Select this option if the Board permits hearings] (end of option)~~, appeals and informal resolution processes, as applicable; and
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

~~() All Corporation employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment. [DRAFTING NOTE: While the Title IX regulations do not specifically require this training, it is critical that the Board train all employees concerning this legal obligation since the Board will be considered to have "actual knowledge" of Sexual Harassment if any Corporation employee has notice of such conduct.]~~

Recordkeeping

As part of its response to alleged violations of this policy, the Corporation shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the Corporation shall document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to the Corporation's education program or activity. If the Corporation does not provide a Complainant with supportive measures, then the Corporation will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the Corporation in the future from providing additional explanations or detailing additional measures taken.

The Corporation shall maintain for a period of seven (7) calendar years the following records:

- Each Sexual Harassment investigation including any determination regarding responsibility ~~() and any audio or audio-visual recording or transcript that is made of any hearing [DRAFTING NOTE: Select this option if the Board permits hearings.] (end of option)~~, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the Corporation's education program or activity;
- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom; and
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The Corporation will make its training materials publicly available on its website. (X) If a person is unable to access the Corporation's website, the Title IX Coordinator will make the training materials available upon request for inspection by members of the public.

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Corporation employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent may delegate functions assigned to a specific Corporation employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

~~[DRAFTING NOTE: The following option expressly sets forth authority that the Board has regardless of whether it is included in this policy, but is offered for those school boards that may want to affirmatively communicate to/address these issues for readers of this policy.]~~

() Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

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- Legal
- I.C. 31-33-5-1
- I.C. 20-33-8
- 20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
- 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Act of 2004 (IDEA), as amended
- 42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
- 42 U.S.C. 2000d et seq.
- 42 U.S.C. 2000e et seq.
- 42 U.S.C. 1983
- 34 C.F.R. Part 106
- OCR's Revised Sexual Harassment Guidance (2001)
- 20 U.S.C. 1092(F)(6)(A)(v)
- 34 U.S.C. 12291(a)(10)
- 34 U.S.C. 12291(a)(8)
- 34 U.S.C. 12291(a)(30)



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - STUDENT ASSESSMENT
Code	po2623
Status	First Reading
Adopted	June 7, 1993
Last Revised	March 7, 2017

2623 - STUDENT ASSESSMENT

The School Board, in compliance with law and rules of the State Board of Education, shall implement the State Board-approved statewide achievement test to assess student achievement and needs in English/language arts, mathematics, social studies, science, and other designated subjects in order to determine the progress of students and to assist them in attaining School Corporation and State Department goals.

~~[] Student test scores on statewide assessments may be utilized in making placement decisions; provided, however, a student's score on the state assessment may not be the primary factor or measure used to determine whether a student is eligible for a particular course or program.~~

Additionally, the Board shall administer any end of course exams as may be required by the State Board in grades 9 through 12. ~~The end of course examinations for Algebra I and English 10 comprise the graduation examination.~~

The Board shall comply with the requirements of the State Board of Education in administering the Indiana Reading Evaluation and Determination (IREAD-3) Assessment to students enrolled in grade 3.

The Superintendent shall develop and implement a plan which complies with guidelines established by the Department of Education.

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Legal	I.C. 20-32-2
	I.C. 20-32-8
	I.C. 20-32-8.5
	511 IAC 5
	511 IAC 6.2-3.1



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - ANNUAL PERFORMANCE REPORT
Code	po2700
Status	First Reading
Adopted	February 3, 1997
Last Revised	December 4, 2018

2700 - ANNUAL PERFORMANCE REPORT

Each year, not earlier than March 15th or later than March 31st the School Board shall publish ~~a performance report for presentation to the public and may make it available on the~~ in a newspaper in compliance with I.C. 5-3-1 a full annual performance report or a summary annual performance report. If a summary report is published, it shall contain the following data points: (1) student enrollment; (2) graduation rate and the graduation rate excluding students that receive a graduation waiver; (3) attendance rate; (4) all state standardized assessment scores, including the number and percentage of students meeting academic standards; (5) the school's performance category or designation of school improvement assigned by the state; (6) the percentage of graduates considered college and career ready; and (7) financial information and various school cost factors required by the office of management and budget. The summary report must direct the public to a location on the Internet where the full annual performance report may be viewed. The annual performance report shall be available on a prominent page of the School Corporation's ~~Internet web site website~~.

It also shall 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 or I.C. 20-32-4-4.1;
- 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 the following groups or programs: 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 or school flex program (if offered); and students in foster care;
- H.
 - 1. test scores of all students taking the Scholastic Aptitude Test; test scores for students completing the Indiana diploma with a Core 40 with academic honors designation program; and the percentage of students taking the test;
 - 2. for advanced placement tests, the percentage of students scoring three (3), four (4), or five (5), and the percentage taking the test;
- I. course completion, including the number and percentage of students completing the academic honors curriculum, the Core 40 curriculum, and career and technical programs;
- J. the percentage of grade 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, and 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);
- 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 disaggregated by race, grade, gender, free or reduced lunch status, eligibility for special education, and students in foster care;
- 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 disaggregated by race, grade, gender, free or reduced lunch status, eligibility for special education, and students in foster care;
- T. the number of out of school suspensions assigned, including the percentage of students suspended disaggregated by race, grade, gender, free or reduced lunch status, eligibility for special education, and students in foster care;
- U. the number of in school suspensions assigned, including the percentage of students suspended disaggregated by race, grade, gender, free or reduced lunch status, eligibility for special education, and students in foster care;
- 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, and the trend line for each of the categories of expenditures during the previous school year;
- Y. the number of instances in which either seclusion or restraint is used, including any seclusion or restraint implemented by a school resource officer;
- 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 test scores from the applicable State-mandated test(s) with the Corporation's performance-based accreditation status.

~~[YOU MUST CHOOSE THE FOLLOWING OPTION IF THE CORPORATION IS LOCATED IN A COUNTY HAVING A CONSOLIDATED CITY:]~~
~~[] The information reported in Sections A—Y above must be disaggregated by race, grade, gender, free or reduced lunch status, eligibility for special education, and students in foster care and must be made available on the internet in a separate report.~~
~~[END OF OPTION]~~

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

- A. results of nationally recognized assessments of students under programs other than the applicable State-mandated test(s) which a school corporation uses to determine if students are meeting or exceeding academic standards in grades that are tested under the applicable State-mandated test(s);
- B. results of assessments of students under programs other than the applicable State-mandated test(s) that a school corporation uses to determine if students are meeting or exceeding academic standards in grades that are not tested under the applicable State-mandated test(s);
- C. the number and types of staff development programs;
- D. the number and types of partnerships with the community, businesses, or higher education;
- E. levels of parental participation.

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.

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 also must meet the following requirements:

Reports must be concise and presented in an understandable and uniform format that is developed in consultation with parents and accessible to persons with disabilities and, to the extent practicable, in a language that parents can understand. ~~[Drafting Note: The Corporation must make the report meaningfully accessible to parents and stakeholders who are limited English proficient.]~~

The report must include: 1) an overview section; and 2) a detail section. Reports must begin with a clearly labeled overview section that is prominently displayed. The overview section of Corporation reports must include information on key metrics of State, Corporation, and school performance and progress and is intended to help parents and other stakeholders quickly access and understand such information and provide context for the complete set of data included in the report.

The overview section of the annual report must include, for the Corporation as a whole and each school, if appropriate, the following information:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the Corporation compares to the State as a whole and, for each school in the Corporation, how that school compares to the Corporation and the State as a whole;
- B. English language proficiency of English learners (i.e., the number and percentage of English learners achieving English language proficiency as measured by the State's English proficiency assessment);
- C. performance on each measure within the Academic Progress indicator used by the State for elementary schools and secondary schools that are not high schools;
- D. high school graduation rates, including the four (4) year adjusted cohort and the extended-year adjusted cohort;
- E. performance on other indicators of school quality or student success used by the State;
- F. school identifying information, including, at a minimum, the name, address, phone number, email, student membership count, and Title I participation status;
- G. summative determination for each school;
- H. whether the school was identified for comprehensive support and improvement or targeted support and improvement, and the reason(s) for such identification.

The overview section must include disaggregated data for specific student subgroups as required by the United States Department of Education (e.g., each major racial and ethnic group; children with disabilities; English learners; and economically disadvantaged students).

Report cards must include student achievement data overall and by grade, including the percentage of students at each level of achievement as determined by the State for all students and disaggregated by each major racial and ethnic group, gender, disability status, migrant status, English proficiency status, status as economically disadvantaged, status as a homeless student/youth, status as a child in foster care, and status as a student with a parent who is a member of the Armed Forces on active duty (which includes full-time National Guard duty). Data for these subgroups must be included in the detail section of report cards if it is not included in the overview section.

The detail section of the Corporation report card must include the remaining information required in the statute and applicable regulations. The Corporation need not include information in the detail section of the report if it includes such information in the overview section. The annual report detail section must include, if appropriate:

- A. student achievement data (i.e., the number and percentage of students at each level of achievement on the State mathematics, reading/language arts, and science assessments), including how achievement in the Corporation compares to the State as a whole and, for each school in the Corporation, how that school compares to the Corporation and the State as a whole;
- B. percentages of students assessed and not assessed in each subject (i.e. participation rates on required assessments);
- C. the extent alternate assessments aligned with alternate academic achievements standards were used for students with the most significant cognitive disabilities (i.e., the number and percentage of students assessed using alternate academic achievement standards, by grade and subject);
- D. as applicable, number and percentage of recently arrived English learners exempted from one administration of the reading/language arts assessments or whose results are excluded from certain State indicators;
- E. high school graduation rates, including the four (4)-year adjusted cohort, and the extended-year adjusted cohort;
- F. postsecondary enrollment rates for each high school;

- G. information collected and reported in compliance with the Civil Rights Data Collection (CRDC) under 20 U.S.C. 3413(c)(1), including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (excused and unexcused), incidences of violence (including bullying and harassment) and the number and percentage of students enrolled in preschool programs and accelerated coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examinations, and dual or concurrent enrollment programs;
- H. progress toward State-designed long-term goals for academic achievement, graduation rates, and English learners achieving English language proficiency (including measurements of interim progress);
- I. level of performance on each indicator included in State accountability system including, as applicable, results on each individual measure within each indicator not already included in the school overview section;
- J. information on educator qualifications, including the number and percentage of inexperienced teachers, principals and other school leaders, teachers teaching with emergency or provisional credentials, and teachers who are not teaching in the subject or field for which the teacher is certified or licensed;
- K. information on per-pupil expenditures (i.e., actual personnel and actual non-personnel for the Corporation as a whole and each school);

~~**[Note: The Corporation and school report cards must include per-pupil expenditures of Federal and State/local funds, disaggregated by source of funds; Corporation expenditures not allocated to public schools; and the web address to the procedures for calculation.]**~~

- L. results on State academic assessments in reading and mathematics in grades 4 and 8 of the National Assessment of Educational Progress compared to the national average of such results;
- M. description and results of State accountability system (the Corporation may provide the web address or URL of, or a direct link to, a State plan or other location on the State Department of Education's website to meet this requirement);
- N. additional information best-suited to convey the progress of each school;

~~**[Note: Corporation report cards must include the following NAEP data: 1) the percentage of students at each NAEP achievement level (below basic, basic, proficient, and advanced) in the aggregate; 2) participation rate for students with disabilities; and 3) participation rate for English learners.]**~~

- O. other information as required by the State Department of Education.

When presenting data on a report card, the Corporation shall protect the privacy of individuals and the privacy of personally identifiable information contained in students' education records in accordance with the Family Educational Rights and Privacy Act (FERPA).

The Corporation's annual report card information must be made publicly available through such means as posting on the Corporation's website and distribution to local media and public agencies. ~~**[Note: If the Corporation does not operate a website, the Corporation must make the report available to the public in another manner determined by the Board.]**~~

The Board will provide the school level overview directly to all parents in each school served by the Corporation annually. ~~**[Note: The Corporation may send the report card overview to the parents of students enrolled in each school in the Corporation directly through the U.S. mail, via email, or through other means such as sending the report card overview home to parents in the child's backpack or distribute the report card during parent-teacher conferences.]**~~

The data from the local report card is to be used by each of the schools and the Corporation as a whole in revising and upgrading school and Corporation improvement plans.

I.C. 5-3-1

I.C. 20-20-8-3, -4, -5, -6, -8

I.C. 20-26-13-6

I.C.20-42.4-3-4, -5

513 IAC 1-2-7(e)

20 U.S.C. 6311-6314, Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act

34 C.F.R. Part 200

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Legal

- I.C. 5-3-1
- I.C. 20-20-8-3, -4, -5, -6, -8
- I.C. 20-26-13-6
- I.C. 20-42.4-3-4, -5
- 513 IAC 1-2-7(e)
- 20 U.S.C. 6311-6314, Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act
- 34 C.F.R. Part 200



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - EMPLOYMENT OF PROFESSIONAL STAFF
Code	po3120
Status	First Reading
Adopted	June 7, 1993
Last Revised	December 2, 2014

3120 - EMPLOYMENT OF PROFESSIONAL STAFF

The School Board recognizes that it is vital to the successful operation of the School Corporation that positions created by the Board be filled with ~~highly~~ qualified and competent personnel.

The Board shall approve the employment, and also, when not covered by the terms of a negotiated agreement, fix the compensation and establish the term of employment for each professional staff member employed by this Corporation.

Individuals employed in the following categories shall be considered members of the professional staff:

A. teachers

B. counselors

C. media specialists

D. administrators

E. _____

F. _____

Such approval shall be given only to those candidates for employment recommended by the Superintendent.

~~Such approval shall be given only to those candidates for employment chosen by the Board from a group selected by the Superintendent.~~

When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

All applications for employment shall be referred to the Office of the Superintendent.

Anti-Nepotism

"Relatives" include: children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in-laws, or bona fide dependents/living in the same residence of a staff member.

[NOTE: Choose Option A or Option B below]

[Option A]

~~Relatives of Board members may be employed by the Board Corporation, provided the member of the Board involved does not participate in any way in the discussion or vote on the employment. Should the Corporation choose to employ a relative as herein defined, both the relative and the Board member must file a conflict of interest statement. () Except that such relatives may be employed only for a period which does not exceed one (1) school year. [END OF OPTION]~~

[Option B]

~~The Board Corporation will not employ (but may reemploy) the () children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in-laws, or bona fide dependents of a Board member. () children, siblings, spouse, parents, in-laws, or bona fide dependents of a regular full-time professional staff member. [END OF OPTION] () except that such relatives or dependents may be employed only for a period which does not exceed one (1) school year. [END OF OPTION]~~

~~Should the Board choose to employ a family member as herein defined, both the family member and the Board member must file a conflict of interest statement.~~

~~[NOTE: Choose Option C or Option D below]~~

[Option A]

Relatives of staff members may be employed by the ~~Board Corporation~~, provided the ~~relative~~ being employed is not placed in a position in which ~~s/he the relative~~ would be supervised directly by the ~~relative~~ staff member. ~~Except that such relatives may be employed only for a period which does not exceed one (1) school year. [END OF OPTION]]~~

[Option B]

~~[] The Corporation will not employ (but may reemploy) the relatives of a regular full time professional staff member. [END OF OPTION]~~

~~[NOTE: The Corporation is not required to have a non-fraternization policy; however, Neola recommends adoption of language regarding non-fraternization for various legal reasons including, but not limited to claims of sexual harassment or potentially being found to be negligent for failure to provide direction especially regarding the supervisor/subordinate relationship.]~~

[x] Non-Fraternalization

~~[NOTE: Choose Option C or Option D below]~~

[Option C]

~~[] Corporation employees may not date, develop romantic relationships with or have sexual relations with individuals who are the employee's supervisor or those that they supervise. [END OF OPTION]~~

[Option D]

If Corporation employees in a supervisor-subordinate relationship choose to date, engage in a romantic relationship, or have sexual relations, the employees must notify the Corporation's administration and accept the Corporation's decision to transfer one or both of the employees so that they no longer have a supervisor-subordinate relationship. Anyone employed in a managerial or supervisory role needs to heed the fact that personal relationships with employees who report to them may be perceived as favoritism, misuse of authority, or potentially sexual harassment, and, consequently, are unacceptable. **[END OF OPTION]**

~~[NOTE: Other options to be considered]~~

Corporation employees may date and develop friendships and relationships with other employees—both inside and outside of the workplace—as long as the relationships do not have a negative impact on their work or the work of others.

Any relationship that interferes with the Corporation culture of teamwork, the harmonious work environment, or the productivity of employees, will be subject to discipline, up to and including termination.

Adverse workplace behavior—or behavior that affects the workplace that arises because of personal relationships—will not be tolerated. Corporation employees who disregard this policy will be subject to discipline, up to and including termination.

~~[NOTE: Other options to be considered]~~

Any professional staff member's intentional misstatement of fact or omission material to qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

The employment of professional staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

Wherever possible, positions shall be filled by properly-licensed professionals.

No candidate for employment as a professional staff member shall receive recommendation for such employment without having proffered visual evidence of his/her certification or pending application for certification. Such certification must indicate all of the areas in which the candidate has been certified. No deletions are acceptable.

~~[] The Corporation shall review, in accordance with any applicable terms of the negotiated agreement, a candidate's previous teaching experience at a college, university, or certified nonpublic school in determining his/her position on the salary schedule.~~

~~[] SELECT THIS OPTION IF THE CORPORATION IS A COMMUNITY SCHOOL CORPORATION THAT WAS CREATED BY A COMMUNITY SCHOOL REORGANIZATION APPROVED BY THE STATE BOARD AND REGISTERED VOTERS IN THE PROPOSED COMMUNITY SCHOOL CORPORATION IN AN ELECTION HELD BEFORE JULY 1, 2020.~~

~~A teacher who is employed by a school corporation subject to a community school corporation reorganization, loses his/her job in the school corporation due to a community school corporation reorganization, and not later than one (1) year after the teacher loses his/her job is subsequently employed by a community school corporation created by a reorganization shall retain the rights and privileges under I.C. 20-28-6 through I.C. 20-28-10 that the teacher held at the time the teacher lost his/her job in the original school corporation.~~

~~[END OF OPTION]~~

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

VOLUNTEER FIREFIGHTERS

If a staff member is a volunteer firefighter and has notified the ~~School~~ Corporation in writing that s/he is a volunteer firefighter, the ~~School~~ Corporation may not discipline the staff member for:

- A. being absent from duty by reason of responding to a fire or emergency call that was received prior to the time the staff member was to report to duty;
- B. leaving his/her duty station to respond to a fire or an emergency call if s/he has prior authorization from his/her supervisor to leave duty in response to a call received after s/he has reported to work;

However, when an emergency call is received while the staff member is on duty, the staff member should notify the principal before leaving so coverage for his/her class can be arranged.

- C. an injury or being absent from work because of an injury that occurs while the staff member is engaged in emergency firefighting or other emergency response, provided the staff member's absence from work due to each instance of emergency firefighting activity or other emergency response does not exceed six (6) months from the date of injury.

The Corporation () may ~~() shall [END OF OPTION]~~ require that the staff member present a written statement from the officer in charge of the volunteer fire department at the time of the absence indicating the staff member was engaged in an emergency call at the time of his/her absence.

The Corporation () may ~~() shall [END OF OPTION]~~ require that the staff member who was injured while engaged in emergency firefighting or other emergency response provide evidence from a physician or other medical authority showing treatment for the injury at the time of his/her absence and a connection between the injury and the employee's emergency response activities. Any such evidence shall be retained in a separate medical file created for the staff member and treated as a confidential medical record.

REQUIREMENTS FOR TITLE I TEACHERS

All teachers newly hired for a Title I supported program must be "highly qualified."

"Highly Qualified" means:

- A. full State certification as a teacher or passed State teacher licensing exam and holds current license to teach; certification or license requirements may not be waived on emergency, temporary, or provisional basis;
- B. for elementary teachers new to the profession, this also requires:
 - 1. at least a bachelor's degree;
 - 2. passing a rigorous State test on subject knowledge and teaching skills in reading, writing, math, and other areas of elementary curriculum (State certification test may suffice);
- C. for secondary or middle school teachers new to the profession this also requires:
 - 1. at least a bachelor's degree, and
 - 2. passing a rigorous State test in each of the subject areas s/he will teach (State certification test may suffice), or
 - 3. for each academic subject taught, having an academic major, course work equivalent to an undergraduate major, a graduate degree, or advanced certification or credentialing;
- D. for elementary, middle, or secondary school teachers with prior experience, this also requires:
 - 1. at least a bachelor's degree, and
 - 2. meets standards for new teachers (above), or
 - 3. demonstrates competence in all academic subjects s/he teaches based on a uniform State standard of evaluation (standard for academic subject matter and teaching skills set by the State).

REQUIREMENTS FOR TEACHERS ~~IN CORPORATIONS RECEIVING TITLE I FUNDING GENERALLY~~

~~All teachers in a Corporation receiving Title I funds shall be "highly qualified" as described above. The Corporation must have a plan and show annual progress towards meeting these teacher qualification requirements.~~

The highly qualified status requirements under the No Child Left Behind Act have been replaced by the requirements of the Every Student Succeeds Act (ESSA). Although the reporting of highly qualified teacher status by the Corporation is no longer required, teachers in Title I programs must be highly qualified. Additionally, ESSA requires teachers be "properly licensed." In order to ensure teachers are properly licensed, refer to <https://www.doe.in.gov/licensing/what-can-i-teach-my-indiana-license> for the most recent "assignment code" language.

Although the requirements concerning highly qualified teachers have been removed from the IDEA and Article 7 regulations, the requirement that students be taught by teachers appropriately licensed to teach the subject area remains.

A special education teacher must hold the appropriate licensure based on a student's disability to be assigned as the student's teacher of record. A special education teacher may teach a core academic subject only if the student is being taught to alternate achievement standards. A teacher who holds any special education license is properly licensed to teach any applied course

I.C. 20-23-4-21.6

I.C. 20-26-5-4

I.C. 35-44.1-1-4

I.C. 36-8-12-10.5

511 IAC 7-36-2

511 IAC 7-36-3

~~20 U.S.C. 6319~~

20 U.S.C. 7801

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Legal	I.C. 20-23-4-21.6
	I.C. 20-26-5-4
	I.C. 35-44.1-1-4
	I.C. 36-8-12-10.5
	511 IAC 7-36-2
	511 IAC 7-36-3
	20 U.S.C. 7801



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po3122
Status	First Reading
Adopted	June 7, 1993
Last Revised	December 4, 2018

3122 - 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 gender~~ status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, ~~or~~ genetic information, ~~or any other legally protected category which are classes protected by Federal and/or State law~~ (collectively, "Protected Classes") ~~in its 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 including employment opportunities.~~

Notice of the Board's policy on nondiscrimination and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

~~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.~~

Definitions

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

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

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

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

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

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

Military status: refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis, in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Indiana organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Corporation Compliance Officer(s)

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~~ Complainant'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)~~ COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. ~~The compliance officer(s) COs shall accept complaints-reports of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, Third Party, and receive complaints such reports that are initially filed with a school building administrator, supervisor or other Corporation level official, a compliance officer will begin report of alleged discrimination/retaliation, the CO will contact the Complainant and initiate either an informal or formal complaint process (depending on the Complainant's request of the person alleging the discrimination/retaliation or and the nature of the alleged discrimination/retaliation);~~ or designate a specific individual to conduct such a process.

The ~~compliance officer~~ CO will provide a copy of this policy to ~~any person who files a complaint~~ the Complainant and the Respondent. In the case of a formal complaint, the ~~compliance officer~~ CO 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 () CO~~ within two (2) business days ~~() within _____ () business days [END OF OPTION]~~ 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~~ COs 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 employee~~ should notify immediately ~~notify~~ other Corporation employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the ~~compliance officer~~ CO or designee must contact the ~~employee~~ Complainant within two (2) business days to advise ~~him/her~~ the Complainant of the ~~Corporation's Board's~~ intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedures (See Form 3122 F2)

~~Any~~ Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who ~~believes that s/he has alleges to have~~ been subjected to unlawful discrimination or retaliation may seek resolution of ~~his/her~~ the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation 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~~ are encouraged 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).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").

~~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 promptly 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 who alleges unlawful discrimination or retaliation~~. 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 when the Complainant and the Respondent mutually agree to participate in it.

~~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~~ The Complainant may proceed immediately to the formal complaint process, and individuals who seek resolution through participate in 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 and~~ a student will be formally investigated ~~formally, 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 a Complainant~~ feels comfortable and safe doing so, the individual Complainant should tell or otherwise inform the person who engaged in Respondent that the allegedly discriminatory/retaliatory conduct ~~that it is~~ inappropriate and must stop. The complaining individual Complainant should address the alleged misconduct as soon after it occurs as possible. ~~A/~~The compliance officer is COs are available to support and counsel ~~individuals the Complainant~~ when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to approach the Respondent directly about the inappropriate conduct may file an informal or a formal complaint.
~~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 (e.g., sexual-sex discrimination)~~, the ~~compliance officer CO~~ 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~~ A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to one of the compliance officer(s) COs; ~~and/~~ or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one of the compliance officer(s) COs, who ~~will~~ either will 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 the Complainant~~ with a range of options aimed at bringing about a prompt resolution of ~~their the Complainant's~~ concerns. Depending upon the nature of the complaint and the wishes of the ~~individual claiming unlawful discrimination/retaliation Complainant~~, informal resolution may involve, ~~but is not be~~ limited to, ~~one or more of the following:~~

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

While there are no set time limits within which an informal complaint must be resolved, the ~~compliance officer CO~~ or designee ~~will exercise his/her authority is directed~~ to attempt to resolve all informal complaints ~~(-)~~ within fifteen (15) business days of receiving the informal complaint. ~~(-) within (---) (---) business days of receiving the informal complaint. [END OF OPTIONS]~~

~~Parties who are~~ If the Complainant is dissatisfied with the ~~results of the~~ informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, ~~parties either party~~ 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 the Complainant~~ elects to file a formal complaint ~~initially from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process, this the~~ formal complaint process shall be implemented.

A Complainant may file a formal complaint, either orally or in writing, with a Principal, the CO, the Superintendent, or other Corporation official. ~~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 formal complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a Principal, the Superintendent, or other Corporation official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

~~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 (-) within two (2) business days. (-) within (---) (---) business days. [END OF OPTION]~~

Throughout the course of the process, the ~~compliance officer~~ CO should keep the parties ~~reasonably~~ 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~~ known: the identity of the ~~individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct~~ Respondent; a detailed description of the facts upon which the complaint is based ~~(i.e., when, where, and what occurred)~~; a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the ~~compliance officer~~ CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further 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~~ Respondent. In making such a determination, the ~~compliance officer~~ CO should consult the Complainant to assess ~~his/her agreement to whether the individual agrees with~~ the proposed action. If the Complainant is unwilling to consent to the proposed change, the ~~compliance officer~~ CO still may ~~still~~ take whatever ~~actions s/he deems~~ actions are deemed appropriate in consultation with the Superintendent.

~~[]~~ Within two (2) business days of receiving the ~~formal~~ complaint, ~~[]~~ Within ~~_____ ()~~ business days of receiving the complaint, ~~[END OF OPTION]~~ the ~~compliance officer~~ CO, 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,~~ CO will inform the ~~individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "~~Respondent~~")~~, that a ~~formal~~ complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3122 - Nondiscrimination ~~and Equal Employment Opportunity~~. The Respondent also must be informed of the opportunity to submit a written response to the complaint ~~()~~ within five (5) business days. ~~()~~ within ~~_____ ()~~ business days. ~~[END OF OPTION]~~

Although certain cases may require additional time, the ~~compliance officer,~~ CO or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation ~~()~~ within fifteen (15) business days of receiving the formal complaint. ~~()~~ within ~~_____ ()~~ business days of receiving the formal complaint. ~~[END OF OPTION]~~

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,~~ CO 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 ~~Respondent has engaged in unlawful harassment/retaliation of the~~ Complainant ~~has been subjected to unlawful discrimination/retaliation~~. The CO's 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 ~~compliance officer, or the designee, should~~ CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the ~~compliance officer~~ CO or the designee, the Superintendent ~~must~~ either ~~must~~ issue a ~~written~~ decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's ~~final written~~ decision will be delivered to both the Complainant and the Respondent.

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

If the Superintendent determines the ~~Complainant was subjected to~~ Respondent engaged in unlawful discrimination/retaliation ~~toward the Complainant, s/he the Superintendent~~ 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.

~~[]~~ The decision of the Superintendent shall be final.
~~[OR]~~

~~[x]~~ A Complainant or Respondent who is dissatisfied with the ~~final~~ decision of the Superintendent may appeal through a signed written ~~request statement~~ to the Board ~~()~~ within five (5) business days ~~()~~ within ~~_____ ()~~ business days ~~[END OF OPTION]~~ of ~~his/her the party's~~ receipt of the Superintendent's decision. ~~The written statement of appeal must be submitted to the ()~~ Treasurer/CFO ~~()~~ Board President Board Attorney ~~()~~ Director of Business Operations/Treasurer.

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

[END OF OPTIONS]

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~~ Complainant pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The ~~Complainant and the Respondent~~ parties may be represented, at his/her/their own cost, at any of the above-described interviews/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~~ OCR, EEOC or ICRC, the filing of charges with local law enforcement, or the filing of a ~~concurrent criminal complaint~~ civil action in court. Use of ~~the this internal~~ complaint procedures process is not a prerequisite to the pursuit of other remedies. ~~Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.~~

Privacy/Confidentiality

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

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

~~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 CO~~ 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/ is learned~~ or provides provided during the course of the investigation.

Remedial Action and Monitoring

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

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

Remedial Action, Sanctions and Monitoring Disciplinary Action

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 or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the any relevant collective bargaining agreement(s), if any agreement or student code of conduct.

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

~~All~~ Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its 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 makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws or this policy, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws or this policy.

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

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

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

Education and Training

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

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

~~The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, including which may include but are not limited to: complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).~~

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

this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

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

~~[DRAFTING NOTE: The following options should be selected if the Corporation concludes that the following items are not adequately encompassed in the preceding paragraphs.]~~

- N. ~~(-) documentation of any training provided to Corporation personnel related to this policy, including but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]~~
- O. ~~(-) documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~(-) copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;~~
- Q. ~~(-) copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;~~
- R. ~~(-) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

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

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. 5-14-3 (Access to Public Records Act)

I.C. 20-28-10-12

I.C. 20-28-10-13

~~I.C. 20-33-1-1~~

I.C. 20-33-1-6

I.C. 22-9-10, Employment Opportunities for Veterans and Indiana National Guard and Reserve Members Fourteenth Amendment, U.S. Constitution

~~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~~ 701 et seq., 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~~

38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act

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

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~~ 1973 as amended

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

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

29 C.F.R. Part 1635, The GINA Regulations

34 C.F.R. Part 110, The Age Discrimination Act Regulations

Legal

I.C. 5-14-3 (Access to Public Records Act)
I.C. 20-28-10-12
I.C. 20-28-10-13
I.C. 20-33-1-6
I.C. 22-9-10, Employment Opportunities for Veterans and Indiana National Guard and Reserve Members
Fourteenth Amendment, U.S. Constitution
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended
38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act
42 U.S.C. 2000 et seq., Civil Rights Act of 1964
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 1973 as amended
42 U.S.C. 6101 et seq., Age Discrimintaion Act of 1975
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635, The GINA Regulations
34 C.F.R. Part 110, The Age Discrimination Act Regulations



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po3122.02
Status	First Reading
Adopted	December 7, 2010
Last Revised	May 1, 2012

3122.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The School Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information ~~is~~ also ~~is~~ prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.

The identity of the Compliance Officer (see Policy 3122 - Nondiscrimination and Equal Employment Opportunity) shall be posted throughout the School Corporation and published in any Corporation statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and on the Corporation website.

In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq. and 29 C.F.R. 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide genetic information, including that individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave~~7~~ or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the ~~Board's Corporation's~~ application for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a ~~Board Corporation~~ employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the ~~Board Corporation~~.

[X] The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits ~~its Corporation~~ employees and agents~~7~~, including commercial background investigation agents~~7~~, from searching these sources with the intent of finding or obtaining genetic information~~7~~ or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall ~~immediately~~ be redacted ~~immediately~~ and not shared beyond the point of first receipt.

As used in this policy, "genetic information," means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (family medical history); (d) an individual's request for~~7~~ or receipt of~~7~~ genetic services~~7~~ or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the ~~Board's Corporation's~~ employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

The ~~Superintendent shall appoint a GINA Corporation's~~ Compliance Officer (see Policy 3122 - Nondiscrimination and Equal Employment Opportunity) ~~who shall be is~~ responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to ~~ensure-insure~~ the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully

implement the requirements of GINA in all activities of the ~~School District Corporation~~. The ~~GINA~~ Compliance Officer ~~also~~ shall ~~also~~ verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members; and that all requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) ~~is~~ are accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The written warning shall contain the information in the following sample notice:

Genetic Information Nondiscrimination Act of 2008 (GINA) Disclosure Requirement

The Genetic Information Nondiscrimination Act of 2008 or "GINA" prohibits employers and other entities covered by the law, including the ~~Board of the~~ ~~Schools~~ School Corporation, from requesting or requiring genetic information about an employee or applicant or family member of an employee or applicant, except as specifically allowed by law. To comply with GINA, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions concerning compliance with the requirements of GINA may be directed to the ~~GINA~~ Compliance Officer at (812) 738-2168.

~~[] The Board offers health services, () including a wellness program [END OF OPTION]. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board Corporation and no applicant or employee shall be identified or identifiable from the reported information.~~

The grievance procedure for complaints of discrimination in Policy 3122 applies to complaints of discrimination, including harassment, or retaliation prohibited by GINA and may be utilized if a Corporation employee alleges discrimination or harassment on the basis of genetic information or retaliation for identifying, objecting to, or filing a complaint concerning a violation of GINA or this policy.

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Legal 42 U.S.C. 2000ff et seq.
Title II of the Genetic Information Nondiscrimination Act of 2008
29 C.F.R. Part 1635



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po3123
Status	First Reading
Adopted	May 1, 2012

3123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The ~~Board of School Trustees Board~~ prohibits discrimination against any employee or applicant based upon ~~his/her~~ disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Definitions

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

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

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

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

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

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

An individual with a disability means a person who has ~~had~~ a record of ~~;~~ or is regarded as having ~~;~~ a physical or mental impairment that substantially limits one or more major life activities. ~~Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.~~

Major Life Activities

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including ~~;~~ but not limited to ~~;~~ functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Impairment That Substantially Limits a Major Life Activity

~~An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.~~

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

Qualified Individual with a Disability

A qualified ~~person~~ individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position ~~such the~~ individual holds or desires and, ~~with or without reasonable accommodation,~~ can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the ~~Corporation's Board's~~ program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Corporation Compliance Officer

~~The following person(s) is/are designated as the Corporation Section 504 Compliance Officer(s)/ADA Coordinator(s) ("Corporation Compliance Officer(s))":~~

{Name and Title}

{Address}

{Telephone No.}

{Email address}

{Name and Title}

{Address}

{Telephone No.}

{Email address}

~~The Corporation Compliance Officer(s) [] is [] are [END OF OPTION] responsible for coordinating the Corporation's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Corporation Compliance Officer. The Corporation Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.~~

Training

~~The Corporation Compliance Officer(s) will also oversee the training of employees in the Corporation so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA. The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.~~

Facilities

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 because the Corporation's facilities are inaccessible to or unusable by persons with disabilities.

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.

Notice

~~Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Corporation's Compliance Officer(s) will be posted throughout the Corporation, and published in the Corporation's recruitment statements or general information publications.~~

Compliance Officer(s)

The Board designates the following individual(s) to serve as the Corporation's Compliance Officers (also known as Section 504 Compliance Officers/ADA Coordinators) (hereinafter referred to as the "COs")."

~~DRAFTING NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs also may serve as the Corporation's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there always should be a CO available to investigate a claim of discrimination/retaliation that pertains to the other CO. The Board must list either the Name or Title of the CO; while the Board may list both the Name and Title, Neola suggests that the Board consider listing only the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.]~~

Director of Business Operations or Building Administrator; 315 South Harrison Drive, Corydon, IN 47112; (812) 738-2168; nondiscrimination@shcsc.k12.in.us

[Name and/or Title] _____ [Address] _____ [Telephone No.] _____
 [Email address] _____ [Name and/or Title] _____
 [Address] _____ [Telephone No.] _____
 [Email address] _____

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and:

- A. in the staff handbooks.
- B. in the Corporation's Annual Report to the public. (
- C. on each individual school's website.
- D. in the Corporation's calendar.
- E. _____

The COs 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/retaliation or denial of equal access. The COs 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, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. () Any sections of the Corporation's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to 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. **[END OF OPTION] A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.**

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Investigation and Complaint Procedures (See Form 3123 F2)

Any employee who alleges to have been subjected to unlawful discrimination or retaliation on the basis of disability may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process, and individuals who participate in 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 and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the Complainant should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint.

In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to one of the COs; and/or 3) to the Superintendent or other Corporation-level employee.

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

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

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of Policy 3123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment to the individuals in the school building or office where the Respondent works/attends school.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

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

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

Formal Complaint Procedure

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

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

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a principal, the Superintendent, or other Corporation official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

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

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the CO 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 Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the Superintendent.

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

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment. 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, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/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 reasonably may be expected to have any information relevant to the allegations; and,
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO 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 Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's 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.

[x] The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final written decision will be delivered to both the Complainant and the Respondent.

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

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent 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.

~~[] The decision of the Superintendent shall be final.
[OR]~~

[x] A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the ~~Treasurer/CFO~~ (x) Board President ~~Board Attorney~~ (x-) Director of Business Operations/Treasurer_____.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final. ~~(X) (X)~~

~~[END OF OPTIONS]~~

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

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the OCR, EEOC or ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

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

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

Remedial Action and Monitoring

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

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

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination 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 or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

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

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

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

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

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

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

Education and Training

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

Retention of Investigatory Records and Materials

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

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Corporation's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - STAFF EVALUATION
Code	po3220
Status	First Reading
Adopted	June 7, 1993
Last Revised	February 2, 2016

3220 - 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 only when such results would improve the particular certificated employee's performance rating;
 - 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). ~~[Note: Student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments may be used in the evaluation model only when such results would improve the particular certificated employee's performance rating].~~
- 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, and/or
- 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.

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- Legal
- 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



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - ANTI-HARASSMENT
Code	po3362
Status	First Reading
Adopted	June 7, 1993
Last Revised	December 4, 2018

3362 - ANTI-HARASSMENT

General Policy Statement

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

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

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

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

Individuals who are found to have engaged in unlawful harassment ~~(see definition in first paragraph) 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 in first paragraph) 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.

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

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

Notice

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

Definitions

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

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

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

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

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

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

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

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

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

- A. ~~places a student in reasonable fear of harm to his/her person or damage to his/her property;~~
- B. ~~has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or~~
- C. ~~has the effect of substantially disrupting the orderly operation of a school.~~

Sexual Harassment

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

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

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

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

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

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. ~~unwelcome~~ Unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. ~~sexual violence, including~~ Unwanted physical and/or sexual ~~assault~~ contact;
- C. ~~threats~~ Threats or insinuations that a person's employment, wages, ~~academic grade,~~ promotion, ~~classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events,~~ or other conditions of employment ~~or education~~ may be adversely affected by not submitting to sexual advances;
- D. ~~unwelcome~~ Unwelcome verbal expressions, ~~of a sexual nature,~~ including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; (x) unwelcome suggestive or insulting sounds or whistles; (x) obscene telephone calls;
- E. ~~sexually~~ Sexually suggestive objects, pictures, graffiti, videos, posters, videotapes, audio recordings or literature, placed in the work ~~or educational~~ environment, ~~which that reasonably~~ may embarrass or offend individuals;
- F. ~~unwelcome~~ Unwelcome and inappropriate touching, patting, or pinching; (x) obscene gestures;
- G. Asking or telling about sexual fantasies, sexual preferences, or sexual activities;
- H. Speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. ~~a~~ 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; ~~remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;~~
- L. ~~in~~ In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment; ~~inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;~~
- M. ~~verbal,~~ Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent ~~such~~ that it adversely affects, limits, or denies an individual's employment or ~~education or~~ creates a hostile or abusive employment ~~or educational~~ environment.

~~**NOTE:** Sexual conduct/relationships with students by a Corporation employee or any other adult member of the Corporation community is prohibited, and any teacher, administrator, coach 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 () may () will [not recommended] 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; creating an intimidating, hostile, or offensive working, and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to regarding racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to occur when conduct is directed at the characteristics of a person's disabling condition, disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment also further may include but is not limited to occur where conduct is directed at or pertaining pertains to a person's genetic information.

Corporation Compliance Officers

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

~~DRAFTING NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs also may serve as the Corporation's Section 504 Compliance Officer(s)/ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) COs, there always should be a CO available to investigate a claim of harassment that pertains to the other CO. The Board must list either the Name or Title of the CO; while the Board may list both the Name and Title, Neola suggests that the Board consider listing only the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.]]~~

Director of Business Operations or Building Administrator; 315 South Harrison Drive, Corydon, IN 47112; (812) 738-2168; nondiscrimination@shcsc.k12.in.us or antiharassment@shcsc.k12.in.us. _____ [Name and/or Title]

_____ [Address]

_____ [Telephone No.]

_____ [Email address]

_____ [Name and/or Title]

_____ [Address]

_____ [Telephone No.]

_____ [Email address]

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and:

- A. in the student or parent and staff handbooks.
- B. in the Corporation's Annual Report to the public.
- C. on each individual school's website.
- D. in the Corporation's calendar.
- E. _____

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

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

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

Students, ~~and Corporation employees are required, and all other~~ members of the Corporation community and ~~third parties-Third Parties~~ are encouraged, to promptly report incidents of ~~unlawful~~ harassment ~~based on a protected class (see definition in first paragraph)~~ 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 in first paragraph) that the employee observes or which is reported to the employee. Any teacher, administrator, supervisor, or other Corporation level employee or official who receives such a complaint shall file it with the Corporation's Anti Harassment Compliance Officer at his/her first convenience. Corporation employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination CO within two (2) business days. [NOTE: while students are advised to report discrimination/retaliation to administrators, supervisors, or other Corporation officials, the Board recognizes that some students may report discrimination/retaliation to a teacher. When a teacher receives such a report, the teacher must file it with the CO as indicated above.]~~

Members of the Corporation community ~~or third parties-and Third Parties~~ who believe they have been ~~subjected to unlawful harassment (see definition in first paragraph)-unlawfully harassed~~ by another member of the Corporation community or a ~~third party-Third Party~~ are entitled to utilize the Board's complaint process ~~that is~~ set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the ~~complaining individual's-Complainant's~~ employment or participation in educational or extra-curricular programs, ~~unless the complaining individual makes the complaint maliciously or with knowledge that it is false. Individuals 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. While there are not time limits for initiating complaints of harassment 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 COs will be available during regular school/work hours to discuss concerns related to harassment on the basis of a protected class. The COs shall accept reports of unlawful harassment directly from any member of the Corporation community or a Third Party and such reports that initially are made to another Corporation employee. Upon receipt of a report of alleged harassment, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged harassment) or designate a specific individual to conduct such a process.

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

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

Investigation and Complaint Procedure (See Form 3362 F1)

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

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

If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01 — Bullying, the principal or his/her designee believes that the reported misconduct may have created a hostile work or learning environment and may have constituted unlawful harassment (see definition in first paragraph) based on "Protected Classes" (see definition in first paragraph), 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":

{Name and Title}

{Address}

{Telephone No.}

{Email address}

{Name and Title}

{Address}

{Telephone No.}

{Email address}

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

- A. () in the student, parent, and staff handbooks.
- B. () in the School Corporation Annual Report to the public.
- C. () on the School Corporation's web site.
- D. () on each individual school's web site.
- E. () in the School Corporation's calendar.
- F. () _____.

A Compliance Officer will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition in first paragraph), 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 in first paragraph) of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within () two (2) () _____ () [END OF OPTION] 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 in first paragraph) directly from any member of the School Corporation community or a visitor to the Corporation, or to receive complaints that are initially filed with a school building administrator.

Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School Corporation community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. However, if the alleged harasser is the Superintendent, the recommendations shall be submitted to the () Board President () School Board Attorney () _____.

All Corporation employees must report incidents of unlawful harassment (see definition in first paragraph) that are reported to them to the Compliance Officer within () two (2) business days () _____ () business days [END OF OPTIONS] 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 in first paragraph) 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 in first paragraph) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition in first paragraph) was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment (see definition in first paragraph), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within () fifteen (15) () _____ () [END OF OPTIONS] business days of the complaint being received).

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

Informal Complaint Procedure

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

~~The informal process is available only in those circumstances where the Complainant and the Respondent mutually agree to participate in it.~~

~~Employees, other members of the Corporation community, or third parties who believe that they have been subjected to unlawful harassment (see definition in first paragraph) or retaliated against. The Complainant may proceed immediately to the formal complaint process, and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint procedure process.~~

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

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

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

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

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

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

- A. Advising the ~~individual Complainant~~ about how to communicate the unwelcome nature of the behavior to the alleged ~~harasser Respondent~~.
- B. Distributing a copy of ~~the anti harassment policy as a reminder Policy 3362 - Anti-Harassment~~ to the individuals in the school building or office where the ~~individual whose behavior is being questioned Respondent~~ works or attends ~~school~~.
- C. If both parties agree, the ~~Compliance Officers CO~~ may arrange and facilitate a meeting ~~or mediation~~ between the ~~individual claiming harassment Complainant~~ and the ~~individual accused of harassment Respondent~~ to work out a mutual resolution. ~~Such a meeting is not appropriate in circumstances involving sexual violence.~~

While there are no set time limits within which an informal complaint must be resolved, ~~one of the Compliance Officers CO or a designee will exercise his/her authority is directed~~ to attempt to resolve all informal complaints within ~~()~~ fifteen (15) ~~()~~ ~~()~~ ~~[END OF OPTIONS]~~ 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.~~

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

~~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 Complainant elects to file a formal complaint initially, from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process,~~ the formal complaint process ~~as described below~~ shall be implemented.

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

~~An individual who believes s/he has been subjected to offensive conduct/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 in first paragraph) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Superintendent, or other Corporation level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the complaint is reported must report such information to the Compliance Officer or designee within two (2) business days.~~

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

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

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

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

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

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

Upon receiving a formal complaint, the ~~Compliance Officer CO~~ will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the ~~alleged harasser~~ Respondent. In making such a determination, the ~~Compliance Officer CO~~ should consult the Complainant to assess ~~his/her agreement to any whether the individual agrees with the proposed action deemed appropriate.~~ If the Complainant is unwilling to consent ~~any to the proposed change, that is deemed appropriate by the Compliance Officer, the Compliance Officer may the CO~~ still may take whatever actions ~~s/he deems are deemed~~ appropriate in consultation with the Superintendent ~~and/or Board Attorney~~.

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

~~[] 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". Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of the Board's anti harassment policy shall be provided to the Respondent. any relevant policies and/or administrative guidelines, including Policy 3362 - Anti-Harassment. The Respondent must also must be informed of the opportunity to submit a written response to the formal complaint within () five (5) () () [END OF OPTION] business days.~~

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

The investigation will include:

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

At the conclusion of the investigation, the ~~Compliance Officer CO~~ 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~~ Respondent engaged in unlawful harassment ~~(see definition in first paragraph)~~ of or retaliation toward the Complainant. The ~~Compliance Officer's CO's~~ recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if ~~discriminatory unlawful~~ harassment or retaliation occurred, a preponderance of evidence standard will be used ~~(i.e., it is more likely than not that unlawful discrimination/retaliation occurred)~~.

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

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

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

~~[] The decision of the Superintendent shall be final.~~

~~[OR]~~

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

~~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 in first paragraph) or retaliation.~~

The In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to 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—such an appeal.~~ A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

~~[END OF OPTIONS]~~

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

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

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

Privacy/Confidentiality

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

All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity. ~~All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).~~

During the course of a formal investigation, the ~~Compliance Officer or his/her CO~~ or designee will instruct all members of the Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that ~~s/he learns is learned~~ or ~~that s/he provides provided~~ during the course of the investigation.

Remedial Action, ~~Sanctions~~ and Monitoring

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

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

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful harassment ~~(see definition in first paragraph) or~~ retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further ~~such harassment~~ 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 or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and ~~the any~~ terms of the relevant collective bargaining ~~agreement(s), if any agreement or student code of conduct.~~

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

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

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

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

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

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

Education and Training

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

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

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all ~~information,~~ documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created ~~or~~ and received as part of an investigation, ~~including which may include~~ but are not limited to: ~~complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).~~

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Corporation's response to the alleged violation of this policy;

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

[DRAFTING NOTE: The following options should be selected if the Corporation concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- N. ~~(-) documentation of any training provided to Corporation personnel related to this policy, including but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]~~
- O. ~~(-) documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~(-) copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;~~
- Q. ~~(-) copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;~~
- R. ~~(-) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report and any written responses submitted by the Complainant or the Respondent.~~

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

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

Retaliation

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

~~Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition in first paragraph), 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 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. 6101 et seq., Age Discrimination Act of 1975

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

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Legal	<p>29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967</p> <p>29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended</p> <p>42 U.S.C. 1983</p> <p>42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act</p> <p>42 U.S.C. 6101 et seq., Age Discrimination Act of 1975</p> <p>42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended</p> <p>29 C.F.R. Part 1635</p> <p>National School Boards Association Inquiry and Analysis - May 2008</p>
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Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - EMPLOYMENT OF SUPPORT STAFF
Code	po4120
Status	First Reading
Adopted	June 7, 1993
Last Revised	September 5, 2017

4120 - EMPLOYMENT OF SUPPORT STAFF

The School Board recognizes that it is vital to the successful operation of the School Corporation that positions created by the Board be filled with qualified and competent staff.

The Board shall approve the employment and establish the term of employment for each support staff member employed by this Corporation.

All support staff employees not covered by the terms of a negotiated agreement are "at-will" employees. Their employment can be terminated with or without cause at any time. No other representative of the Corporation has the authority to enter into any agreement for employment for any specified period of time with a support staff employee.

Individuals employed in the following categories shall be considered members of the support staff:

- A. Clerical
- B. Transportation
- C. Food Service
- D. Custodial
- E. Maintenance
- F. Instructional Assistants
- G. Health Care

All applications for employment shall be referred to the Office of the Superintendent.

Anti-Nepotism

"Relatives" include: children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in-laws, or bona fide dependents/living in the same residence of a staff member.

[NOTE: Choose Option A or Option B below]

[Option A]

~~Relatives of Board members may be employed by the Board Corporation, provided the member of the Board involved does not participate in any way in the discussion or vote on the employment. Should the Corporation choose to employ a relative as herein defined, both the relative and the Board member must file a conflict of interest statement. () Except that such relatives may be employed only for a period which does not exceed one (1) school year. [END OF OPTION]~~

[Option B]

~~The Board Corporation will not employ (but may reemploy) the () children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in-laws, or bona fide dependents of a Board member. () children, siblings, spouse, parents, in-laws, or bona fide dependents of a regular full-time support staff member. [END OF OPTION] () except that such relatives or dependents may be employed only for a period which does not exceed one (1) school year.~~

~~Should the Board choose to employ a family member as herein defined, both the family member and the Board member must file a conflict of interest statement.~~

~~[NOTE: Choose Option C or Option D below]~~

[Option A]

Relatives of staff members may be employed by the Corporation, provided the relative being employed is not placed in a position in which the relative would be supervised by the staff member. ~~(Except that such relatives may be employed only for a period which does not exceed one (1) school year. [END-OF-OPTION])~~

~~[Option B]~~

~~[] The Corporation will not employ (but may reemploy) the relatives of a regular full time support staff member. [END-OF-OPTION]~~

~~[NOTE: The Corporation is not required to have a non-fraternization policy; however, Neola recommends adoption of language regarding non-fraternization for various legal reasons including, but not limited to claims of sexual harassment or potentially being found to be negligent for failure to provide direction especially regarding the supervisor/subordinate relationship.]~~

Non-Fraternization:

~~[NOTE: Choose Option C or Option D below]~~

~~[Option C]~~

~~[] Corporation employees may not date, develop romantic relationships with or have sexual relations with individuals who are the employee's supervisor or those that they supervise. [END-OF-OPTION]~~

~~[Option D]~~

If Corporation employees in a supervisor-subordinate relationship choose to date, engage in a romantic relationship, or have sexual relations, the employees must notify the Corporation's administration and accept the Corporation's decision to transfer one or both of the employees so that they no longer have a supervisor-subordinate relationship. Anyone employed in a managerial or supervisory role needs to heed the fact that personal relationships with employees who report to them may be perceived as favoritism, misuse of authority, or potentially sexual harassment, and, consequently, are unacceptable. [END-OF-OPTION]

~~[NOTE: Other optional selections to be completed]~~

Corporation employees may date and develop friendships and relationships with other employees—both inside and outside of the workplace—as long as the relationships do not have a negative impact on their work or the work of others.

Any relationship that interferes with the Corporation culture of teamwork, the harmonious work environment, or the productivity of employees, will be subject to discipline, up to and including termination.

Adverse workplace behavior - or behavior that affects the workplace that arises because of personal relationships - will not be tolerated. Corporation employees who disregard this policy will be subject to discipline, up to and including termination.

~~[NOTE: Other optional selections to be completed]~~

Any support staff member's intentional misstatement of fact material to his/her qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

~~[] Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he would be supervised by the relative staff member.~~

When appropriate, no candidate for employment as a support staff member shall receive recommendation for such employment without having proffered visual evidence of his/her certification or pending application for certification.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all support staff.

VOLUNTEER FIREFIGHTERS

If a staff member is a volunteer firefighter and has notified the ~~School~~ Corporation in writing that s/he is a volunteer firefighter, the ~~School~~ Corporation may not discipline the staff member for:

- A. being absent from duty by reason of responding to a fire or emergency call that was received prior to the time the staff member was to report to duty;
- B. leaving his/her duty station to respond to a fire or an emergency call if s/he has prior authorization from his/her supervisor to leave duty in response to a call received after s/he has reported to work;

However, when an emergency call is received while the staff member is on duty, the staff member should notify the principal before leaving so coverage for his/her class can be arranged.

- C. an injury or being absent from work because of an injury that occurs while the staff member is engaged in emergency firefighting or other emergency response, provided the staff member's absence from work due to each instance of emergency firefighting activity or other emergency response does not exceed six (6) months from the date of injury.

The Corporation () may (~~(-) shall~~ **[END-OF-OPTION]**) require that the staff member present a written statement from the officer in charge of the volunteer fire department at the time of the absence indicating the staff member was engaged in an emergency call at the time of his/her absence.

The Corporation () may (~~(-) shall~~ **[END-OF-OPTION]**) require that the staff member who was injured while engaged in emergency firefighting or other emergency response provide evidence from a physician or other medical authority showing treatment for the injury at the time of his/her absence and a connection between the injury and the employee's emergency response activities. Any such evidence shall be retained in a separate medical file created for the staff member and treated as a confidential medical record.

REQUIREMENTS FOR TITLE I PARAPROFESSIONALS

Newly hired paraprofessionals – All paraprofessionals hired for a Title I supported program must have a secondary school diploma or its recognized equivalent and one of the following:

- A. Completed two (2) years study at an institution of higher education; or
- B. Obtained at least an associates degree; or
- C. Met a rigorous standard of quality and demonstrate through formal State or local academic assessment:
 - 1. knowledge of and the ability to assist in instructing, reading, writing, and mathematics; or
 - 2. knowledge of and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Existing paraprofessionals - All current paraprofessionals working for a Title I supported program must:

- A. have a secondary school diploma or its recognized equivalent;
- B. not later than January 8, 2006, meet the requirements for newly hired paraprofessionals as described above.

Exceptions – These requirements do not apply to a paraprofessional:

- A. who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or
- B. whose duties consist solely of conducting parental involvement activities.

Paraprofessional duties – Paraprofessionals working for a Title I supported program may be assigned to:

- A. provide one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;
- B. assist with classroom management, such as organizing instructional and other materials;
- C. provide assistance in a computer laboratory;
- D. provide support in a library or media center;
- E. conduct parental involvement activities;
- F. act as a translator;
- G. provide instructional services to students, if working under the direct supervision of a teacher;
- H. perform limited duties beyond classroom instruction or that do not benefit program participants, so long as those duties are also assigned to non-Title I paraprofessionals. Title I paraprofessionals may not be assigned to more of these duties, proportional to their total work time, than the amount assigned to similar non-Title I paraprofessionals in the same school.

I.C. 20-26-5-4

~~I.C. 20-26-9-12~~

I.C. 35-44.1-1-4

I.C. 36-8-12-10.5

~~20 U.S.C. 6319~~

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Legal

I.C. 20-26-5-4

I.C. 35-44.1-1-4

I.C. 36-8-12-10.5



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po4122
Status	First Reading
Adopted	June 7, 1993
Last Revised	December 4, 2018

4122 - 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 gender~~ 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 or any other legally protected category~~ (collectively, "Protected Classes") ~~in its 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 including employment opportunities.~~

~~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.~~

Notice of the Board's policy on nondiscrimination and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Definitions

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

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

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

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

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

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

Military status: refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis, in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Indiana organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Corporation 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: The Board designates the following individuals to serve as the Corporation's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

DRAFTING NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs also may serve as the Corporation's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there always should be a CO available to investigate a claim of discrimination/retaliation that pertains to the other CO. The Board must list either the Name or Title of the CO; while the Board may list both the Name and Title, Neola suggests that the Board consider listing only the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.]]

Director of Business Operations or Building Administrator; 315 South Harrison Drive, Corydon, IN 47112; (812) 738-2168; nondiscrimination@shcsc.k12.in.us

[Name and/or Title]

[Address]

[Telephone No.]

[Email address]

[Name and/or Title]

[Address]

[Telephone No.]

[Email address]

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and:

- A. in the staff handbooks.
- B. in the Corporation's Annual Report to the public.
- C. on each individual school's website.
- D. in the Corporation's calendar.
- E. _____.

The COs 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/retaliation or denial of equal access. The COs 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, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. () Any sections of the Corporation's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to 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. [END OF OPTION] A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

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 report shall file provide it with to the CO a compliance officer () within two (2) business days. () within _____ () business days. [END OF OPTION]

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her gender status, sexual orientation, and gender identity.

Any questions concerning whether alleged conduct might violate this prohibition should be brought to the CO's attention promptly.

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~~ Complainant'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)~~ COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. ~~The compliance officer(s) COs shall accept complaints reports of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, and Third Party receive complaints and such reports that are initially filed with a school building administrator, supervisor or other Corporation level official are made to an 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 report of alleged discrimination/retaliation, the CO will contact the Complainant and initiate~~ either an informal or formal complaint process (depending on the Complainant's request ~~of the person alleging the discrimination/retaliation or and~~ the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The ~~compliance officer~~ CO will provide a copy of this policy to ~~any person who files a complaint~~ the Complainant and the Respondent. In the case of a formal complaint, the ~~compliance officer~~ CO 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 () CO~~ within two (2) business days ~~() within _____ () business days [END OF OPTION]~~ 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~~ COs 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 employee~~ should notify immediately ~~notify~~ other Corporation employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the ~~compliance officer~~ CO or designee must contact the employee-Complainant within two (2) business days to advise ~~him/her~~ the Complainant of the Corporation's Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedures (See Form 4122 F2)

~~Any-Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any~~ employee who ~~believes that s/he has alleges to have~~ been subjected to unlawful discrimination or retaliation may seek resolution of ~~his/her~~ the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation 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~~ are encouraged 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.~~

~~The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").~~

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop ~~quickly~~ inappropriate behavior promptly 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 who alleges unlawful discrimination or retaliation.~~ 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 when the Complainant and the Respondent mutually agree to participate in it.

~~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~~ The Complainant may proceed immediately to the formal complaint process, and individuals who ~~seek resolution through~~ participate in 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 and~~ a student will be ~~formally investigated~~ formally, ~~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 a Complainant feels comfortable and safe doing so, the individual Complainant should tell or otherwise inform the person who engaged in Respondent that the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to approach the Respondent directly about the inappropriate conduct may file an informal or a formal complaint. 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 (e.g., sex discrimination), such as sexual discrimination, the compliance officer the CO 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 A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to the compliance officer(s) one of the COs; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to the compliance officer(s) one of the COs, who will either will 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 the Complainant with a range of options aimed at bringing about a prompt resolution of their the Complainant's concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, Complainant, informal resolution may involve, but is not be limited to, one or more of the following:

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

While there are no set time limits within which an informal complaint must be resolved, the compliance officer CO or designee will exercise his/her authority is directed to attempt to resolve all informal complaints () within fifteen (15) business days of receiving the informal complaint. () within () business days of receiving the informal complaint.

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

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 Complainant elects to file a formal complaint initially from the outset, this or the CO determines the allegations are not appropriate for resolution through the informal process, the 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. A Complainant may file a formal complaint, either orally or in writing, with a Principal, the CO, the Superintendent, or other Corporation official.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a Principal, the Superintendent, or other Corporation official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

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

Throughout the course of the process, the compliance officer CO should keep the parties reasonably 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 known~~: the identity of the ~~individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct Respondent~~; a detailed description of the facts upon which the complaint is based ~~(i.e., when, where, and what occurred)~~; a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the ~~compliance officer CO~~ will consider whether any action should be taken in the investigatory phase to protect the Complainant from further 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 Respondent~~. In making such a determination, the ~~compliance officer CO~~ should consult the Complainant to assess ~~his/her agreement to whether the individual agrees with~~ the proposed action. If the Complainant is unwilling to consent to the proposed change, the ~~compliance officer CO may~~ still ~~may~~ take whatever ~~actions s/he deems~~ ~~actions are deemed~~ appropriate in consultation with the Superintendent.

~~[]~~ Within two (2) business days of receiving the ~~formal~~ complaint, ~~[]~~ Within ~~_____ ()~~ business days of receiving the complaint, the ~~compliance officer, CO~~ or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the ~~compliance officer, or a designee, CO~~ will inform the ~~individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent")~~, that a ~~formal~~ complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 4122 - Nondiscrimination ~~and Equal Employment Opportunity~~. The Respondent also must be informed of the opportunity to submit a written response to the complaint ~~()~~ within five (5) business days. ~~()~~ within ~~_____ ()~~ business days.

Although certain cases may require additional time, the ~~compliance officer CO~~, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation ~~()~~ within fifteen (15) business days of receiving the formal complaint. ~~()~~ within ~~_____ ()~~ 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, CO~~ 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 Respondent has engaged in unlawful harassment/retaliation of the Complainant~~. The ~~CO's~~ 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)~~.

~~[]~~ The ~~compliance officer, or the designee, should CO may~~ consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the ~~compliance officer CO~~ or the designee, the Superintendent ~~must~~ either ~~must~~ issue a ~~written~~ decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's ~~final written~~ decision will be delivered to both the Complainant and the Respondent.

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

If the Superintendent determines the ~~Complainant was subjected to Respondent engaged in~~ unlawful discrimination/retaliation, ~~s/he~~ ~~toward the Complainant, the Superintendent~~ 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.

~~[]~~ The decision of the Superintendent shall be final.

~~[OR]~~

~~[]~~ A Complainant or Respondent who is dissatisfied with the ~~final~~ decision of the Superintendent may appeal through a signed written ~~request statement~~ to the Board ~~()~~ within five (5) business days of ~~his/her the party's~~ receipt of the Superintendent's decision. ~~()~~ within ~~_____ ()~~ business days of ~~his/her receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Treasurer/CFO () (x)~~ Board President Board Attorney ~~() (x)~~ Director of Business Operations/Treasurer.

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

~~{~~END-OF-OPTIONS}

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the Complainant 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 parties may be represented, at his/her/their own cost, at any of the above-described interviews/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 OCR, EEOC or ICRC, Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, the filing of charges with local law enforcement, or the filing of a concurrent criminal complaint civil action in court. Use of the this internal complaint procedures process is not a prerequisite to the pursuit of other remedies. ~~Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.~~

Privacy/Confidentiality

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

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity. ~~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 CO 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 is learned or provided during the course of the investigation.

Remedial Action and Monitoring

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

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

~~Remedial Action, Sanctions and~~ Monitoring Disciplinary Action

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 or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the any relevant collective bargaining agreement(s), if any agreement or student code of conduct.

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

~~All~~ Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its 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 makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws or this policy, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws or this policy.

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

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

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

Education and Training

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

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

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all ~~information,~~ documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, ~~including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records), which may include but are not limited to:~~

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

[DRAFTING NOTE: The following options should be selected if the Corporation concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- N. ~~() documentation of any training provided to Corporation personnel related to this policy, including but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]~~
- O. ~~() documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~() copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;~~
- Q. ~~() copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;~~
- R. ~~() copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent;~~

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

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

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. 5-14-3 (Access to Public Records Act)

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-6

I.C. 22-9-10, Employment Opportunities for Veterans and Indiana National Guard and Reserve Members

Fourteenth Amendment, U.S. Constitution

I.C. 20-33-1-1

~~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~~ 701 et seq., Section 504 of the Rehabilitation Act of 1973, as amended

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

38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act

~~42 U.S.C. 1983~~

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

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~~ 1973 as amended

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

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

29 C.F.R. Part 1635, The GINA Regulations

34 C.F.R. Part 110, The Age Discrimination Act Regulations

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Legal

I.C. 5-14-3 (Access to Public Records Act)
I.C. 20-28-10-12
I.C. 20-28-10-13
I.C. 20-33-1-6
I.C. 22-9-10, Employment Opportunities for Veterans and Indiana National Guard and Reserve Members
Fourteenth Amendment, U.S. Constitution
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended
38 U.S.C. et seq., Uniformed Services Employment and Reemployment Rights Act
42 U.S.C. 2000 et seq., Civil Rights Act of 1964
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. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635, The GINA Regulations
34 C.F.R. Part 110, The Age Discrimination Act Regulations



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po4122.02
Status	First Reading
Adopted	December 7, 2010
Last Revised	May 1, 2012

4122.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The School Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information **also** is **also** prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.

The identity of the Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) shall be posted throughout the School Corporation and published in any Corporation statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and on the Corporation website.

In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq. and 29 C.F.R. 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide genetic information, including that individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave, or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the **Board's Corporation's** application for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a **Board Corporation** employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the **Board Corporation**.

[X] The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits **its Corporation** employees and agents, including commercial background investigation agents, from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall **immediately** be redacted **immediately** and not shared beyond the point of first receipt.

As used in this policy, "genetic information," means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the **Board's Corporation's** employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

The **Superintendent shall appoint a GINA Corporation's** Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) **who shall be is** responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to insure the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully implement



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po4123
Status	First Reading
Adopted	May 1, 2012

4123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The School Board prohibits discrimination against any employee or applicant based upon ~~his/her~~ disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Definitions

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

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

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

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

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

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

An individual with a disability means a person who has, ~~had~~ **has** a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. ~~Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.~~

Major Life Activities

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Impairment That Substantially Limits a Major Life Activity

~~An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.~~
The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

Qualified Individual with a Disability

A qualified ~~person~~ individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position ~~such the~~ individual holds or desires and ~~,with or without reasonable accommodation,~~ can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the ~~Corporation's Board's~~ program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Facilities

No qualified person with a disability will be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies because the Corporation's facilities are inaccessible to or unusable by persons with disabilities.

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.

Corporation Compliance Officer

~~The following person(s) is/are designated as the Corporation Section 504 Compliance Officer(s)/ADA Coordinator(s) ("Corporation Compliance Officer(s))":~~

The Board designates the following individual(s) to serve as the Corporation's Compliance Officers (also known as Section 504 Compliance Officers/ADA Coordinators) (hereinafter referred to as the "COs")."

~~DRAFTING NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs also may serve as the Corporation's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there always should be a CO available to investigate a claim of discrimination/retaliation that pertains to the other CO. The Board must list either the Name or Title of the CO; while the Board may list both the Name and Title, Neola suggests that the Board consider listing only the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.]]~~

Director of Business Operations or Building Administrator; 315 South Harrison Drive, Corydon, IN 47112; (812) 738-2168; nondiscrimination@shcsc.k12.in.us

~~{Name and/or Title}~~

~~{Address}~~

~~{Telephone No.}~~

~~{Email address}~~

~~{Name and/or Title}~~

~~{Address}~~

~~{Telephone No.}~~

~~{Email address}~~

~~The Corporation Compliance Officer(s) [] is [] are responsible for coordinating the Corporation's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Corporation Compliance Officer. The Corporation Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and~~

~~equitable resolution of complaints alleging violations of Section 504/ADA.~~

Training

~~The Corporation Compliance Officer(s) will also oversee the training of employees in the Corporation so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.~~

~~The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.~~

Facilities

~~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.~~

Notice

~~Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Corporation's Compliance Officer(s) will be posted throughout the Corporation, and published in the Corporation's recruitment statements or general information publications.~~

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and:

- A. in the staff handbooks.
- B. in the Corporation's Annual Report to the public. ~~X~~
- C. on each individual school's website.
- D. in the Corporation's calendar.
- E. _____

The COs 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/retaliation or denial of equal access. The COs 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, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Any sections of the Corporation's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to 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. **[END OF OPTION]** A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Investigation and Complaint Procedures (See Form 4123 F2)

Any employee who alleges to have been subjected to unlawful discrimination or retaliation on the basis of disability may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who participate in 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 and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the Complainant should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint.

In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to one of the COs; and/or 3) to the Superintendent or other Corporation-level employee.

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

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

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment to the individuals in the school building or office where the Respondent works/attends school.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

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

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

Formal Complaint Procedure

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

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

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a principal, the Superintendent, or other Corporation official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

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

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the CO 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 Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the Superintendent.

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

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment. 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, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/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 reasonably may be expected to have any information relevant to the allegations; and,
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO 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 Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's 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.

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

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final written decision will be delivered to both the Complainant and the Respondent.

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

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent 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.

~~[] The decision of the Superintendent shall be final. [OR]~~

] A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the ~~Treasurer/CFO~~ Board President ~~Board Attorney~~ ~~(x)~~ Director of Business Operations/Treasurer _____.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

~~[END OF OPTIONS]~~

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

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the OCR, EEOC or ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

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

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

Remedial Action and Monitoring

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

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

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination 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 or the suspension/expulsion of or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

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

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

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

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

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

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

Education and Training

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

Retention of Investigatory Records and Materials

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

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

- L. copies of the Board policy and procedures/guidelines used by the Corporation to conduct the investigation, and any documents used by the Corporation at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

~~x [DRAFTING NOTE: The following options should be selected if the Corporation concludes that the following items are not adequately encompassed in the preceding paragraphs.]~~

- N. ~~(-) documentation of any training provided to Corporation personnel related to this policy including, but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]~~
- O. ~~(-) documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~(-) copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;~~
- Q. ~~(-) copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;~~
- R. ~~(-) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report and any written responses submitted by the Complainant or the Respondent.~~

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

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

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Legal 29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
 29 C.F.R. Part 1630
 34 C.F.R. Part 104



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Special Update - Nondiscrimination and Anti-Harassment - May 2021 - ANTI-HARASSMENT
Code	po4362
Status	First Reading
Adopted	June 7, 1993
Last Revised	December 4, 2018

4362 - ANTI-HARASSMENT

General Policy Statement

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

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

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

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

Individuals who are found to have engaged in unlawful harassment ~~(see definition in first paragraph) 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 in first paragraph) 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.

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

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

Notice

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

Definitions

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

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

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

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

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

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

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

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

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

- A. ~~places a student in reasonable fear of harm to his/her person or damage to his/her property;~~
- B. ~~has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or~~
- C. ~~has the effect of substantially disrupting the orderly operation of a school.~~

Sexual Harassment

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

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

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

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

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

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. ~~unwelcome~~ Unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. ~~sexual violence, including~~ Unwanted physical and/or sexual ~~assault~~ contact;
- C. ~~threats~~ Threats or insinuations that a person's employment, wages, ~~academic grade,~~ promotion, ~~classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events,~~ or other conditions of employment ~~or education~~ may be adversely affected by not submitting to sexual advances;
- D. ~~unwelcome~~ Unwelcome verbal expressions, ~~of a sexual nature,~~ including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; ~~(x)~~ (x) unwelcome suggestive or insulting sounds or whistles; ~~(x)~~ (x) obscene telephone calls;
- E. ~~sexually~~ Sexually suggestive objects, pictures, graffiti, videos, posters, videotapes, audio recordings or literature, placed in the work ~~or educational~~ environment, ~~which that reasonably~~ may embarrass or offend individuals;
- F. ~~unwelcome~~ Unwelcome and inappropriate touching, patting, or pinching; ~~(x)~~ (x) obscene gestures;
- G. Asking or telling about sexual fantasies, sexual preferences, or sexual activities;
- H. Speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. ~~a~~ 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; ~~remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;~~
- L. ~~in~~ In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment; ~~inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;~~
- M. ~~verbal,~~ Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent ~~such~~ that it adversely affects, limits, or denies an individual's employment or ~~education or~~ creates a hostile or abusive employment ~~or educational~~ environment.

~~**NOTE:** Sexual conduct/relationships with students by a Corporation employee or any other adult member of the Corporation community is prohibited, and any teacher, administrator, coach 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 () may () will [not recommended] 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; creating an intimidating, hostile, or offensive working, and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to regarding racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to occur when conduct is directed at the characteristics of a person's disabling condition, disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment also further may include but is not limited to occur where conduct is directed at or pertaining pertains to a person's genetic information.

Corporation Compliance Officers

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

~~DRAFTING NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs also may serve as the Corporation's Section 504 Compliance Officer(s)/ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) COs, there always should be a CO available to investigate a claim of harassment that pertains to the other CO. The Board must list either the Name or Title of the CO; while the Board may list both the Name and Title, Neola suggests that the Board consider listing only the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.]]~~

Director of Business Operations or Building Administrator; 315 South Harrison Drive, Corydon, IN 47112; (812) 738-2168; nondiscrimination@shcsc.k12.in.us or antiharassment@shcsc.k12.in.us. [Name and/or Title]

[Address]

[Telephone No.]

[Email address]

[Name and/or Title]

[Address]

[Telephone No.]

[Email address]

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and:

- A. in the student or parent and staff handbooks.
- B. in the Corporation's Annual Report to the public.
- C. on each individual school's website.
- D. in the Corporation's calendar.
- E. _____

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

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

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

Students, ~~and Corporation employees are required, and all other~~ members of the Corporation community and ~~third parties~~ Third Parties are encouraged, to promptly report incidents of ~~unlawful~~ harassment based on a protected class (see definition in first paragraph) 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 in first paragraph) that the employee observes or which is reported to the employee. Any teacher, administrator, supervisor, or other Corporation level employee or official who receives such a complaint shall file it with the Corporation's Anti Harassment Compliance Officer at his/her first convenience. Corporation employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination.~~ CO within two (2) business days. **[NOTE: while students are advised to report discrimination/retaliation to administrators, supervisors, or other Corporation officials, the Board recognizes that some students may report discrimination/retaliation to a teacher. When a teacher receives such a report, the teacher must file it with the CO as indicated above.]**

Members of the Corporation community ~~or third parties~~ and Third Parties who believe they have been ~~subjected to unlawful harassment (see definition in first paragraph)~~ unlawfully harassed by another member of the Corporation community or a ~~third party~~ Third Party are entitled to utilize the Board's complaint process ~~that is~~ set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the ~~complaining individual's~~ Complainant's employment or participation in educational or extra-curricular programs, ~~unless the complaining individual makes the complaint maliciously or with knowledge that it is false. Individuals 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. While there are not time limits for initiating complaints of harassment 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 COs will be available during regular school/work hours to discuss concerns related to harassment on the basis of a protected class. The COs shall accept reports of unlawful harassment directly from any member of the Corporation community or a Third Party and such reports that initially are made to another Corporation employee. Upon receipt of a report of alleged harassment, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged harassment) or designate a specific individual to conduct such a process.

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

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

Investigation and Complaint Procedure (See Form 4362 F1)

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

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

If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01 — Bullying, the principal or his/her designee believes that the reported misconduct may have created a hostile work or learning environment and may have constituted unlawful harassment (see definition in first paragraph) based on "Protected Classes" (see definition in first paragraph), 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":

{Name and Title}

{Address}

{Telephone No.}

{Email address}

{Name and Title}

{Address}

{Telephone No.}

{Email address}

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

- A. () in the student, parent, and staff handbooks.
- B. () in the School Corporation Annual Report to the public.
- C. () on the School Corporation's web site.
- D. () on each individual school's web site.
- E. () in the School Corporation's calendar.
- F. () _____.

A Compliance Officer will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition in first paragraph), 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 in first paragraph) of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within () two (2) () _____ () [END OF OPTION] 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 in first paragraph) directly from any member of the School Corporation community or a visitor to the Corporation, or to receive complaints that are initially filed with a school building administrator.

Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School Corporation community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. However, if the alleged harasser is the Superintendent, the recommendations shall be submitted to the () Board President () School Board Attorney () _____.

All Corporation employees must report incidents of unlawful harassment (see definition in first paragraph) that are reported to them to the Compliance Officer within () two (2) business days () _____ () business days [END OF OPTIONS] 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 in first paragraph) 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 in first paragraph) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition in first paragraph) was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment (see definition in first paragraph), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within () fifteen (15) () _____ () [END OF OPTIONS] business days of the complaint being received).

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

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

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

~~An individual who believes s/he has been subjected to offensive conduct/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 in first paragraph) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, Superintendent, or other Corporation level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the complaint is reported must report such information to the Compliance Officer or designee within two (2) business days.~~

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

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

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

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

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

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

Upon receiving a formal complaint, the ~~Compliance Officer CO~~ will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the ~~alleged harasser~~ Respondent. In making such a determination, the ~~Compliance Officer CO~~ should consult the Complainant to assess ~~his/her agreement to any whether the individual agrees with the proposed action deemed appropriate.~~ If the Complainant is unwilling to consent ~~any to the proposed change, that is deemed appropriate by the Compliance Officer, the Compliance Officer may the CO~~ still may take whatever actions ~~s/he deems are deemed~~ appropriate in consultation with the Superintendent ~~and/or Board Attorney~~.

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

~~[] 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". Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of the Board's anti harassment policy shall be provided to the Respondent. any relevant policies and/or administrative guidelines, including Policy 4362 - Anti-Harassment. The Respondent must also must be informed of the opportunity to submit a written response to the formal complaint within () five (5) () () [END OF OPTION] business days.~~

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

The investigation will include:

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

At the conclusion of the investigation, the ~~Compliance Officer CO~~ 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~~ Respondent engaged in unlawful harassment ~~(see definition in first paragraph) of~~ or retaliation ~~toward the Complainant~~. The ~~Compliance Officer's CO's~~ recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if ~~discriminatory unlawful~~ harassment or retaliation occurred, a preponderance of evidence standard will be used ~~(i.e., it is more likely than not that unlawful discrimination/retaliation occurred)~~.

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

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

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

~~[] The decision of the Superintendent shall be final.~~

~~[OR]~~

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

~~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 in first paragraph) or retaliation.~~

~~The~~ In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to 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—such an appeal.~~ A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

[END OF OPTIONS]

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

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

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

Privacy/Confidentiality

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

All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity. ~~All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).~~

During the course of a formal investigation, the ~~Compliance Officer or his/her CO or~~ designee will instruct all members of the Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that ~~s/he learns is learned~~ or ~~that s/he provides provided~~ during the course of the investigation.

Remedial Action, ~~Sanctions~~ and Monitoring

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

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

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful harassment ~~(see definition in first paragraph) or~~ retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further ~~such harassment~~ 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 or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and ~~the any~~ terms of the relevant collective bargaining ~~agreement(s), if any agreement or student code of conduct.~~

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

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

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

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

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

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

Education and Training

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

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

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all ~~information,~~ documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created ~~or~~ and received as part of an investigation, ~~including which may include~~ but are not limited to: ~~complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).~~

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Corporation's response to the alleged violation of this policy;

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

[DRAFTING NOTE: The following options should be selected if the Corporation concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- N. ~~(-) documentation of any training provided to Corporation personnel related to this policy, including but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]~~
- O. ~~(-) documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~(-) copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;~~
- Q. ~~(-) copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;~~
- R. ~~(-) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report and any written responses submitted by the Complainant or the Respondent.~~

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

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

Retaliation

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

~~Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition in first paragraph), 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 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. 6101 et seq., Age Discrimination Act of 1975

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

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

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- Legal
 - 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 C.F.R. Part 1635
 - 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. 6101 et seq., Age Discrimination Act of 1975
 - 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
 - National School Boards Association Inquiry and Analysis - May 2008



Book	Policy Manual
Section	Policies for the Board
Title	New Policy - Vol. 33, No. 2 - May 2021 - NURSING MOTHERS
Code	po4425
Status	First Reading

4425 - **NURSING MOTHERS**

~~[] As required by Federal law, the School Board shall take steps necessary to support staff members who decide to breastfeed their infants by providing additional unpaid break time, as necessary, for lactating employees to express breast milk for their infants on Corporation premises. [] The School Board shall support the decision of support staff members to breastfeed their infants by providing additional unpaid break time, as necessary, for lactating employees to express breast milk for their infants on Corporation premises.~~

Prior to returning to work from maternity leave, it shall be the employee's responsibility to notify her supervisor of her intent to continue breastfeeding her infant(s), and of her need to express milk during work hours. Further, it shall be the responsibility of the employee to keep her supervisor informed of her needs in this regard throughout the period of lactation.

The building administrator shall designate a private area, other than a restroom, where an employee can express breast milk. The designated area shall be a space where intrusion from coworkers, students, and the public can be prevented and an employee using this area can be shielded from view.

An employee can express milk during regularly scheduled break periods. The Principal or employee's supervisor shall make an accommodation if the time of regular breaks needs to be adjusted or if additional and/or longer breaks are needed. In the event that more breaks are needed or the break(s) need to be longer than legally required, the additional time required shall be unpaid, and the employee's work schedule or work day shall, therefore, be modified accordingly. The Principal, or the employee's supervisor, shall work with the employee to make these necessary modifications.

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Legal	29 U.S.C. 207(r)
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Book	Policy Manual
Section	Policies for the Board
Title	Technical Correction - Vol. 33, No. 2 - May 2021 - LEAVES OF ABSENCE
Code	po4430
Status	First Reading
Adopted	June 7, 1993
Last Revised	December 4, 2018

4430 - LEAVES OF ABSENCE

The School Board delegates to the Superintendent the responsibility to determine whether to grant a leave of absence of up to one (1) year's time. Any request for a leave of absence of one (1) year or more shall be submitted to the Board.

Leaves of Absence for Members of National Guard or Reserve:

The Board shall grant a leave of absence in addition to a regular vacation period without loss of pay or time to any staff member who is a member of the Indiana National Guard, a reserve component of the U.S. forces, or a retired member of the naval, air, or ground forces of the United States and is on training duty for the State by order of the Governor or under the order of the reserve-component authority for consecutive or nonconsecutive periods not to exceed a total of fifteen (15) days in any calendar year. The staff member's vacation benefits, if any, will not be affected by this type of leave.

Leave of Absence for Active Duty Family Member:

A staff member who has been employed for at least twelve (12) months and is the spouse, parent, grandparent, or sibling of a person who is ordered to active duty is entitled to an unpaid leave of absence during one (1) or more of the following periods.

- A. during the thirty (30) days before active duty orders are in effect;
- B. during a period in which the person ordered to active duty is on leave while active duty orders are in effect; or
- C. during the thirty (30) days after the active duty orders are terminated.

The staff member or must have worked at least 1,500 hours during the twelve (12) month period immediately preceding the day the leave begins.

The leave of absence allowed each year may not exceed a total of ten (10) working days.

~~[] The Board shall require the staff member~~ The staff member may request ~~[END OF OPTION]~~ to substitute any of his/her earned vacation, personal leave, or other paid leave except for paid medical or sick leave available for leave for any part of the ten (10) day period.

After a staff member takes a leave of ~~the~~ absence, ~~the~~ staff member shall be restored to:

- A. the position the staff member held before the leave, or
- B. a position equivalent to the position that the staff member held before the leave with equivalent benefits and terms of the negotiated agreement.

The Board shall permit the staff member to continue his/her health care benefits during the leave at the staff member's expense.

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Legal

I.C. 22-2-13

I.C. 10-16-7-1 et seq.

38 U.S.C. 4301 et seq. (Uniformed Services Employment and Reemployment Rights Act)



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION; PROOF OF INDIANA RESIDENCY
Code	po5111
Status	First Reading
Adopted	June 7, 1993
Last Revised	October 6, 2020

5111 - DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION; PROOF OF INDIANA RESIDENCY

The School Board establishes the following policy for determining student eligibility to attend the schools of this School 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 ~~(-) will be charged. (-) will not be charged unless otherwise required by law.~~ (x) may be charged according to Board Policy 6150. **[END OF OPTION]**
- [NOTE: Under the law, a corporation may charge tuition to some students, but not others. Choosing this option is NOT RECOMMENDED. All students should be treated the same to avoid claims of discrimination.]**
- [NOTE: Pursuant to guidance from the Indiana Department of Education, this would be categorized as a "Third Party Custodial Agreement," and documentation of that agreement must be maintained by the Corporation.]**
- 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 the 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. If a student's legal settlement is changed after the student has begun attending school in the Corporation in any school year, the effective date of withdrawal from the Corporation may, at the election of the parent, the student (if the student is at least eighteen (18) years of age), or a juvenile court conducting a proceeding under I.C. 31-34-20-5, I.C. 31-34-21-10, I.C. 31-37-19-26, or I.C. 31-37-20-6 (or I.C. 31-6-4-18.5 before its repeal), be extended to the end of the semester in which the change of legal settlement occurred. At the discretion of the Principal [name a school official, i.e., principal, Superintendent, etc.], the effective date of withdrawal from the Corporation may be extended to the end of that school year.

Students who have completed the eleventh grade in this Corporation and have changed legal settlement to another school corporation may complete the twelfth grade in this Corporation.

- G. The School Corporation shall maintain proof of Indiana residency for each student enrolled in the Corporation whom the Corporation counts for membership in the ADM count. This documentation of Indiana residency shall be placed in the student's electronic or hard copy file. (See also Policy 6250 - Required ADM Counts for the Purpose of State Funding and Verification of Residency for Membership.)

[NOTE: Choose one (1) of the following two options.]

[Option 1]

Transportation from and to the site of the new legal settlement will not be provided by the School Corporation for a student whose effective date of withdrawal is extended beyond the date of the change of legal settlement unless the student has an Individualized Education Program (IEP) in which transportation is required to be provided as a related service.

[End of Option 1]

[Option 2]

~~Transportation from and to the new site of legal settlement will be provided by the School Corporation for a student whose effective date of withdrawal is extended beyond the date of the change of legal settlement.~~

[End of Options]

- H. 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.

I. 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.

- J. 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 ~~() will be charged () will not be charged unless otherwise required by law~~, may be charged tuition according to Board Policy 6150 if they do not have legal settlement in the Corporation. **[END OF OPTION]**

[NOTE: Under the law, a corporation may charge tuition to some students, but not others. Choosing this option is NOT RECOMMENDED. All students should be treated the same to avoid claims of discrimination.]

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.

- J. ~~() 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.~~

- K. 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. **[NOTE: Check with your Cooperative agreement.]**

- L. ~~() Nonresident students may be accepted into the Summer School Program provided by this Corporation.~~

Transfer Students

CHOOSE ONE OF THE FOLLOWING OPTIONS:

Option #1

~~The Corporation shall enroll only those students who have legal settlement in the Corporation. The Corporation does not enroll students who do not have legal settlement as determined pursuant to I.C. 20-26-11 unless there was a policy in 2012-2013 school year that allowed students who do not have legal settlement to enroll in the Corporation. Those students, as well as students in the same household of a student who was enrolled in 2012-~~

~~2013 whether or not that student attended a public school or accredited nonpublic school may enroll for the current year. The governing body of the Corporation may authorize the transfer of a student from an accredited nonpublic school or charter school to a school within the school corporation.~~

~~**Transfer Student Whose Parent Is Employed by the Corporation:**~~

~~The Corporation shall accept a transferring student who does not have legal settlement in the Corporation and whose parent is a current employee of the Corporation who resides in Indiana if: 1) the parent/employee earns an annual salary of at least: a) \$8,000; or b) \$3,000 earned due to being included an employee in the extracurricular portion of the Corporation's collective bargaining agreement; and 2) the Corporation has the capacity to accept the student. If the number of students who request to transfer to the Corporation under this section causes the Corporation to exceed its maximum student capacity, the Board shall determine which students will be admitted as transfer students by a random drawing in a public meeting.~~

~~**[YOU MUST SELECT THE FOLLOWING OPTION IF YOU DO NOT OPERATE MORE THAN ONE HIGH SCHOOL:]**~~

~~**[] Nonpublic School Transfer Student**~~

~~The Corporation shall accept a transferring student who resides in Indiana and who does not have legal settlement in the Corporation if:~~

- ~~A. the student attended an accredited nonpublic elementary school located in the attendance area of the Corporation for at least two (2) school years immediately preceding the school year in which the student transfers to a high school in the Corporation under this section;~~
- ~~B. the student is transferring because the accredited nonpublic school from which the student is transferring does not offer grades nine (9) through twelve (12);~~
- ~~C. the majority of the students in the same grade as the transferring student at the accredited nonpublic school have legal settlement in the Corporation and will attend a school under the authority of the Corporation; and~~
- ~~D. the Corporation has the capacity to accept students.~~

~~If the number of students who request to transfer to the Corporation under this section causes the Corporation to exceed its maximum student capacity, the Board shall determine which students will be admitted as transfer students by a random drawing in a public meeting.~~

~~**[END OF OPTION #1]**~~

[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 end of the preceding school year ~~_____~~ **[insert date]**, 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 who currently resides in Indiana and has a salary of at least \$8,000 or \$3,000 earned due to being included an employee in the extracurricular portion of the Corporation's collective bargaining agreement and the Corporation has the capacity to accept the student.
- 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.

Pursuant to State law, the Board may deny a student's application to transfer to the Corporation, discontinue enrollment of a transfer student currently attending, rescind approval of a student approved to attend in a subsequent year, or establish terms or conditions for enrollment or for continued enrollment in a subsequent school year, if:

- A. during the preceding twelve (12) months, the student has been suspended or expelled for:
 1. ten (10) or more school days;
 2. possession of a firearm, deadly weapon, or a destructive device;
 3. causing physical injury to a student, school employee, or visitor to the school; or
 4. a violation of the Corporation's drug or alcohol rules.
- B. the student has had a history of unexcused absences, and the Board believes that, based upon the location of the student's residence, attendance would be a problem for the student if the student is enrolled in the Corporation.

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.

The Board delegates authority to the Superintendent to deny a student's application to transfer to the Corporation, discontinue enrollment of a transfer student currently attending, rescind approval of a student approved to attend in a subsequent year, or establish terms or conditions for enrollment or for continued enrollment in a subsequent school year if the student meets the criteria listed above.

Transportation will not be provided by the School Corporation for transfer students accepted for enrollment unless the transfer student has an Individualized Education Program (IEP) in which transportation is required to be provided as a related service.

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

Transfer students ~~() will be charged. () will not be charged unless otherwise required by law.~~ may be charged transfer tuition according to Board Policy 6150. **[END OF OPTIONS]**

[NOTE: Under the law, a corporation may charge tuition to some students, but not others. Choosing this option is NOT RECOMMENDED. All students should be treated the same to avoid claims of discrimination.]

[END OF OPTION #2]

[NOTE: The primary purpose of HEA 1381 (2013) is to end perceived "cherry-picking". This objective is expressed most succinctly by the addition of I.C. 20-26-11-32(g) which states: "(g) Except as provided in subsections (i), (j), and (k), the governing body of a school corporation may not deny a request for a student to transfer into the school corporation based upon the student's academic record, scores on ISTEP tests, disciplinary record, or disability, or upon any other factors not related to the school corporation's capacity."]

[OPTIONAL -- Choose this option if the Corporation does not accept transfer students but wishes to accept a student who does not have legal settlement in the Corporation into an alternative education program operated by the Corporation]

[] Students Without Legal Settlement Attending Alternative Education Programs

~~Students without legal settlement in the Corporation may be accepted into an alternative education program operated by the Corporation even if the Corporation does not otherwise accept transfer students. The Board shall comply with I.C. 20-26-11-32(g), (h), (j), (k) and (l) with respect to those students.~~

I.C. 20-18-2-11 (legal settlement defined)

I.C. 20-33-2 (compulsory school attendance)

~~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

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 (student transfer requests, HEA 1381 - 2013; SEA 108 - 2017)

I.C. 20-26-11-33 (non-transfer student attending alternative education program)

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>

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I.C. 20-18-2-11 (legal settlement defined)

I.C. 20-33-2 (compulsory school attendance)

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

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 (student transfer requests, HEA 1381 – 2013; SEA 108 - 2017)

I.C. 20-26-11-33 (non-transfer student attending alternative education program)

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Book	Policy Manual
Section	Policies for the Board
Title	Technical Correction - Vol. 33, No. 1 - November 2020 - WITHDRAWAL FROM SCHOOL
Code	po5130
Status	First Reading
Adopted	June 7, 1993
Last Revised	February 2, 2016

5130 - 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 **[NOTE: The Board is to select the required participants and is not limited to School Corporation Employee employees]:**

- A. the student;
- B. the parent(s);
- C. the principal;
- D. ~~the guidance counselor or school counselor;~~
- E. _____
- F. _____
- G. _____

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. 20-26-13-17
 I.C. 20-33-2-9
 I.C. 20-33-2-28.5

Legal

I.C. 9-24-2-1

I.C. 20-26-13-17

I.C. 20-33-2-9

I.C. 20-33-2-28.5



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - PROMOTION, PLACEMENT, AND RETENTION
Code	po5410
Status	First Reading
Adopted	June 7, 1993
Last Revised	January 7, 2020

5410 - PROMOTION, PLACEMENT, AND RETENTION

The School Board recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It shall be the policy of the Board that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with his/her own development.

Such pattern should coincide with the system of grade levels established by this Board and the instructional objectives established for each.

A student will be promoted to the succeeding grade level when s/he has:

- A. completed the course requirements at the presently assigned grade;
- B. in the opinion of the professional staff, achieved the instructional objectives set for the present grade;
- C. demonstrated sufficient proficiency to permit him/her to move ahead in the educational program of the next grade;
- D. ~~demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade.~~

Any decision regarding retention of a student who is eligible for special education and related services shall be made in accordance with the student's IEP or service plan and in compliance with ~~with~~ the statewide assessment program's policies and Federal law.

A student ~~enrolled in who is eligible for~~ special education and related services shall be promoted or retained based on the ~~opinion of the Case Conference and the student's I.E.P~~ recommendation of the case conference committee and the student's IEP. ~~[DRAFTING NOTE: this option is not required by law but may be selected if the Board chooses to have the case conference committee make recommendations for retention.]~~

~~Following sound principles of child guidance, the Board discourages the skipping of grades.~~

It is the policy of the Board that a student shall not be retained or held back in a grade level for the sole purpose of improving the student's ability to participate in extra-curricular athletic programs.

The Board will comply with the requirements of the Indiana Department of Education regarding the consequences for students in grade three who fail to pass the Indiana Reading Evaluation and Determination Assessment (IREAD-3). Accordingly, a student who does not pass the IREAD-3 assessment either during the assessment period in the school year or during the summer assessment window, and is not eligible for a "good cause exemption" outlined below, shall be considered for retention in third-grade based on the student's overall academic performance in all subject areas.

The school shall make one (1) of the following determinations:

- A. Retention is necessary based on the overall academic performance of the student in all subject areas. The student should be reported to the State as a third-grader in the subsequent school year, and the student should receive third-grade instruction in all subject areas.
- B. Retention is not necessarily based on the overall academic performance of the student in all subject areas. The student should move on to fourth-grade instruction in all subject areas. However, the student will continue to receive third-grade reading instruction during the subsequent school year and must retake the IREAD-3 assessment until the student passes the assessment or qualifies for a "good cause exemption".

Good cause exemptions that may be considered are:

- A. a student who has been previously retained two times prior to the fourth grade;
- B. a student with disabilities whose case conference committee has determined that promotion is appropriate;
- C. an English learner student whose Individual Learning Plan (ILP) Committee has determined that promotion is appropriate.

The Superintendent shall develop administrative guidelines for promotion, placement, and retention of students which:

- A. require the recommendation of the professional staff for any promotion, placement, or retention;
- B. require that parents are informed in advance of the possibility of retention of a student at a grade level;
- C. assure that reasonable efforts be made to remediate the student's difficulties before s/he is retained;
- D. assign to the principal the final responsibility for determining the promotion, placement, or retention of each student.

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Legal

I.C. 20-32-8.5

511 IAC 6.1-5-10 - Retaining student for athletic purposes prohibited

511 IAC 6.2-3.1-3

IDOE Memorandum April 7, 2017: IREAD-3 Guidance for 2017-18 School Year



Book	Policy Manual
Section	Policies for the Board
Title	ANTI-HARASSMENT
Code	po5517
Status	First Reading
Adopted	December 5, 1994
Last Revised	December 4, 2018

5517 - ANTI-HARASSMENT

General Policy Statement

It is the policy of the School Board of the School Trustees Corporation 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 in first paragraph)~~, that is based on race, color, national origin, sex (including ~~transgender gender~~ 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~~ 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.

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

All Corporation employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment ~~(see definition in first paragraph)~~ that the employee observes or which is reported to the employee.

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

Individuals who are found to have engaged in unlawful harassment ~~(see definition in first paragraph)~~ 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 in first paragraph)~~ 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:

- Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment ~~(see definition in first paragraph)~~ 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 in first paragraph)~~.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment ~~(see definition in first paragraph)~~, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's ~~supervisory~~ duties.

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

Notice

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

Definitions

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

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

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

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

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

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

Bullying

Bullying rises to the level of unlawful harassment ~~(see definition in first paragraph)~~ when one (1) or more persons systematically and chronically ~~inflict~~ ~~inflict(s)~~ physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), ~~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.

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

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 () may () will [not recommended] 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; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to regarding racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disabling condition disability, 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 in first paragraph) 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 see definition in first paragraph) 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 in first paragraph) 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 in first paragraph) based on "Protected Classes" (see definition in first paragraph), 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 Corporation Compliance Officers

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

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

DRAFTING NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs also may serve as the Corporation's Section 504 Compliance Officer(s)/ADA Coordinator(s) and/or Title IX Coordinators. Additionally, by appointing two (2) COs, there always should be a CO available to investigate a claim of harassment that pertains to the other CO. The Board must list either the Name or Title of the CO, while the Board may list both the Name and Title, Neola suggests that the Board consider listing only the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) and in the Administrative Guideline.]]

Director of Business Operations or Building Administrator; 315 South Harrison Drive, Corydon, IN 47112; (812) 738-2168; nondiscrimination@shcsc.k12.in.us or antiharassment@shcsc.k12.in.us.

[Name and/or Title]

[Address]

[Telephone No.]

[Email address]

[Name and/or Title]

[Address]

[Telephone No.]

[Email address]

The names, titles, and contact information for the ~~Compliance Officers~~ COs will be published annually on the Corporation's website and:

- A. in the student, or parent, and staff handbooks.
- B. ~~in the School Corporation's Annual Report to the public.~~
- C. ~~on the School Corporation's web site~~
- D. ~~on each individual school's web site website.~~
- E. ~~in the School Corporation's calendar.~~
- F. _____.

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

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

Reports and Complaints of Unlawful Harassment and Retaliation

~~The Compliance Officers will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition in first paragraph), 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.~~

Students and Corporation employees are required, and all other members of the Corporation community and Third Parties are encouraged, to promptly report incidents of harassment based on a protected class to an administrator, supervisor, or other Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other Corporation employee or official who receives such a complaint shall file it with the CO within two (2) business days. [NOTE: while students are advised to report discrimination/retaliation to administrators, supervisors, or other Corporation officials, the Board recognizes that some students may report discrimination/retaliation to a teacher. When a teacher receives such a report, the teacher must file it with the CO as indicated above.]

Members of the Corporation community, which includes students, who believe they have been unlawfully harassed by another member of the Corporation community or a Third Party are entitled to utilize the Board's complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals 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.

If during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile educational environment and may have constituted unlawful harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to one of the COs, who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. While the CO investigates the allegation or the matter is being addressed pursuant to Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report or the determination of responsibility pursuant to Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. The CO shall keep the Principal informed of the status of the Policy 5517 - Anti-Harassment investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 -Nondiscrimination on the Basis of Sex in Education Programs or Activities grievance process.

The COs will be available during regular school/work hours to discuss concerns related to "unlawful harassment" on the basis of a protected class, to assist students who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student. COs shall accept complaints of unlawful harassment directly from any member of the Corporation community or a Third Party and reports that initially are made to another Corporation employee. Upon receipt of a report of alleged harassment, the CO will contact the Complainant and

begin either an informal or formal process (depending on the Complainant's request and the nature of the alleged harassment) or designate a specific individual to conduct such a process.

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

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

~~Any Corporation employee who directly observes unlawful harassment (see definition in first paragraph) of a student is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officers within () two (2) () _____ () business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Corporation 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 in first paragraph) 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 () Board President () School Board Attorney () _____.~~
~~All Corporation employees must report incidents of unlawful harassment (see definition in first paragraph) that they observe or that are reported to them to the Compliance Officer within () two (2) business days () _____ () business 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 in first paragraph) 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 in first paragraph) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition in first paragraph) was substantiated are set forth below. Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex Education Program or Activities, any student who alleges to have been subjected to unlawful harassment based on a Protected Class may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.~~

Due to the sensitivity surrounding complaints of unlawful harassment (see definition in first paragraph), or retaliation, time lines are flexible for initiating the complaint process; however, individuals ~~should make every effort~~ are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within () fifteen (15) () _____ () business days of the complaint being received).

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

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior ~~promptly and/or unlawful harassment (see definition in first paragraph), 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~~ ~~alleges unlawful harassment or retaliation~~. 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.~~

The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

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

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

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

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

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

All informal complaints must be reported to one (1) of the Compliance Officers COs who will either will facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

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

- A. Advising the individual Complainant about how to communicate the unwelcome nature of the behavior to the alleged harasser Respondent.
- B. Distributing a copy of the anti harassment policy Policy 5517 - Anti-Harassment as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned Respondent works or attends school.
- C. If both parties agree, the Compliance Officer CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution 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 CO or a designee will exercise his/her authority is directed to attempt to resolve all informal complaints within () fifteen (15) () — () [END OF OPTION] 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).

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

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, 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 Complainant elects to file a formal complaint from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process as described below shall be implemented.

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," A Complainant may file a formal complaint, either orally or in writing with a teacher, principal Principal, the Compliance Officer CO, the Superintendent, or other Corporation level employee official. Due to the sensitivity surrounding complaints of unlawful harassment (see definition in first paragraph) 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.~~

~~Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a formal complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other Corporation official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the CO within two (2) business days.~~

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

All formal complaints of unlawful harassment ~~(see definition in first paragraph)~~ or retaliation must include the following information to the extent ~~it is available known~~: the identity of the Respondent ~~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 ~~(i.e., when, where, and what occurred)~~; a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the ~~Compliance Officer~~ CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including but not limited to a change of building or class assignment or class schedule for the Complainant and/or the ~~alleged harasser~~ Respondent. In making such a determination, the ~~Compliance Officer~~ CO should consult the Complainant to assess whether the individual agrees with the proposed action ~~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 to the proposed change~~, the Compliance Officer ~~may~~ still may take whatever actions ~~s/he deems are deemed~~ appropriate in consultation with the Superintendent ~~and/or Board Attorney~~.

Within ~~()~~ two (2) ~~()~~ ~~()~~ ~~[END OF OPTION]~~ business days of receiving the complaint, the ~~Compliance Officer or a~~ CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to ~~offensive conduct/unlawful harassment/~~ or retaliation.

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

~~Contemporaneously, one of the Compliance Officers or a designee~~ Simultaneously, the CO will inform ~~the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a~~ the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of ~~the Board's anti-harassment policy shall be provided to the Respondent~~ any relevant policies and/or administrative guidelines, including Policy 5517 - Anti-Harassment. The Respondent also must be informed of the opportunity to submit a written response to the formal complaint within five (5) business days.

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

The investigation will include:

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

At the conclusion of the investigation, the ~~Compliance Officer or the CO~~ 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 in first paragraph) or retaliation~~ Respondent engaged in unlawful harassment of or retaliation against the Complainant. The ~~Compliance Officer's~~ CO's recommendations must be based upon the totality of the circumstances, including the ages ~~age~~ and maturity levels ~~level~~ of ~~those any~~ student involved. In determining if ~~discriminatory~~ unlawful 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)~~.

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

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

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

~~[] The decision of the Superintendent shall be final.~~

~~[OR]~~

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

~~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 in first paragraph) or retaliation.~~

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

~~[END OF OPTIONS]~~

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

The Complainant and the Respondent parties may be represented, at his/her their own cost, at any of the above-described interviews/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-OCR or the Indiana Civil Rights Commission, or ICRC, the filing of a concurrent criminal complaint charges with local law enforcement, or the filing of a civil action in court. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the privacy rights of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed) Respondent, and the witnesses to the extent 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. Additionally, the Respondent must be provided the Complainant's identity. All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the Compliance Officer or his/her CO or 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 is learned or provided during the course of the investigation.

Remedial Action and Monitoring

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

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

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 Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful harassment (see definition in first paragraph)/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of ~~the any~~ relevant collective bargaining agreement(s), if any, or student code of conduct. 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-age~~ and maturity ~~levels-level~~ of ~~those any student~~ involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of ~~the any~~ relevant collective bargaining ~~agreement(s), if any, and with Federal and State laws and regulations~~ agreement or student code of conduct.

~~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.~~

~~Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.~~

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

~~All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).~~

~~The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Corporation's records retention schedule.~~

Retaliation

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

~~Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition in first paragraph), 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.~~

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

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

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

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

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

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services (~~"DCS"~~), ~~Office of Child Protective Services~~. If, during the course of a harassment investigation, the ~~Compliance Officer CO~~ 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 CO~~ 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 a report must be made~~ to local law enforcement.

Any reports made to ~~Child Protective Services DCS~~ or ~~to~~ local law enforcement shall not terminate the ~~Compliance Officer's CO's~~ or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the ~~Compliance Officer CO~~ or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation ~~by 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.~~ ~~The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy and shall provide training for Corporation students and staff where appropriate.~~

All training ~~and information provided~~ regarding the Board's policy ~~and 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.~~

Retention of Investigatory Records and Materials

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

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

~~[DRAFTING NOTE: The following options should be selected if the Corporation concludes that the following items are not adequately encompassed in the preceding paragraphs.]~~

- N. ~~() documentation of any training provided to Corporation personnel related to this policy, including but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]~~
- O. ~~() documentation that any rights or opportunities that the Corporation made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~() copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;~~
- Q. ~~() copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;~~
- R. ~~() copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report and any written responses submitted by the Complainant or the Respondent.~~

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance

with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years and longer if required by the Corporation's records retention schedule.

I.C. 20-33-8

~~I.C. 35-42-4-3~~

~~I.C. 35-42-4-8~~

~~I.C. 35-42-4-9~~

511 IAC 7-32-1 et seq. (Article 7)

20 U.S.C. 1400 et seq., the Individuals with Disabilities Education ~~Improvement~~ Act of 2004, as amended (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~~

34 C.F.R. Part 104, Section 504 Regulations

34 C.F.R. Part 300, IDEA Regulations

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Legal	I.C. 20-33-8
	I.C. 35-42-4
	511 IAC 7-32-1 et seq. (Article 7)
	20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Act of 2004, as amended (IDEA)
	29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended
	42 U.S.C. 1983
	42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
	34 C.F.R. Part 104, Section 504 Regulations
	34 C.F.R. Part 300, IDEA Regulations



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - SUSPENSION AND EXPULSION OF STUDENTS
Code	po5610
Status	First Reading
Adopted	June 7, 1993
Last Revised	June 2, 2020

5610 - SUSPENSION AND EXPULSION OF STUDENTS

The School Board recognizes that removal from the educational programs of the School Corporation, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this Corporation and one that cannot be imposed without due process since removal deprives a child of the right to an education.

No student is to be suspended and/or expelled from an activity, program, or a school unless his/her behavior represents misconduct or substantial disobedience while the student is on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; or traveling to or from school or a school activity, function, or event.

In addition to the grounds specified above, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function, or the student's removal is necessary to restore order or protect persons on school property, including any unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

Furthermore, a student may be suspended or expelled for bullying, regardless of the physical location in which the bullying occurred, whenever:

- A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
- B. disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

A Student Code of Conduct, approved by the Board, shall specify the procedures to be followed by school officials when administering this policy. In addition to the procedural safeguards and definitions set out in this policy and the student/parent handbook, the procedures set forth in Policy 5605 shall apply to students identified as disabled under IDEA.

For purposes of this policy and the Superintendent's administrative guidelines, the following definitions shall apply:

- A. "Suspension" means any disciplinary action that does not constitute an expulsion whereby a student is separated from school attendance for a period not to exceed ten (10) school days. A student may be suspended for a longer period of time in accordance with the provisions of I.C. 20-33- 8-23 pending expulsion.

If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal or the principal's designee shall ensure that the student receives notice of any assignments or school work due and teacher contact information in the event that the student has questions regarding the assignments or schoolwork. The student will receive credit, in the same manner as a student who is not suspended would receive, for any assignments or school work assigned during the period of the student's suspension that the student completes. The student () shall ~~() shall not~~ **[END OF OPTION]** be allowed to make up missed tests or quizzes when the student returns to school.

- B. "Expulsion" means a disciplinary or other action whereby a student is:
 1. separated from school attendance for a period exceeding ten (10) school days;

2. separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or
3. separated from school attendance for at least one (1) calendar year pursuant to I.C. 20-33-8-16 for possession of firearms, deadly weapons or destructive devices, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

The term does not include situations when a student is disciplined under I.C. 20-33-8-25, removed from school pursuant to I.C. 20-34-3-9, or removed from school for failure to comply with the immunization requirements of I.C. 20-34-4-5.

Any student who brings a firearm, as defined in I.C. 35-47-1-5, or a destructive device, as defined in I.C. 35-47.5-2-4 to school or onto school property or at a school-related activity or is in possession of a firearm shall be expelled for at least one (1) calendar year unless the Superintendent reduces the punishment for reasons justified by the particular circumstances of the incident.

If the student brings a deadly weapon as defined in I.C. 35-31.5-2-86 onto Corporation property or is found to possess a deadly weapon on Corporation property or at a school-related activity, s/he ~~() shall be expelled for a period of not more than one (1) calendar year~~ (X) may be expelled for a period of not more than one (1) calendar year unless the Superintendent reduces the punishment for reason justified by the particular circumstances of the incident. **[END-OF-OPTIONS]** The Superintendent shall notify the law enforcement agency designated by the Prosecuting Attorney immediately when a student possesses a firearm, destructive device, or deadly weapon on school property or at a school-related activity.

The Superintendent shall ensure that a copy of this policy is sent to the State Department of Education as well as a description of the circumstances surrounding any expulsions for the above-stated firearms or weapons offense together with the name of the school, the number of students so expelled, and the types of firearms or weapons that were brought on Corporation property.

The Corporation shall annually prepare a list of

1. alternative education programs in the same county in which the Corporation is located or a county immediately adjacent to the county in which the Corporation is located; and
2. virtual charter schools;

in which a student may enroll if the student is expelled. The list must contain contact information for the entities described above and must provide the student and the student's parent notice that the student may be required to comply with I.C. 20-33-2 or any statute relating to compulsory school attendance in accordance with I.C. 20-33-8-31. A copy of the list shall be provided to the student or the student's parent at the expulsion meeting. If the student or student's parent fails to attend an expulsion meeting, a copy of the list shall be mailed to the student's residence.

If a student is expelled from school or from any educational function, the student's absence from school because of the expulsion is a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance if the student may enroll in

1. an alternative education program in the county where or in a county immediately adjacent to the county where the Corporation from which s/he was expelled is located; or
2. a virtual charter school

and the student does not enroll in an alternative education program or a virtual charter school during the student's expulsion. In the event an alternative education program or virtual charter school is not available for a student to attend under this subsection, the student's expulsion is not a violation of I.C. 20-33-2 or any other statute relating to compulsory school attendance.

The Board of School Trustees has voted ~~() to hear all expulsion appeals~~ (X) not to hear any expulsion appeals. Instead, appeals of expulsion must be filed with the County Court. **[END-OF-OPTION]**

The Superintendent shall develop administrative guidelines which provide appropriate procedures for implementing this policy and comply with applicable statutes.

~~The Board authorizes the Superintendent to develop administrative guidelines to provide for () a program whereby a student performs community service in lieu of a suspension or an expulsion. () the referral of a student to the juvenile court.~~ **[END-OF-OPTION]**

The Superintendent shall report all expulsions and second suspensions to the Bureau of Motor Vehicles in accordance with law and the Bureau's guidelines.

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

All individuals charged with imposing discipline under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation of student misconduct and disciplinary action taken, including but not limited to reports, admissions, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, emails related to the allegations, investigation and disciplinary action, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation of student misconduct or disciplinary action taken shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Corporation's

records retention schedule.

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I.C. 20-33-8-13.5 et seq.

I.C. 35-31.5-2-86

I.C. 35-47-1-5

I.C. 35-47.5-2-4

20 U.S.C. 7151



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - STUDENT EMPLOYMENT
Code	po5895
Status	First Reading
Adopted	June 7, 1993
Last Revised	November 1, 2005

5895 - STUDENT EMPLOYMENT

The School Board believes that attendance at school should occupy a student's full attention and should take precedence over nonschool-related employment.

If a student must work while attending school, s/he should receive counseling and assistance in seeking appropriate job opportunities and in correlating work schedules with school studies and activities. Any minor person at least fourteen (14) years of age and less than eighteen (18) years of age must secure an employment certificate issued by the proper issuing officer prior to being employed in all jobs except those excluded by State statute. The student shall receive the employment certificate from the accredited school that the student attends or from the school corporation in which the student resides.

The school principal, in writing, shall assign a staff member who meets the requirements of Indiana law to serve as the employment certificates issuing officer for the accredited school. The issuing officer may issue an employment certificate only to a minor whose employment is necessary and only after the receipt of the following two (2) documents: proof of age and proof of prospective employment. Proof of age documents are those listed in the State statute. Proof of prospective employment is a written statement signed by the person for whom the minor is to work, setting forth the nature of the work to be performed by the minor and the maximum hours per week that the minor will work.

~~School corporations~~ The issuing officer may deny ~~a work permit~~ an employment certificate to a student whose academic performance does not meet the ~~school corporation's~~ Corporation's standards or whose attendance is not in good standing. ~~They~~ The issuing officer also ~~have~~ has the right to revoke ~~a work permit~~ an employment certificate previously issued to a student if the school determines that there has been a significant decrease in the student's grade point average or attendance after s/he begins to work. When it appears that a job is detrimental to a student's academic status, it is the responsibility of the school to advise the parents and the employer to ensure that the student's education remains the primary focus.

If the student fails to attend an exit interview or fails to return to school if his/her request to withdraw in accordance with Policy 5130 is denied, then the ~~work permit~~ employment certificate and driver's license ~~shall~~ may be revoked or the application ~~shall~~ may be denied.

Should the ~~work permit~~ employment certificate be revoked at the end of the school year, the student may be allowed to work during the summer while school is not in session. However, such student will lose the ~~work permit~~ employment certificate at the start of the new school year until s/he meets the attendance and grade standards established by the school for receiving the ~~work permit~~ employment certificate.

The Superintendent shall prepare guidelines ~~which will ensure~~ that:

- A. comply with Indiana laws on student employment ~~complies with Indiana laws~~;
- B. provide for all students employed in out-of-school jobs ~~are closely to be~~ monitored by staff regarding school attendance and achievement in order to determine the effects on school performance of the students assuming out-of-school work commitments.

I.C. 9-24-2-1
 I.C. 20-33-2-28.5
[I.C. 22-2-18-14](#)
[I.C. 22-2-18-16](#)
[I.C. 22-2-18-18](#)
[I.C. 22-2-18-19](#)

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I.C. 9-24-2-1

I.C. 20-33-2-28.5

I.C. 22-2-18-14

I.C. 22-2-18-16

I.C. 22-2-18-18

I.C. 22-2-18-19



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - COST PRINCIPLES - SPENDING FEDERAL FUNDS
Code	po6114
Status	First Reading
Adopted	July 5, 2016

6114 - COST PRINCIPLES - SPENDING FEDERAL FUNDS

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

Cost Principles

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the School Corporation or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
5. whether the cost represents any significant deviation from the established practices or School Board policy which **justifiably** may increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the Corporation can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment; and
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. **This standard is met if the cost: 1) is incurred specifically for the Federal award; 2) benefits both the Federal award and other work of the Corporation and can be distributed in proportions that may be approximated using reasonable methods; 3) and is necessary to the overall operation of the Corporation and is assignable to the Federal award in accordance with cost principles mentioned here.**

- B. Conform to any limitations or exclusions set forth as in the cost principles in Part 200 or in the terms and conditions of the Federal award.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the Corporation.
- D. Be afforded-accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned-allocated to a Federal award as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Not be included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
 1. in the case of personal services, the Superintendent shall implement a system for Corporation personnel to account for time and efforts expended on grant-funded programs to assure that only permissible personnel expenses are allocated;
 2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

I. Be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods unless waived.

Selected Items of Cost

The Corporation shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, Corporation staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, Corporation and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable, and Corporation personnel shall follow those rules as well.

Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

Determining Whether a Cost is Direct or Indirect:

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.).

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective and are not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the Corporation, the governing body of the Corporation, compensation of the Superintendent, compensation of the chief executive officer of any component of the Corporation, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff normally should be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Indiana Department of Education (IDOE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

Timely Obligation of Funds

~~Obligations~~ Financial obligations are orders placed for property and services, contracts and sub-awards made, and similar transactions ~~during a given period~~ that require payment ~~by the non-Federal entity during the same or a future period~~.

This term is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education regulations.

If the obligation is for:

- A. Acquisition of property - on the date which the Corporation makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the Corporation - when the services are performed.
- C. Personal services by a contractor who is not an employee of the Corporation - on the date which the Corporation makes a binding written commitment to obtain the services.
- D. Performance of work other than personal services - on the date when the Corporation makes a binding written commitment to obtain the work.
- E. Public utility services - when the Corporation receives the services.
- F. Travel - when the travel is taken.
- G. Rental of property - when the Corporation uses the property.
- H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

Period of Performance

~~All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance.~~ All financial obligations must occur during the period of performance. Period of performance means the total estimated time interval between the start of an initial Federal award when the Corporation is permitted to carry out the work authorized by the grant and the planned end date. The period of performance may include one or more funded portions or budget periods. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, financial obligations under a grant may not be made until the ~~grant funding period begins or all necessary materials are submitted to the granting agency, application is approved or is in substantially approvable form,~~ whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations ~~may begin when it makes during the grant is approved, period~~ unless an agreement exists with ~~IDOE the awarding agency~~ or the pass-through entity (e.g., Indiana Department of Education) to reimburse for pre-approval expenses.

If a Federal awarding agency or pass-through entity approves an extension, or if the Corporation extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the Corporation shall liquidate all financial obligations incurred under the award not later than ninety (90) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the Corporation shall closely monitor grant spending throughout the grant cycle.

2 C.F.R. 200.403-.407

~~2 C.F.R. 200.403-406~~

2 C.F.R. 200.413(a)-(c)

2 C.F.R. 200.430(a)

2 C.F.R. 200.431(a)

2 C.F.R. 200.458

2 C.F.R. 344(b)

~~2 C.F.R. 200.474(b)~~

34 C.F.R. 75.703

34 C.F.R. 76.707

34 C.F.R. 708(a)

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Legal	2 C.F.R. 200.403-407
	2 C.F.R. 200.413(a)-(c)
	2 C.F.R. 200.430(a)
	2 C.F.R. 200.431(a)
	2 C.F.R. 200.458
	2 C.F.R. 344(b)
	34 C.F.R. 75.703
	34 C.F.R. 76.707
	34 C.F.R. 708(a)



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - REQUIRED ADM COUNTS FOR THE PURPOSE OF STATE FUNDING AND VERIFICATION OF RESIDENCY FOR MEMBERSHIP
Code	po6250
Status	First Reading
Adopted	October 6, 2020

6250 - REQUIRED ADM COUNTS FOR THE PURPOSE OF STATE FUNDING **AND VERIFICATION OF RESIDENCY FOR MEMBERSHIP**

The School Board expects enrolled students to be in regular attendance and engaged in the School Corporation's education programs in accordance with the provisions of the State compulsory attendance law, other provisions of State student attendance statutes found in I.C. 20-33-2 and the provisions of Policy 5200 Attendance. Additionally, the Board expects the cooperation of parents in monitoring the attendance of their children to comply with the above statutes and policies.

A major portion of State funding for school corporations is determined by a count of enrolled students taken on days selected by the Indiana Department of Education (IDOE). This count is referred to as the Average Daily Membership ("ADM") count. The ADM counts in February and September are to be exact counts of eligible students enrolled in the Corporation by grade and school. An eligible student is a student who is enrolled in the Corporation on the ADM count day. A student may not be counted as an eligible student in more than one school corporation.

The Board requires the Superintendent to establish administrative guidelines that detail the procedures which will be followed by all staff members involved in taking the ADM count in each school. These guidelines shall be made with the purpose of establishing internal controls to provide for timely and accurate ADM reporting to the IDOE. These guidelines also shall assign to a building level staff member the duty and responsibility of compiling the ADM count. The ADM count in each school building shall be documented by providing a list of student names and unique student numbers assigned to each student through the IDOE system of identification. The individual assigned the duty and responsibility of compiling the ADM count shall sign a written certification of authenticity and accuracy of the count total, the accompanying student list of names and numbers, and the acknowledgment that each student on the list is an "eligible student" for the Corporation's ADM count. The individual assigned the duty and responsibility of compiling, documenting and certifying the count in each school building shall submit said count, documentation and certification to an individual assigned by the Superintendent to compile the total ADM count for the Corporation. The guidelines also shall detail the individual responsible for retaining the records of the ADM count and related documentation. The supporting documentation of enrollment and attendance information by grade and school building must be signed by the building principal and retained for audit purposes to substantiate the ADM count claimed. The guidelines shall require the individual submitting the ADM count to the IDOE to follow the IDOE Membership Layout instructional forms.

Before reporting any student for membership, the Corporation must consider the following expectations regarding student residency verification as well as exceptions to residency requirements.

Expectations for Student Residency Verification are as follows:

- A. The Corporation must maintain proof of Indiana residency for each student in the student's electronic or hard copy file.
- B. Proof of residency must be filed for each student whom the Corporation counts for membership.
 1. For a student enrolling from one year to the next at the Corporation, a parent/guardian must confirm re-enrollment of the student either in-person or through an online registration process. If the Corporation brings forward enrollment from the prior year, students cannot be reported for Membership (ME, MA, MV) without verification of consistent attendance prior to the ADM count day.
 2. As part of the registration process (either in-person or online), the Corporation must share the residency information it currently has on file for each student. The parent/guardian must certify on a school-designed form that the student's address is either unchanged or changed. If changed, the new address should be updated, and the parent/guardian should be required to provide physical proof of the address change.
 3. A parent/guardian does not have to refile proof of residency each year for a student unless the address changes.
- C. Proof of residency must be on hand for each student prior to the student being claimed on the fall and/or spring membership count dates.

- D. If a student enrolls in the Corporation during the school year, proof of Indiana residency must be filed with the Corporation.
- E. If a student has a change of address from one school year to another, the prior residency documents must be maintained in the student's file. For audit purposes, the Corporation must be able to produce a physical or scanned copy of residency proof for current and prior residency of each student.
- F. The Board must annually adopt or readopt a policy that specified documentation, not to exceed three (3) items, required to verify Indiana residency.
- G. Documentation supporting proof of residency may include such items as a current utility bill, telephone bill, tax return, bank statement, mortgage statement, rental/lease agreement, medical bill or other like information that provides a verifiable address. Documentation should be dated within sixty (60) days of student enrollment and the date should be clearly identified and readable on the copy on file for the student.
- H. The Board requires one of the following as documentation of proof of residency for its students, with limited exceptions set forth below (the Board must select not more than three of the following options):

a current utility bill (dated within 60 days of student enrollment).

a current telephone bill (dated within 60 days of student enrollment) a current tax return (dated within 60 days of student enrollment)
 a current bank statement (dated within 60 days of student enrollment) a current mortgage statement (dated within 60 days of student enrollment)
 a current rental/lease agreement (dated within 60 days of student enrollment).

a current medical bill or other official record (dated within 60 days of student enrollment).

Copies of these documents shall be retained by the Corporation in each student's cumulative file.

Other Types of Proof of Residency:

Some students may not have required residency documents due to McKinney-Vento status, Third Party Custodial status, Foster Care status, etc. The Below is guidance on each situation and documentation of proof of residency for these students that must be maintained by the Corporation is set forth below.

McKinney-Vento (Homeless)

A completed IN Education for Homeless Children & Youth (INEHCY) McKinney-Vento Homeless Education Program Housing Questionnaire may serve as documentation of proof of residency for homeless students and must be retained by the Corporation as proof of residency if the above-referenced documentation is not available. (See also Policy 5111.01 - Homeless Students)

Third Party Custodial

The Corporation shall maintain the residency documents of the custodial guardian the student is residing with as documentation of proof of Indiana residency. (See also Policy 5111 - Determination of Legal Settlement and Eligibility for Enrollment of Student without Legal Settlement in the Corporation)

Placement of a student by DCS, FSSA, Courts, etc.

The Corporation shall maintain either of the following as documentation of proof of Indiana residency of the student:

- A. Residency documents from the custodial guardian, foster family, etc. with whom the student is residing.
- B. A court order, placement letter or other document evidencing the placement on the appropriate state or county letterhead.

(See also Policy 5111.03 - Children and Youth in Foster Care)

Exceptions to Indiana Residency Requirements include:

Foreign Exchange student

This applies to foreign exchange students who are residing in, enrolled and attending the Corporation, excluding foreign students enrolled and attending with an F1 Visa. The Corporation shall maintain residency documents of the host family with whom the student is residing for proof of Indiana residency.

~~Foreign exchange students who are residing in, enrolled and attending the Corporation, excluding foreign students enrolled and attending with an F1 Visa. Foreign exchange students who are residing in, enrolled and attending the Corporation, excluding foreign students enrolled and attending with an F1 Visa.~~

(See also Policy 5114 - Nonimmigrant Students and Foreign Exchange Program)

Student of an active Military family member

The Corporation shall maintain the following as documentation of proof of Indiana residency for a student of an active Military family member:

- A. Official military order of deployment or pending transfer supported in writing on official letterhead from the appropriate military branch.
- B. The address may include a temporary on-base leased home or apartment, purchased or leased home or apartment or federal government housing or off-base military housing.

(See also Policy 5111.02 - Educational Opportunity for Military Children)

All staff members who participate in the ADM count are expected to be ethical in counting only those students who meet the definition of "eligible student" in the ADM count. Any staff member participating in the ADM count who fails to comply with this policy, the related administrative guidelines, and the directives of the IDOE and Indiana State Board of Accounts ("SBOA") for taking an ADM count is subject to disciplinary action up to and including termination.

If the Corporation offers a "virtual education program," more robust internal controls must be developed to ensure compliance with I.C. 20-24-7-13(h). The Board requires the Superintendent to include in the administrative guidelines controls that clarify under what conditions a student is considered to be "enrolled" when participating in a virtual education program and how much activity or progress a student must engage in to be considered in attendance.

Note: This policy was prepared to meet the SBOA's requirements for a "student engagement policy" as outlined in the December 2019 School Bulletin, Volume 228, page 4. It has been further modified to meet the IDOE's August 27, 2020 Memorandum providing written guidance on verification of Indiana residency as it relates to reporting students for membership.

I.C. 20-26-11-2

I.C. 20-33-2

August 27, 2020 Indiana Department of Education Guidance on Verification of Residency for Membership

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Legal

I.C. 20-33-2

I.C. 20-26-11-2



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - PROCUREMENT – FEDERAL GRANTS/FUNDS
Code	po6325
Status	First Reading
Adopted	July 5, 2016
Last Revised	January 7, 2020

6325 - PROCUREMENT – FEDERAL GRANTS/FUNDS

Procurement of all supplies, materials, equipment, and services paid from Federal funds or School Corporation matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, and School Board policies and administrative procedures.

The Superintendent shall ~~maintain a~~ **have and use a** procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326), including affirmative steps for small and minority businesses and women's business enterprises, for the administration and management of Federal grants and Federally-funded programs. The Corporation shall maintain ~~a contract administration system that oversight that~~ requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the Corporation's documented general purchasing Policy 6320 and AG 6320A.

All Corporation employees, officers (that is, Board members), and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3113 and Policy 4113 – Conflict of Interest.

The Corporation shall avoid acquisition of unnecessary or duplicative items. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the Corporation may enter into State and local intergovernmental agreements, where appropriate, for procurement or use of common or shared goods and services.

Competition

All procurement transactions **for the acquisition of property or services required under a Federal award** paid for from Federal funds or Corporation matching funds shall be conducted in a manner that encourages full and open competition and is in accordance with good administrative practice and sound business judgment. In order to promote objective contractor performance and eliminate unfair competitive advantage, the Corporation shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

- A. unreasonable requirements on firms in order for them to qualify to do business;
- B. unnecessary experience and excessive bonding requirements;
- C. **noncompetitive pricing practices between firms or between affiliated companies;**
- D. noncompetitive contracts to consultants that are on retainer contracts;
- E. organizational conflicts of interest;
- F. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement; and

G. any arbitrary action in the procurement process.

Further, the Corporation shall not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals unless 1) an applicable Federal statute expressly mandates or encourages a geographic preference; or 2) the Corporation is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the Corporation uses a pre-qualified list of persons, firms or products to acquire goods and services that are subject to policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The Corporation allows vendors to apply for consideration to be placed on the list annually.~~[insert frequency, see Drafting Note].~~

~~[Drafting Note: The Corporation shall allow vendors not on the pre-qualified list to apply for placement on the list periodically. The Corporation may determine how frequently the pre-qualified list becomes open for new vendors or whether it is open continuously.]~~

The Corporation shall require that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to provide maximum open and free competition. The Corporation shall not preclude potential bidders from qualifying during the solicitation period.

Solicitation Language (Purchasing Procedures)

The Corporation shall have written procurement procedures that require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and the solicitation shall identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The Corporation shall ~~utilize~~ have and use documented procedures, consistent with the standards described above, for the following methods of procurement:

A. Informal Procurement Methods

When the value of the procurement for property or services under a Federal award does not exceed the simplified acquisition threshold or a lower threshold established by the State, formal procurement methods are not required. The Corporation may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

1. ~~(-)~~ Micro-purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed ~~\$10,000~~ [not to exceed \$10,000]. To the maximum extent practicable, the Corporation ~~shall~~ should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Purchasing Agent identified in Policy 6320 considers the price to be reasonable based on research, experience, purchase history, or other relevant information and documents are filed accordingly. The Corporation ~~maintains~~ shall maintain evidence of this reasonableness in the records of all purchases made by this method.

~~[] Unless otherwise defined by State or local law, corporations are responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of the risk, and its documented procurement procedures. The micro-purchase threshold used by the Corporation shall be authorized or not prohibited under State, local, or tribal laws or regulations. A corporation which is qualified as a low risk auditee for the most recent audit (C.F.R. 200.520) may increase the micro-purchase threshold up to \$50,000. An eligible corporation may self-certify the increased micro-purchase threshold on an annual basis after completing the annual internal institutional risk assessment to identify, mitigate, and manage financial risks. The self-certification, in accordance with 2 C.F.R. 200.335, must include a justification, clear identification of the threshold, and supporting documentation of the qualifications listed above. [DRAFTING NOTE: The Federal regulation allows for a \$50,000 threshold. While this authority is allowed for an entity qualified as a low risk auditee, Neola does not suggest its use due to the complexity and subjectivity of the mechanism.]~~

2. ~~(-)~~ Small Purchases

~~Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property the cost of which exceeds \$3,500 but is less than the competitive bid threshold of \$ _____ [not to exceed \$250,000]. Small purchase procedures require price or rate quotations shall be obtained from () _____ () _____ an adequate number of [END OF OPTION] qualified sources. Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold of \$ _____ [not to exceed \$250,000]. Small purchase procedures require price or rate quotations shall be obtained from (.) _____ (.) an adequate number~~

of ~~[END OF OPTION]~~ qualified sources. [Drafting Note: **Unless the pass-through entity or State law defines the number of quotes required, The the Corporation may define in policy how many quotations are adequate. The number must be greater than one (1).**]

Corporations are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations (FAR). When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

B. **Formal Procurement Methods**

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in 200.319 or non-competitive procurement. The formal methods of procurement are:

1. ~~()~~ Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment amounts to more than \$150,000 ~~_____ [the lesser of the established Small Purchase threshold or \$250,000]~~ and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed ~~the amount allowed by Indiana statute~~ the amount allowed by Indiana statute.

In order for sealed bidding to be feasible, the following conditions shall be present:

- a. a complete, adequate, and realistic specification or purchase description is available;
- b. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
- c. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When sealed bids are used, the following requirements apply:

- a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from ~~()~~ ~~_____~~ ~~()~~ ~~(x)~~ an adequate number of ~~[END OF OPTION]~~ qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
- b. The invitation for bids shall include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
- c. All bids shall be opened at the time and place prescribed in the invitation for bids; bids shall be opened publicly.
- d. A firm fixed price contract award shall be made in writing to the lowest responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may be used to determine the low bid only when prior experience indicates that such discounts are usually taken.
- e. The Board reserves the right to reject any or all bids for sound documented reason.

2. **Proposals**

Procurement by proposals is a method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. Indiana law stipulates a threshold for which sealed bids are required. (See Policy 6320.) [Drafting Note: **Federal law does not require a competitive proposal unless the procurement is for over \$250,000. The State/Corporation may set a lower threshold for sealed bids and competitive proposals. Sealed bids are required when the Board seeks to build, repair, enlarge, improve, or demolish a school building/facility if the cost will exceed \$50,000. (See Policy 6320).**]

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from ~~()~~ ~~_____~~ ~~()~~ ~~(x)~~ an adequate number of ~~[END OF OPTION]~~ sources.)
- c. The Corporation shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The Corporation may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can be used only in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

3. ~~(-)~~ Noncompetitive ~~Proposals~~ Procurement

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- a. micro-purchases
- b. the item is available only from a single source
- c. the public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation
- d. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Corporation
- e. after solicitation of a number of sources, competition is determined to be inadequate

Domestic Preference for Procurement

As appropriate and to the extent consistent with law, the Corporation shall, to the extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards including all contracts and purchase orders for work or products under the Federal award.

Contract/Price Analysis

The Corporation shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Corporation shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the Corporation shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Time and Materials Contracts

The Corporation uses a time and materials type contract only 1) after a determination that no other contract is suitable, and 2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the Corporation is the sum of the actual costs of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the Corporation sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the Corporation shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Suspension and Debarment

The Corporation shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the Corporation and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the Corporation shall consider such factors as 1) contractor integrity; 2) compliance with public policy; 3) record of past performance; and 4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The Corporation is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.

Suspension is an action taken by the Corporation that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R Chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 C.F.R. Part 180 Subpart G)

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. Chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)

The Corporation shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the Corporation shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

Bid Protest

The Corporation maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package for resolution. Bid protests shall be filed in writing with the Superintendent within seventy- two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest or failure to file a formal written protest within the time prescribed shall constitute a waiver of proceedings.

Maintenance of Procurement Records

The Corporation ~~maintains~~ shall maintain records sufficient to detail the history of all procurements. These records shall include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

I.C. 5-22-2-21

I.C. 5-22-2-30

I.C. 5-22-2-38

I.C. 5-22-3-3

I.C. 5-22-6-1

I.C. 5-22-6-2

I.C. 5-22-7-1 et seq.

I.C. 5-22-8-2

I.C. 5-22-8-3

I.C. 5-22-10-1 et seq.

I.C. 5-22-16-1

I.C. 5-22-16-2

I.C. 20-26-4-6

I.C. 20-26-4-8

I.C. 20-26-5-4

2 C.F.R. 200.317 - .326

2 C.F.R. 200.520

2 C.F.R. Appendix II to Part 200

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- I.C. 5-22-2-21
- I.C. 5-22-2-30
- I.C. 5-22-2-38
- I.C. 5-22-3-3
- I.C. 5-22-6-1
- I.C. 5-22-6-2
- I.C. 5-22-7-1 et seq.
- I.C. 5-22-8-2
- I.C. 5-22-8-3
- I.C. 5-22-10-1 et seq.
- I.C. 5-22-16-1
- I.C. 5-22-16-2
- I.C. 20-26-4-6
- I.C. 20-26-4-8
- I.C. 20-26-5-4
- 2 C.F.R. 200.317 - .326
- 2 C.F.R. 200.520
- 2 C.F.R. Appendix II to Part 200



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - ELECTRONIC MONITORING AND RECORDING
Code	po7440.01
Status	First Reading
Adopted	March 2, 2010
Last Revised	July 2, 2013

7440.01 - ELECTRONIC MONITORING AND RECORDING

~~[OPTION 1]~~

~~[] () In order to promote student and staff safety, and deter unauthorized access and destructive acts (e.g., theft and vandalism), [END OF OPTION] [x] In order to protect Board-School Corporation property, promote security and protect the health, welfare and safety of students, staff and visitors, [END OF OPTION] the School Board authorizes the use of video and audio monitoring equipment on Board-Corporation property, and on school buses. Information obtained through video and audio monitoring may be used to identify intruders and persons violating the law, Board policy, or the Student Code of Conduct.~~

~~[END OPTION 1]~~

~~[OPTION 2]~~

~~[] The Board authorizes the use of video and audio monitoring equipment on Board-Corporation property and on buses. The monitoring equipment shall be used to protect Board-Corporation property and assets from theft and vandalism, through deterrence and documentation. No representation shall be made that the monitoring system is capable of insuring protection of persons or property.~~

~~[] The monitoring of the conduct of persons on Board-Corporation property is intended to assist students, staff, and visitors in protecting themselves and their property. Video and audio monitoring is to complement other means being employed by the Board and staff to provide a safe and secure working and learning environment for students and staff.~~

~~[END OPTION 2]~~

The Superintendent is responsible for approving where and when to install and operate fixed-location monitoring equipment. The building principals and administrators responsible for other facilities shall be responsible for recommending use of monitoring in those facilities. Monitoring equipment may be placed in common areas in Board-Corporation facilities. Common areas include hallways, entryways, offices where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries, parking lots and other outside areas, and in school buses. Except in extraordinary circumstances such as a response to possible bullying, hazing, harassment, personal injury, property damage, or theft, and only with the written authorization of the Superintendent, monitoring equipment shall not be used in areas where persons have a reasonable expectation of privacy (e.g., restrooms, locker rooms, changing areas). In assessing whether extraordinary circumstances exist, the Superintendent shall consult with Corporation legal counsel before authorizing placement of monitoring equipment in private areas in which privileged communications occur (unless there is express consent given by the office occupant), or conference/meeting rooms, or in individual classrooms during instructional times. Access to live monitoring or recordings made in private areas will be based on the need for access to respond to the information obtained. [x] Board-Corporation employees are authorized to carry and use video and audio recording equipment when video and audio documentation would assist in performing the duties of their position. ~~() The Board authorizes security personnel to use body worn monitoring equipment while on duty.~~

A person who blocks, moves, or alters the location or viewing angle of monitoring equipment, or attempts to do so shall be subject to disciplinary action.

Signs shall be placed at the main entrance to buildings in which monitoring equipment may be deployed. These signs shall notify people entering through that entrance that their communication and actions may be monitored and recorded in the facility they are entering. Students and staff shall also be advised of the use of monitoring the recording equipment in Board-Corporation facilities and on Board-Corporation property.

Information obtained from monitoring and recording may be used to support the safe and orderly operation of the School-Corporation's schools and facilities. This includes providing access to monitoring or recordings to law enforcement officers when proper authority in support of the requested access is provided. Records obtained through the use of monitoring equipment installed and operated in compliance with this policy may be authenticated and used as evidence in any forum in which its use would assist in the search for the truth concerning the recorded event. Recording that focuses on and follows a specific student or staff member may become a part of the student's education record or the staff member's personnel file.

Monitoring and recording equipment capability shall not be used to intercept or record communication between persons unless at least one of the participants is aware of the possibility of monitoring and recording. The results of monitoring or recording shall not be used for any tortious or criminal purpose and shall never be used in violation of the rights of the persons whose communication is monitored or recorded.

~~[SELECT OPTION #1 OR OPTION #2]~~

~~[OPTION #1]~~

~~[] Not all monitoring will result in recording of what is monitored. Where a recording is made, not all recordings will include both audio and video, and the quality of recorded audio or video is not warranted to always be intelligible. Where audio or video records are made, they may be destroyed if a timely request is not made pursuant to this policy.~~

~~[END OPTION 1]~~

~~[Option #2]~~

[] Monitoring equipment will not be used to make a recording of the results of monitoring except as authorized by the Superintendent.

~~[END OPTION 2]~~

~~[END OF OPTIONS]~~

[] Monitoring and recording equipment will not be used for the purpose of routine staff appraisal/evaluation. However, prerecorded lessons or observations of online or virtual learning sessions may be included as part of an employee's evaluation, subject to discussion with the exclusive representative of the Corporation's teachers prior to adoption of this policy.

Further, if an employee is assigned to work remotely (i.e., telework), the administration is authorized to conduct observations that consist of the supervisor reviewing video-recordings of the employee working and/or watching the employee perform his/her job responsibilities through means of a live-stream that includes both video and audio, provided the employee is afforded advanced notice of the observation, subject to discussion with the exclusive representative of the Corporation's teachers prior to adoption of this policy.

Additionally, nothing herein shall prevent the administration from using information gathered through electronic means (i.e., viewing a video-recording or live-stream of an employee working) for employment purposes, including but not limited to completing components of an evaluation, subject to discussion with the exclusive representative of the Corporation's teachers prior to adoption of this policy. [END OF OPTION]

Recordings containing personally identifiable information about a student shall not be released except as required or authorized by the Family Educational Rights and Privacy Act ("FERPA"). A parent or guardian of a student, and a student who is eighteen (18) years of age or older shall have access to relevant portions of any video or audio recording related to disciplinary charges against the student. Upon written request to the building principal, if the requested access does not violate State and/or Federal law (i.e., the privacy rights of any other student whose images appear on the recording), a recording may be exhibited to a parent/guardian and an eligible student. However, the parent/guardian and student will not be given a copy of the recording.

School personnel with responsibility for the program of a student may have access to relevant portions of a recording related to the services they delivered to the student and any disciplinary charge against the depicted student.

The Board shall maintain monitoring recordings for a limited period. Any request to view a recording under this policy must be made within ~~_____~~ ~~() [seven (7) to thirty (30)]~~ days of the event/incident. Unless an investigation is being conducted, or the ~~School Attorney Corporation legal counsel~~ advises that specific recordings must be preserved pursuant to a "litigation hold" notice, recordings may be destroyed after ~~ten (10) _____~~ ~~() [seven (7) to thirty (30)]~~ days. If, however, action is taken by the Board/administration based upon recorded events, the recordings shall be kept for a minimum of two (2) years from the date of the action taken. () Recordings may also be kept beyond the normal retention period if they are going to be used for training purposes. This policy shall not be interpreted to guarantee the destruction of a recording after any specific length of time.

With the knowledge of the persons depicted, students, staff or a parent/guardian may record a school event open to the public such as a play, music performance, athletic contest, graduation, or Board meeting. Instruction may be recorded for staff evaluation or educational or research purposes.

The Superintendent may develop administrative guidelines consistent with this policy to address the use of monitoring and recording equipment in school buildings, school buses and on property owned and/or operated by the ~~Board Corporation~~.

Monitoring is to be implemented in accordance with this policy and the Superintendent's guidelines. The use of monitoring and recording equipment in violation of this policy will result in disciplinary action.

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FERPA, 20 U.S.C. 1232g

34 C.F.R. 99.1-99.67

Title I of the Electronic Communication Privacy Act of 1986

18 U.S.C. 2510-2521



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - PROPERTY INVENTORY
Code	po7450
Status	First Reading
Adopted	June 7, 1993
Last Revised	July 5, 2016

7450 - PROPERTY INVENTORY

As steward of the School Corporation's property, the School Board recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Board shall ~~(-) conduct a complete inventory~~ maintain a continuous inventory ~~[END OF OPTION]~~ of all Corporation-owned equipment ~~(-)~~ and supplies ~~[END OF OPTION]~~ and the results reconciled with the property records at least once ~~(-) annually~~; ~~(-)~~ every two (2) years. ~~[specify number; Federal regulations require at least once every two (2) years] (-) at such intervals as will coincide with property insurance renewal. (-) and Generally Accepted Accounting Principles (G.A.A.P.) reporting requirements. [END OF OPTIONS]~~

For purposes of this policy, "equipment" shall mean a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is non-expendable, costs at least \$5,000 ~~(-) to replace~~ as a single unit ~~[END OF OPTION]~~ and does not lose its identity when incorporated into a more complex unit. ~~When defining supplies for inventory purposes, no items will be counted whose total value is less than \$~~.

It shall be the duty of the Superintendent ~~or designee (-) Business Manager (-)~~ to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

Each principal/supervisor shall conduct an annual spot-check inventory of major items of equipment to determine loss, mislocation, or depreciation; any major loss shall be reported to the Board.

~~Property records of consumable supplies shall be maintained on a continuous inventory basis.~~

The Business Office shall maintain a system of property records which shall show, as appropriate to the item recorded, description and identification, ~~(-) manufacturer~~; year of purchase, initial cost, location, ~~(-) condition and depreciation, (-) evaluation in conformity with insurance requirements.~~

Equipment acquired under a Federal award will vest upon acquisition to the Corporation, subject to the following conditions:

- A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.
- B. The equipment shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.
- C. The equipment may be only used and disposed of in accordance with the provisions of the Federal awarding agency or the pass-through entity and Policy 7300, Policy 7310, and AG 7310.
- D. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the Federal Award Identification Number (FAIN)), title entity, acquisition date, cost of the equipment, percentage of Federal participation in the project costs for the award under which the equipment was acquired, the location, use, and condition of the equipment, and ultimate disposition data, including date of disposal and sale price of the equipment.
- E. A physical inventory of the property must be taken and results reconciled with property records at least once every two (2) years.
- F. A control system shall be developed to provide adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft shall be investigated.

- G. Adequate maintenance procedures shall be implemented to keep the property in good condition.
- H. Proper sales procedures shall be established to ensure the highest possible return, in the event the Corporation is authorized or required to sell the equipment/property.
- I. When original or replacement equipment acquired under a Federal award is no longer needed for the original project/program or for activities currently or previously supported by a Federal awarding agency, and except as otherwise provided by Federal statutes, regulations, or Federal awarding agency disposition instructions, the Corporation shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment shall be made in accordance with the provisions of 2 C.F.R. 200.313.

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2 C.F.R. 200.313



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - ACCOUNTING SYSTEM FOR CAPITAL ASSETS
Code	po7455
Status	First Reading
Adopted	June 7, 1993
Last Revised	February 1, 2005

7455 - ACCOUNTING SYSTEM FOR ~~FIXED~~ CAPITAL ASSETS

The School Board shall maintain a ~~fixed-asset capital-asset~~ accounting system. The ~~fixed-asset capital-asset~~ system shall maintain sufficient information to permit the following:

- A. the preparation of year-end financial statements in accordance with ~~generally-accepted, accounting principles~~ Generally Accepted Accounting Principles (GAAP)
- B. adequate insurance coverage
- C. control and accountability

~~Fixed-Capital~~ assets are defined as those tangible assets of the School Corporation; ~~with a useful life in excess of one (1) year and an initial cost equal to or exceeding the amount determined periodically in the Corporation's administrative guidelines. Some items may be identified as "controlled" assets that, although they do not meet all fixed-asset criteria, are to be recorded on the fixed-asset system to maintain control.~~

- A. with a useful life in excess of one (1) year;
- B. with an initial cost equal to or exceeding the amount determined periodically in the Corporation's administrative guidelines;
- C. which are capitalized in accordance with GAAP; and
- D. which the Corporation intends to hold or continue in use for an extended period of time.

Further, some items may be identified as "controlled" assets that, although they do not meet all capital asset criteria, are to be recorded on the capital-asset system to maintain control.

~~Fixed-Capital~~ assets shall be classified as follows:

- A. ~~(-)~~ land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, exchange, or through a lease accounted for as a financed purchase under Government Accounting Standards Board (GASB) standards or a finance lease under Financial Accounting Standards Board (FASB) standards; and
- B. ~~(-)~~ building additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).
- C. ~~(-)~~ improvements other than building
- D. ~~(-)~~ machinery and equipment
- E. ~~(-)~~ furniture and fixtures
- F. ~~(-)~~ vehicles

- G. ~~(-) plant (aerator)~~
- H. ~~(-) underground lines and other infrastructure~~
- I. ~~(-) construction in progress~~

Leased ~~fixed capital~~ assets and assets which are jointly-owned shall be identified and recorded on the ~~fixed capital~~-asset system.

~~Fixed Capital~~ assets shall be recorded at actual, or if not determinable, estimated purchase price or fair market value at the time of acquisition. The method(s) to be used to estimate such price or market value shall be established by the ~~Superintendent~~.

The ~~School~~ Corporation will capitalize items with an individual value equal to or greater than \$~~5,000~~. Improvements or renovations to existing machinery and equipment will be capitalized only if the change causes the total cost to exceed \$~~5,000~~, extends its useful life two (2) or more years, and if the total costs will be greater than the current book value and less than fair market value.

The Superintendent shall develop administrative guidelines to ensure proper purchase, transfer, and disposal of ~~fixed capital~~ assets.

Depreciation shall be recorded for funded ~~fixed capital~~ assets using the method(s) agreed upon by the Superintendent ~~and the _____~~.

The following information shall be maintained for all ~~fixed capital~~ assets:

- A. description
- B. asset classification (land, building, equipment, etc.)
- C. location
- D. purchase price
- E. vendor
- F. date purchased
- G. voucher number
- H. estimated useful life
- I. estimated salvage value
- J. replacement cost
- K. accumulated depreciation
- L. method of acquisition (purchase, trade-in, lease, donated, etc.)
- M. appropriation
- N. manner of asset disposal



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - STAFF USE OF PERSONAL COMMUNICATION DEVICES
Code	po7530.02
Status	First Reading
Adopted	July 2, 2013
Last Revised	June 2, 2020

7530.02 - STAFF USE OF PERSONAL COMMUNICATION DEVICES

Use of personal communication devices ("PCDs") has become pervasive in the workplace. For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones [e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.], telephone paging devices [e.g., beepers or pagers]), and/or other web-enabled devices of any type. Whether the PCD is Corporation-owned and assigned to a specific employee or school official or personally-owned by the employee or school official (regardless of whether the Corporation pays the employee or school official an allowance for his/her use of the device, the Corporation reimburses the employee or school official on a per-use basis for their business-related use of his/her PCD, or the employee or school official receives no remuneration for his/her use of a personally-owned PCD), the employee or school official is responsible for using the device in a safe and appropriate manner and in accordance with this policy and its accompanying guidelines, as well as other pertinent Board policies.

Conducting Corporation Business Using a PCD

~~{NOTE: FIRST SET OF OPTIONS—CHOOSE OPTION A OR OPTION B}~~

OPTION A

Employees and school officials are permitted to use a Corporation-owned and/or personally owned-PCD to make/receive calls, send/receive emails, send/receive texts, or send/receive instant messages, ~~or ()~~ that concern Corporation business of any kind.

Employees and school officials are responsible for archiving such communication(s) in accordance with the Corporation's requirements. ~~{INSERT REQUIREMENTS INSTEAD OF GENERAL REFERENCE TO REQUIREMENTS.}~~

~~{END OF OPTION A}~~

~~{ } OPTION B~~

~~Employees and school officials are prohibited from using a Board-owned and/or personally owned-PCD for Corporation business of any kind other than to () make/receive telephone calls, () send/receive emails on a Corporation-issued email account, () or [END OF OPTION].~~

Employees and school officials who receive Corporation business-related communication(s) on Corporation-owned and personally-owned PCDs on a function that is not permitted under this policy are still responsible for the following:

- A. Archiving such communication(s) sent or received in accordance with the Corporation's requirements, ~~and~~
- B. ~~Responding to an individual who sends such communication using the employee's or school official's Corporation-issued email account with the following message: "On [insert date], I received a message from you on my () Corporation-owned () personally-owned PCD. Pursuant to Board Policy 7530.02, please contact me with such communications regarding Corporation business of any kind via my wireless communication device, the Corporation-issued email account from which I am sending this message (), or [END OF OPTION]. Thank you."~~

~~{END OF OPTION B}~~

~~{END OF FIRST SET OF OPTIONS}~~

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones

~~{NOTE: START OF SECOND SET OF OPTIONS—CHOOSE OPTION A AND/OR OPTION B}~~
OPTION A

~~[] Employees and school officials whose job responsibilities include regular or occasional driving and who use a PCD for business use are expected to refrain from are prohibited from holding or using their device while driving operating a moving motor vehicle during work duties. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees and school officials should shall pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message or e-mail, or browsing the Internet using a PCD while driving operating a moving motor vehicle is strictly prohibited. If acceptance of a call is unavoidable and pulling over is not an option, employees and school officials are expected to keep the call short, use hands-free options (e.g., headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee or school official is driving in an unfamiliar area. Exceptions to these prohibitions are to place a call to 911 to report a bona fide emergency or using the telecommunications device with hands-free or voice-activated technology. In cases of reporting a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cell phone, electronic device, mobile phone, or telecommunications device. In the interest of safety for employees, school officials, and other drivers, employees, and school officials are required to comply with all applicable State laws and local ordinances while driving, including any laws that prohibit texting or holding/using a cell phone or other PCD while driving.~~

~~[] In situations where job responsibilities include regular driving and accepting of business calls, the employee or school official should use hands-free equipment to facilitate the provisions of this policy.~~

OPTION B

~~[] Employees and school officials are responsible for operating Corporation-owned vehicles and potentially hazardous equipment in a safe and prudent manner; therefore, employees and school officials are prohibited from using a PCD while operating such vehicles or equipment. In the interest of safety for employees, school officials, and other drivers, employees and school officials are required to comply with all applicable laws while driving.~~

[NOTE: END OF SECOND SET OF OPTIONS]

Employees and school officials may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty To Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees and school officials are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on a PCD regardless of whether they are Corporation-owned and assigned to a specific employee or school official or personally-owned by the employee or school official.

PCD communications, including calls, text messages, instant messages, and e-mails sent or received, may not be secure. Therefore, employees and school officials should use discretion when using a PCD to relay confidential information, particularly as it relates to students.

Additionally, PCD communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records.

Further, PCD communications about students, including text messages, instant messages and e-mails sent and/or received by a Corporation employee or school official using his/her PCD, may constitute education records if the content includes personally identifiable information about a student.

Communications, including text messages, instant messages, and e-mails sent and/or received by a Corporation employee or school official using his/her PCD, that are public records or student records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. PCD communications that are student records should be maintained pursuant to Policy 8330 – Students Records.

It is the responsibility of the Corporation employee or school official who uses a PCD for Corporation business-related use to archive all text messages, instant messages and e-mails sent and/or received using his/her PCD in accordance with the Corporation's requirements.

Finally, PCD communications and other electronically stored information (ESI) stored on the employee's or school official's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Employees and school officials are required to comply with Corporation requests to produce copies of PCD communications in their possession that are either public records or education records or that constitute ESI that is subject to a Litigation Hold.

[NOTE: START OF THIRD SET OF OPTIONS -- CHOOSE OPTION A OR OPTION B]

OPTION A [TO BE SELECTED IF BOARD ADOPTED POLICY 7530.01 V1]

~~At the conclusion of an individual's employment or official service (whether through resignation, nonrenewal, or termination), the employee or school official is responsible for verifying all public records, student records and ESI subject to a Litigation Hold that are maintained on the employee's or school official's PCD are transferred to the Corporation's custody (e.g., server, alternative storage device). The Corporation's IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the Corporation's custody, the employee or school official is required to delete the records/ESI from his/her PCD. The employee or school official will be required to sign a document confirming that all such records/information have been transferred to the Corporation's custody and deleted from his/her PCD. Similarly, if an employee or school official intends to dispose of, or otherwise stop using, a personally-owned PCD on which s/he has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the employee or school official must transfer the records/ESI to the Corporation's custody before disposing of, or otherwise ceasing to use, the personally-owned PCD. The employee or school official is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the personally-owned PCD. Failure to comply with these requirements may result in disciplinary action.~~

OPTION B [TO BE SELECTED IF BOARD ADOPTED POLICY 7530.01 V2]

At the conclusion of an individual's employment or official service (whether through resignation, nonrenewal, or termination), the employee or school official is responsible for informing the Superintendent or his/her designee of all public records, student records and ESI subject to a Litigation Hold that is maintained on the employee's or school official's Corporation-owned PCD. The Corporation's IT department/staff will then transfer the records/ESI to an alternative storage device.

] If the employee or school official utilized a personally-owned PCD for Corporation-related communications, and the device contains public records, students records and/or ESI subject to a Litigation Hold, the employee or school official must transfer the records/ESI to the Corporation's custody (e.g., server, alternative storage device) prior to the conclusion of his/her employment or official service. The Corporation's IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the Corporation's custody, the employee or school official is required to delete the records/ESI from his/her personally-owned PCD.

~~[NOTE: END OF THIRD SET OF OPTIONS]~~

If a PCD is lost, stolen, hacked or otherwise subjected to unauthorized access, the employee or school official must notify the Superintendent immediately so a determination can be made as to whether any public records, student records and/or ESI subject to a Litigation Hold have been compromised and/or lost. Pursuant to Policy 8305 Information Security and its accompanying guidelines, the Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD were encrypted.

The Board prohibits employees and school officials from maintaining the following types of records and/or information on their PCDs cell phones:

- A. social security numbers
- B. driver's license numbers
- C. credit and debit card information
- D. financial account numbers
- E. student personally identifiable information
- F. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)
- G. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)
- H. _____

] If an employee or school official maintains records and/or information on a PCD cell phone that is confidential, privileged or otherwise protected by State and/or Federal law, the employee or school official is required to encrypt the records and/or information.

] It is ~~required~~ suggested. ~~[END OF OPTION]~~ that employees and school officials lock and password-protect their PCDs when not in use.

] Employees and school officials are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees and school officials are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

~~[NOTE: START FOURTH SET OF OPTIONS -- CHOOSE OPTION A OR OPTION B OR OPTION C]~~

~~**[] OPTION A**~~

~~The use of a PCD that contains built-in cameras (i.e., devices that take still or motion pictures, whether in a digital or other format) is prohibited in classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms and/or swimming pool.~~

~~**[] OPTION B**~~

~~The use of a PCD in classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms and/or swimming pool is prohibited.~~

] OPTION C

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances **include but are not limited to** classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

~~[NOTE: END OF FOURTH SET OF OPTIONS]~~

Personal Use of PCDs While at Work

~~[NOTE: START OF FIFTH SET OF OPTIONS -- CHOOSE OPTION A OR OPTION B]~~

OPTION A

During work hours personal communications made or received, regardless of whether on a PCD or a regular telephone or network computer, can interfere with employee productivity and distract others. Employees are expected to use discretion in using PCDs while at work for personal business. Employees are asked to limit personal communications to breaks and lunch periods and to inform friends and family members of the Board's policy in this regard.

~~[END OPTION A]~~

OPTION B

~~Corporation employees may carry () PCDs () cell phones [END OF OPTION] with them while at work () including while operating Corporation equipment, but are subject to the following restrictions:~~

- ~~A. Excessive use of a () PCD () cell phone [END OF OPTION] for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.~~
- ~~B. Employees are personally and solely responsible for the care and security of their personally owned PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, personally owned PCDs brought onto Corporation property, or the unauthorized use of such devices.~~

~~[END OF OPTION 5]~~

~~[NOTE: END OF FIFTH SET OF OPTIONS]~~

Potential Disciplinary Action

Violation of any provision of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws also may result in disciplinary action up to and including termination.

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Legal

Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 (2008)

Children's Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)

20 U.S.C. 1232g

34 CFR Part 99



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - ANIMALS ON SCHOOL CORPORATION PROPERTY
Code	po8390
Status	First Reading
Adopted	January 7, 2014
Last Revised	July 7, 2015

8390 - ANIMALS ON SCHOOL CORPORATION PROPERTY

Introduction

The School Board recognizes that there are many occasions when animals are present on School Corporation property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents/guardians, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and Indiana law and this policy.

This policy shall apply to all animals on Corporation property, including service animals, ~~(-) emotional support animals~~ (x-) therapy dogs.

Definitions

- A. **Animal** shall be held to include every living creature other than a plant or a human.
- B. **Service animal** as used in this policy has the meaning of the term in I.C. 16-32-3-1.5 and means an animal trained and providing services constituting a reasonable accommodation to a person with a disability. The term includes but is not limited to:
1. a hearing animal;
 2. a guide animal;
 3. an assistance animal;
 4. a seizure alert animal;
 5. a mobility animal;
 6. a psychiatric service animal; or
 7. an autism service animal.

For purposes of the administration of this policy, note that while some Federal regulations limit the scope of the term "service animal" to a dog or miniature horse, Indiana law establishes the broader definition set out above.

- C. ~~(-) "Emotional Support Animal": Emotional support animals provide comfort to individuals but are not trained to perform a specific job or task and therefore would not meet the definition of a "service animal." This definition does not include psychiatric service animals who are properly trained and certified as a "service animal." See 28 C.F.R. 36.104~~
- D. (x) "Therapy Dog": Therapy dogs are dogs who go with their owners to volunteer in settings such as schools, hospitals, and nursing homes for the purpose of providing affection and comfort to aid in a particular purpose, such as healing or learning. A therapy dog in a school setting serves the function of assisting students in the learning process while providing comfort and affection to specific students or to a group of students. Therapy dogs are not service dogs and do not have the same special access as service dogs. (source: American Kennel Club/AKC)

[OPTION]

[NOTE: The following section should be included in the policy only if the Corporation intends to require this of any animal brought onto Corporation property for official purposes or on a regular/recurring basis.]

[x] Vaccination, Licensing and/or Veterinary Requirements

Animals admitted or housed on Corporation property or brought on Corporation property for any school purpose, such as to conduct random searches for illegal substances or to support classroom activities, or brought onto Corporation property on a regular basis for any purpose, including service animals ~~emotional support animals (x) therapy dogs~~, must meet every veterinary health and inoculation requirement set forth in State law and local regulation or ordinance, including but not limited to a current rabies vaccination.

[END OF OPTION]**Non-Service Animals in Schools and Elsewhere on Corporation Property**

Animals permitted in schools and elsewhere on Corporation property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), those that provide a reasonable accommodation to a student in accordance with an Individualized Education Program or a Section 504 Plan, or those that serve as service animals as required by Federal and State law.

A non-service animal that is poisonous, a bite risk, or is otherwise dangerous to persons shall be housed and maintained in a manner so as to eliminate a risk of injury to a person. The risk of injury shall take into account that a student may not follow safety directives established for the handling of the non-service animal. This evaluation may result in a decision that despite the educational value of the non-service animal's presence, the educational value does not outweigh the risk of injury to a person.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the principal may permit animals other than service animals to be present in a Corporation school to support curriculum-related projects and activities only under the following conditions:

A. The staff member seeking approval to have a non-service animal in his/her classroom shall:

1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;
2. take precautions deemed necessary to protect the health and safety of students and other staff;
3. ensure that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and
4. keep the surrounding areas in a clean and sanitary condition at all times.

B. Other staff members and parents/guardians of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

[OPTION FOR ALLOWING EMOTIONAL SUPPORT ANIMALS ON CORPORATION GROUNDS]**(-) Emotional Support Animals for Students**

~~An emotional support animal is not granted the same access to school buildings and classrooms as service animals. The Corporation is not required to grant students' requests that they be permitted to bring an emotional support animal to classes or on school grounds for any purpose. (-) Based on established criteria, the Superintendent may grant a student use of an emotional support animal on a case-by-case basis if necessary and not disruptive to the environment or other students.~~

~~An emotional support animal is the personal property of the student and/or parents/guardians. The Board does not assume responsibility for training, daily care, healthcare, or supervision of a student's emotional support animal unless the provision of an emotional support animal is required for a student to receive a free appropriate public education ("FAPE"), in which case the Corporation's obligation must be stated in the student's IEP or Section 504 Plan. By admitting an emotional support animal to Corporation property, the Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of emotional support animals on Corporation property or at Corporation-sponsored events.~~

~~An emotional support animal that meets the definition set forth in this policy shall be under the control of the student with a disability or a separate handler if the student is unable to control the animal. An emotional support animal shall have a harness, leash, or other tether, unless either the student with a disability is unable because of a disability to use a harness, leash, or other tether, in which case the emotional support animal must be otherwise under the student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student. If the student with a disability is unable to control the emotional support animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Board Policy 8120.~~

~~The principal will be responsible for reviewing and determining whether the required documentation has been provided for the student's emotional support animal. Services to a student shall not be suspended or withheld pending receipt of the requisite documentation for the emotional support animal until the student or a parent/guardian has been given a reasonable period of time to submit any required documentation.~~

Removal or Exclusion of Emotional Support Animals

~~If an emotional support animal demonstrates that it is not under the control of the student or its handler, the principal is responsible for documenting such behavior and for determining if and when the emotional support animal is to be removed and/or excluded from school property.~~

~~Similarly, if an emotional support animal has demonstrated that it is not housebroken, the principal is responsible for documenting such behavior and for determining whether the emotional support animal is to be removed and/or excluded from school property.~~

The principal or administrator responsible for the Corporation facility shall notify the Superintendent and _____ by e-mail if an emotional support animal has been removed and/or excluded and shall document the reasons for the removal or exclusion:

Emotional Support Animal's Access to Transportation

A student with a disability may be permitted to access Corporation transportation with his/her emotional support animal at the discretion of the principal. There also may be a need for the emotional support animal's handler, if the handler is someone other than the student, to access Corporation transportation, again at the discretion of the principal.

When an emotional support animal is going to ride on a school bus owned or leased by the Corporation, the student and his/her parents/guardians, or eligible student, and the handler, if s/he is someone other than the student, shall meet with the () principal () Transportation Supervisor

() _____ to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the emotional support animal should be secured on the bus/vehicle with a leash, tether or harness.

At the discretion of the () principal, () Transportation Supervisor, () _____, an orientation will take place for students and staff who will be riding the bus/vehicle with the emotional support animal regarding the emotional support animal's functions and how students should interact with the emotional support animal.

The emotional support animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The emotional support animal must participate in bus evacuation drills with the student.

While the bus/vehicle is in motion, the emotional support animal shall remain positioned on the floor, at the student's feet.

Situations that would cause cessation of transportation privileges for the emotional support animal include:

- A. the student, or handler, is not able to control the emotional support animal's behavior, which poses a threat to the health or safety of others; or
- B. the emotional support animal urinates or defecates on the bus.

Prior to the first day of transportation, an eligible student (i.e., one who has reached the age of eighteen (18) and has not had a guardian appointed) or his/her parents/guardians shall be informed in writing of the types of emotional support animal behaviors that could result in cessation of transportation privileges for the emotional support animal.

Although transportation may be suspended for the emotional support animal, it remains the Corporation's responsibility to transport the student. Furthermore, unless the behavior that resulted in the emotional support animal's removal from the bus/vehicle is also documented during the school day, the service animal still may accompany the student in school, unless the Superintendent revokes permission for a student to bring an emotional support animal on Corporation property.

[END OF OPTION]

[OPTION FOR ALLOWING CERTIFIED THERAPY DOGS ON CORPORATION GROUNDS]

(x) Therapy Dogs

Therapy dogs are the personal property of the handler and are specially trained to help all students in the assigned classroom, program, or school.

Authorization for a therapy dog to be on Corporation grounds may be granted by the (x) Superintendent (x) building principal ()

_____ **[END OF OPTIONS]** provided the following conditions are met each year:

- A. Documentation of certification as a therapy dog from the AKC, Intermountain Therapy Animals (R.E.A.D.), Alliance of Therapy Dogs, Bright and Beautiful Therapy Dogs, Love on a Leash, Pet Partners, Therapy Dogs International, or another certification program recognized by the AKC.
- B. Documentation of an educational purpose for the therapy dog and a regular appraisal period for continuation.
- C. Documentation that the therapy dog is not younger than one (1) year-old and is properly licensed according to local requirements.
- D. Documentation from a licensed veterinarian that the therapy dog is current on its vaccinations and immunizations, is free of fleas and ticks, is in good health, is housebroken, and does not pose a danger to the well-being of students or staff.
- E. Documentation of an insurance policy that provides liability insurance for the therapy dog while on Corporation grounds.
- F. Documentation that the handler has completed a background check consistent with Board policy and is prepared to be solely responsible for the therapy dog, its care, cleaning, feeding, and cleanup while on Corporation grounds.
- G. Agreement that the therapy dog and handler will abide by school rules and any specific rules for the therapy dog's presence on Corporation grounds.

Authorization for a therapy dog to be on Corporation grounds will be suspended if the therapy dog is the source of an allergic reaction, causes discomfort or distress of a student or staff member, shows aggression or disruptive behavior, relieves itself inappropriately, or otherwise interferes with the learning environment. Reinstatement of authorization for the therapy dog to be on Corporation grounds requires approval by the (x) Superintendent _____. Authorization for a therapy dog to be on Corporation grounds may be withdrawn at any time by the Superintendent. ✕

[END OF OPTION]

Humane Treatment of Animals

Animals kept on school premises shall be treated humanely and shall not be subjected to cruel treatment or housed in unsanitary or unnecessarily restrictive conditions. For purposes of this provision, "humanely" includes the provision of adequate food and fresh water, and the term "animal" means a sentient creature capable of assessing and responding to its environment.

Service Animals for Students

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be.

A service animal is the personal property of the student and/or parents/guardians. The Board does not assume responsibility for training, daily care, healthcare, or supervision of a student's service animal unless the provision of a service animal is required for a student to receive a free appropriate public education ("FAPE"), in which case the Corporation's obligation must be stated in the student's IEP or Section 504 Plan. By admitting a service animal to Corporation property, the Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on Corporation property or at Corporation-sponsored events.

A service animal that meets the definition set forth in this policy shall be under the control of the student with a disability or a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Board Policy 8120.

The principal will be responsible for reviewing and determining whether the required documentation has been provided for the student's service animal. Services to a student shall not be suspended or withheld pending receipt of the requisite documentation for the service animal until the student or a parent/guardian has been given a reasonable period of time to submit any required documentation.

Removing and/or Excluding a Student's Service Animal

If a service animal demonstrates that it is not under the control of the student or its handler, the principal is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.

Similarly, if a service animal has demonstrated that it is not housebroken, the principal is responsible for documenting such behavior and for determining whether the service animal is to be removed and/or excluded from school property.

The principal or administrator responsible for the Corporation facility shall notify the Superintendent ~~and _____~~ by e-mail if a service animal has been removed and/or excluded and shall document the reasons for the removal or exclusion.

The principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and the complaint procedure set forth in ~~AG 2260B—Complaint Procedures for Nondiscrimination and Equal Educational Opportunity/Access~~. [Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity.](#)

The procedures that are set forth in ~~AG 2260B—Complaint Procedures for Nondiscrimination and Equal Educational Opportunity/Access~~ [Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity](#) shall not preclude a student and his/her parent/guardian from pursuing a complaint with the United States Department of Education's Office for Civil Rights, the United States Department of Justice, the Indiana Department of Education, or the Indiana Civil Rights Commission.

Eligibility of a Student's Service Animal for Transportation

A student with a disability shall be permitted to access Corporation transportation with his/her service animal. There ~~also~~ may ~~also~~ be a need for the service animal's handler, if the handler is someone other than the student, to ~~also~~ access Corporation transportation. ~~There may also be a need for the service animal's handler, if the handler is someone other than the student, to access Corporation transportation.~~

When a service animal is going to ride on a school bus owned or leased by the ~~School~~ Corporation, the student and his/her parents/guardians, or eligible student, and the handler, if s/he is someone other than the student, shall (x) meet with the (x) principal (x) Transportation ~~Coordinator~~ ~~() _____~~ to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the service animal should be secured on the bus/vehicle with a leash, tether or harness.

At the discretion of the (x) principal, (x) Transportation ~~Coordinator~~, an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the service animal's functions and how students should interact with the service animal.

The service animal shall board the bus by the steps with the student, not a lift unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student.

While the bus/vehicle is in motion, the service animal shall remain positioned on the floor, at the student's feet.

Situations that would cause cessation of transportation privileges for the service animal include:

- A. the student, or handler, is not able to control the service animal's behavior, which poses a threat to the health or safety of others; or
- B. the service animal urinates or defecates on the bus.

Prior to the first day of transportation, an eligible student (i.e., one who has reached the age of eighteen (18) and has not had a guardian appointed) or his/her parents/guardians shall be informed in writing of the types of service animal behaviors that could result in cessation of transportation

privileges for the service animal.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the () Transportation ~~Coordinator~~ Supervisor, () principal. () ~~Superintendent~~.

Although transportation may be suspended for the service animal, it remains the Corporation's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus/vehicle is also documented during the school day, the service animal ~~may~~ still may accompany the student in school.

Service Animals for Employees

In accordance with Policy 1623, Policy 3123, and Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment, the Corporation provides qualified individuals with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the interactive process mandated by the Americans with Disabilities Act.

Food Service Employees

Food service employees who use a service animal shall be required to comply with the standards applicable to food preparation and food service set out in FDA Food Code Section 2-403.11. Failure to comply with these requirements represents a direct threat to the health of others. This provision prohibits handling of animals by employees engaged in food preparation or service but allows employees to use service animals if certain specific conditions are met. Section 6-501.115 states that service animals may be permitted in food consumption areas not used for food preparation. Food service employees may handle their service animals if, after handling a service animal, the employee washes his/her hands for at least twenty (20) seconds using soap, water, and vigorous friction on surfaces of the hands, followed by rinsing and drying as per Section 2-301.12.

Employees of vendors shall be accommodated as employees of the Corporation as long as this accommodation does not cause undue hardship for the Corporation or a direct threat to the health or safety of employees or others.

Service Animals for Parents/Guardians, Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by a service animal are permitted access to all areas of the Corporation's facilities where members of the public, as participants in services, programs, or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the Corporation's facilities with their service animal will accompany them during their visit.

An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 - Public Attendance at School Events.

I.C. 16-32-3: Rights of Blind and Other Physically Disabled Persons

28 C.F.R. Part 35: Justice Department Regulations for Nondiscrimination on the Basis of Disability in State and Local Government Services

29 U.S.C. 794

29 C.F.R. 1630: EEOC Regulations Implementing the ADA as amended

34 C.F.R. Part 104: Regulations Implementing Section 504 of the Rehabilitation Act,

34 C.F.R. Part 300: Individuals with Disabilities Education Act (IDEA) Regulations

~~511 IAC 7-43-1(1)(2)(B): Related Services for Students~~

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Legal

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Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - SCHOOL SAFETY
Code	po8400
Status	First Reading
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8400 - SCHOOL SAFETY

The Board of School Trustees is committed to maintaining a safe environment in all of the School Corporation's schools. To that end, in accordance with State and Federal law,

~~[CHOOSE ONE OF THE FOLLOWING OPTIONS (OPTION 1 IS REQUIRED BY STATE LAW; OPTION TWO IS NOT REQUIRED BUT THE BOARD MAY CHOOSE IT INSTEAD)]~~

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.

~~the *Safe School Committee* shall be a subcommittee of the committee that develops the Corporation's strategic and continuous school improvement and achievement plan.~~

~~[END OPTION 1]~~

~~[] OPTION 2~~

~~each school within the Corporation shall establish a *Safe School Committee*, the composition of which shall be in accordance with the Superintendent's guidelines.~~

~~the *Safe School Committee* at each school shall be a subcommittee of the committee that develops the school's strategic and continuous school improvement and achievement plan.~~

~~[END OPTION 2]~~

Each *Safe School Committee* may include at least one (1) member who is a member of the school or Corporation career and technical education school.

The *Safe School Committee* shall be responsible for developing a plan that addresses the following issues:

- A. Unsafe conditions, crime prevention, school violence, bullying, criminal organization activity, child abuse and child sexual abuse, and other issues that prevent the maintenance of

~~**[if Option 1 was chosen above]** safe schools.~~

~~**[if Option 2 was chosen above]** a safe school.~~

Accordingly, the school safety plan developed by the school safety specialist ~~with the assistance of the school resource officer~~ **~~[END OF OPTION]~~** shall be a part of the plan developed by the *Safe School Committee*.

- 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.

NOTE: 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 *Safe School Committee* shall seek input from representatives of the following:

- A. The State Department of Education;
- B. The Corporation's school safety specialist;
- C. School Resource Officer(s);
- D. ~~Corporation Police Officer(s);~~
- E. local law enforcement ~~agency~~ agencies;
- F. the local Fire Marshal(s) or his/her designee(s);
- G. local emergency medical services;
- H. a member of the Board;
- I. building administrators;
- J. the local emergency management service agency.
- K. ~~[other, please specify] _____;~~
- L. ~~[other, please specify] _____.~~

~~[If Option 1 was chosen above]~~ The Superintendent shall recommend the approval and adoption of the Corporation's plan.

~~[If Option 2 was chosen above] The Superintendent shall recommend the approval and adoption of each school's plan.~~

Safe School Committee's Duty To Implement the Safe and Drug-Free Schools and Communities Act

The *Safe School Committee* is responsible for implementing the Safe and Drug-Free Schools and Communities Act. To ensure that the Corporation remains compliant with Federal law, the *Safe School Committee* shall:

- A. develop a drug-free school plan that:
 1. requires each school to collect and report drug-related activities in the school, including suspensions, expulsions, exclusions, police actions, or any other type of drug-related behavior; and
 2. addresses ways to eliminate illegal drugs and drug-related behavior in schools;
- B. oversee the implementation of the school plan;
- C. oversee the implementation of the curriculum under I.C. 20-30-5-11 concerning the effects that alcoholic beverages, tobacco, prescription drugs, and controlled substances have on the human body and society at large.

To apply annually for matching grant funds from the Indiana secured school fund, the Corporation shall certify to the Department of Homeland Security that it has:

- A. conducted a threat assessment for each school building it uses; and
- B. a memorandum of understanding (MOU) in place with a community mental health center established under State law or a provider certified or licensed by the State to provide mental or behavioral health services to students.

School Safety Specialist

The Corporation shall designate an individual to serve as the school safety specialist for the Corporation. The school safety specialist shall be chosen by the Superintendent with the approval of the Board. The school safety specialist shall perform the following duties:

- A. Serve on the county school safety commission, if a county school safety commission is established under I.C. 5-2-10.1-10.
- B. Participate each year in a number of days of school safety training that the council determines.
- C. With the assistance of the county school safety commission, if a county school safety commission is established under I.C. 5-2-10.1-10, develop a safety plan for each school in the Corporation.

- D. Coordinate the safety plans of each school in the Corporation as required under rules adopted by the Indiana state board of education; and
- E. Act as a resource for other individuals in the Corporation on issues related to school discipline, safety, and security.

A school safety plan developed by the school safety specialist must:

- A. include the requirements set forth in I.C. 20-26-18.2-2(b), namely:
 - 1. Protect against outside threats to the physical safety of students,
 - 2. Prevent unauthorized access to school property,
 - 3. Secure schools against violence and natural disasters, and
 - 4. on or before July 1, 2020, identify the location of bleeding control kits;
- B. be provided to a member of the secured school safety board, as established by I.C. 10-21-1-3, if a member requests the plan; and
- C. be filed with the county school safety commission under I.C. 5-2-10.1-10 if the county has established a county school safety commission.

Bleeding Control Kits

A "bleeding control kit" means a first aid response kit that contains at least the following:

- A. One (1) tourniquet endorsed by the Committee on Tactical Combat Casualty Care.
- B. A compression bandage.
- C. A bleeding control bandage.
- D. Protective gloves and a permanent marker.
- E. Scissors.
- F. Instructional documents developed by the Stop the Bleed national awareness campaign of the United States Department of Homeland Security or the American College of Surgeons Committee on Trauma, or both.
- G. Other medical materials and equipment similar to those described in subdivisions (A) through (C), and any additional items that:
 - 1. are approved by local law enforcement or first responders;
 - 2. can adequately treat a traumatic injury; and
 - 3. can be stored in a readily available kit.

Beginning in the 2020-2021 school year and each school year thereafter and subject to either:

- A. an appropriation by the general assembly; or
- B. the Corporation receiving sufficient bleeding control kits for each school in the Corporation from:
 - 1. donations from individuals or entities; or
 - 2. gifts necessary to purchase the bleeding control kits;

The Corporation shall develop and implement a Stop the Bleed program that meets the requirements set forth in I.C. 20-34-3-24(c), namely:

- A. requires bleeding control kits be assigned to designated rooms in easily accessible locations to be determined by local first responders or the school safety specialist;
- B. includes bleeding control kits in the emergency plans of the school corporation or charter school, including the presentation and use of the bleeding control kits in all drills and emergencies;

- C. provides that all Corporation schools have a minimum of five (5) individuals in each school building who obtain appropriate training in the use of the bleeding control kit, including:
1. the proper application of pressure to stop bleeding;
 2. the application of dressings or bandages;
 3. additional pressure techniques to control bleeding; and
 4. the correct application of tourniquets;
- D. requires bleeding control kits in school inventories to be inspected annually to ensure that the materials, supplies, and equipment contained in the bleeding control kits are not expired, and that any expired materials, supplies, and equipment are replaced as necessary; and
- E. requires a bleeding control kit to be restocked after each use and any materials, supplies, and equipment to be replaced as necessary to ensure that the bleeding control kit contains all necessary materials, supplies, and equipment.

The Corporation's Stop the Bleed program must include each school in the Corporation.

The Corporation () may, () shall ~~[END OF OPTION]~~ request direction to resources that are available to provide bleeding control kits to the Corporation from () the Department of Homeland Security; () the State Department of Education. ~~[END OF OPTION]~~

School Resource Officers

"School resource officer" means an individual who:

- A. has completed the training described below;
- B. is assigned to one (1) or more school corporations or charter schools to:
 1. assist the school safety specialist with the development and implementation of the school safety plan; and
 2. carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to:
 - a. protect against outside threats to the physical safety of students;
 - b. prevent unauthorized access to school property; and
 - c. secure schools against violence and natural disasters; and
- C. is:
 1. employed by a law enforcement agency;
 2. appointed as a police reserve officer (as described in I.C. 36-8-3-20) or as a special deputy (as described in I.C. 36-8-10-10.6) if the police reserve officer or special deputy:
 - a. is subject to the direction of the sheriff or appointing law enforcement agency;
 - b. is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;
 - c. is required to complete all training required of regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and
 - d. may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or
 3. a school corporation police officer appointed under I.C. 20-26-16-3

Before being appointed as a school resource officer, an individual must have:

- A. successfully completed the minimum training requirements established for law enforcement officers under I.C. 5-2-1-9; and
- B. received at least forty (40) hours of school resource officer training through:

1. the Indiana law enforcement training board established by I.C. 5-2-1-3;
2. the National Association of School Resource Officers; or
3. another school resource officer training program approved by the Indiana law enforcement training board.

The training described above must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

- A. school campuses; and
- B. school building security needs and characteristics.

A school resource officer may be employed:

- A. by one (1) or more school corporations or charter schools through a contract between a local law enforcement agency and the school corporation or school corporations or the charter school or charter schools;
- B. by one (1) or more school corporations or charter schools;
- C. by a local law enforcement agency that assigns the school resource officer to one (1) or more school corporations or charter schools through a memorandum of understanding between the local law enforcement agency and the school corporation or school corporations or the charter school or charter schools; or
- D. through a contract between an Indiana business that employs persons who meet the qualifications of a school resource officer and the school corporation or school corporations or the charter school or charter schools.

The contract or memorandum of understanding described above **for the employment of a school resource officer** must state the nature and scope of a school resource officer's duties and responsibilities. A school resource officer's duties and responsibilities include the duty to assist the Corporation's school safety specialist with the development and implementation of a school safety plan that does the following:

- A. Protects against outside threats to the physical safety of students.
- B. Prevents unauthorized access to school property.
- C. Secures schools against violence and natural disasters.
- D. On or before July 1, 2020, identifies the location of bleeding control kits (as defined in I.C. 20-34-3-24(a)).

A school resource officer shall consult with local law enforcement officials and first responders when assisting the Corporation's school safety specialist in the development of the school safety plan.

A school resource officer shall participate in the development of programs designed to identify, assess, and provide assistance to troubled youth.

A school resource officer shall not be reassigned to other duties by the Corporation.

A school resource officer may:

- A. make an arrest;
- B. conduct a search or a seizure of a person or property using the reasonable suspicion standard;
- C. carry a firearm on or off school property; and
- D. exercise other police powers with respect to the enforcement of Indiana laws.

A school resource officer has jurisdiction in every county where the Corporation operates a school or where the Corporation's students reside. This does not restrict the jurisdiction that a school resource officer may possess due to the officer's employment by a law enforcement agency.

The Corporation shall report all instances of

- A. seclusion (as defined in I.C. 20-20-40-9);
- B. chemical restraint (as defined in I.C. 20-20-40-2);
- C. mechanical restraint (as defined in I.C. 20-20-40-4); and

D. physical restraint (as defined in I.C. 20-20-40-5);

involving a school resource officer in accordance with the restraint and seclusion plan adopted by the Corporation under I.C. 20-20-40-14.

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.

Mental or Behavioral Health Services

The Corporation shall enter into a memorandum of understanding (MOU) with a community mental health center established under State law or a provider certified or licensed by the State to provide mental or behavioral health services to students.

The Corporation may not refer a student to a mental health care provider or community mental health center for services unless the Corporation has received the written consent of the student's parent or guardian. If a referral is made, the Corporation may note the referral in the student's cumulative record but shall not include any possible diagnosis or information concerning the student's mental health other than any medication that the student takes for his/her mental health. A student's record that contains medical information shall be kept confidential. A school counselor or other Corporation employee may not diagnose a student as having a mental health condition unless his/her scope of practice includes diagnosing a mental health condition.

Prior to providing any referrals under a MOU, the Corporation must:

- A. Develop a process for a teacher or Corporation employee to notify a school official to contact a student's parent if the student demonstrates a repeated pattern of aberrant or abnormal behavior. The parental notification process must include a conference with the school, student, and the student's parent;
- B. Require that the aforementioned conference address the student's potential need for and benefit from:
 1. mental or behavioral health services; or
 2. mental or behavioral health services provided by the community mental health center or appropriate provider that is contracted and paid for by the Corporation;
- C. Establish a procedure for a parent who chooses to seek services for the student to follow that includes granting written parental consent for the student to receive mental or behavioral health services by a community mental health center or appropriate provider; and
- D. Protect the confidentiality of any medical records that result from a student's participation in any treatment described in subpart B. above and adopt a policy that prohibits the Corporation from:
 1. sharing any reports or notes resulting from the provision of mental or behavioral health services described in subpart B.-1. above with other school officials; and
 2. maintaining any reports, notes, diagnosis, or appointments that result from a student's participation in any treatment described in B. 1. or B.-2. above in the student's permanent educational file. (See Policy 8330 - Student Records.)

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.

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 *Safe School Committee*

~~[If Option 1 was chosen above]~~ for the Corporation

~~[If Option 2 was chosen above]~~ for the school which exceeded the threshold number of reportable incidents of violent criminal offenses

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 *Safe School Committee*

~~[If Option 1 was chosen above]~~ for the Corporation,

~~[If Option 2 was chosen above]~~ for the school which was identified as persistently dangerous,

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.

If a school in a neighboring corporation is identified as persistently dangerous and there is not another school in that corporation, the Corporation will admit students from that school in accordance with Board Policy 5113.02.

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.

~~Corporation Police~~

~~The Board may establish a Corporation police department and may appoint police officers, prescribe their duties and direct the conduct of the police officers, prescribe distinctive uniforms, and provide emergency vehicles. An individual appointed as a Corporation police officer must successfully complete the training, as approved by the State Board of Education, that will enable the officer to appropriately deal with individuals with Autism and Asperger's Syndrome, in addition to training prescribed by the Law Enforcement Training Board. [END OF OPTION]
An individual appointed as a Corporation police officer must successfully complete at least:~~

- A. ~~the pre-basic training course established under I.C. 5-2-1-9(f); and~~
- B. ~~the minimum basic training and educational requirements adopted by the law enforcement training board under I.C. 5-2-1-9 as necessary for employment as a law enforcement officer.~~

~~A Corporation police officer:~~

- A. ~~is a law enforcement officer (as defined in I.C. 5-2-1-2(1));~~
- B. ~~must take an appropriate oath of office in a form and manner prescribed by the Board;~~
- C. ~~serves at the Board's pleasure; and~~
- D. ~~performs the duties that the Board assigns.~~

~~Corporation police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the Board; however, any powers may be expressly forbidden them by the Board. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of the Corporation in the enforcement of its rules and regulations and assist and cooperate with other law enforcement agencies and officers. Such police officers may exercise the powers granted under this section only upon any property owned, leased, or occupied by the Corporation, including the streets passing through and adjacent to the property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.~~

~~[END OF OPTION]~~

I.C. 5-2-10.1-9

I.C. 5-2-10.1-10

I.C. 5-2-10.1-12

I.C. 20-26-5-31

I.C. 20-26-16

I.C. 20-26-18.2-2

I.C. 20-30-5-11

I.C. 20-34-3-20

I.C. 20-34-3-21

I.C. 20-34-3-24

Title IX, Section 9532 of the No Child Left Behind Act of 2001

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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Legal

I.C. 5-2-10.1-9

I.C. 5-2-10.1-10

I.C. 5-2-10.1-12

I.C. 20-26-5-31

I.C. 20-26-16

I.C. 20-26-18.2-2

I.C. 20-30-5-11

I.C. 20-34-3-20

I.C. 20-34-3-21

I.C. 20-34-3-24

Title IX, Section 9532 of the No Child Left Behind Act of 2001

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)



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - ENVIRONMENTAL HEALTH AND SAFETY ISSUES - INDOOR AIR QUALITY, ANIMALS IN THE CLASSROOM, AND IDLING VEHICLES ON SCHOOL PROPERTY
Code	po8405
Status	First Reading
Adopted	March 7, 2006
Last Revised	June 2, 2020

8405 - ENVIRONMENTAL HEALTH AND SAFETY ISSUES - INDOOR AIR QUALITY, ANIMALS IN THE CLASSROOM, AND IDLING VEHICLES ON SCHOOL PROPERTY

The School Board recognizes its responsibility relative to student, employee, and visitor health and safety, and the need for development of a comprehensive program designed to provide a healthy, safe, and secure environment on Corporation property and at Corporation-sponsored activities. To achieve this, it is the intent of the Board that the Corporation will avail itself of the most current, proven technologies in the fields of health, safety, and environmental sciences.

STUDENT, EMPLOYEE, AND VISITOR HEALTH AND SAFETY

The Corporation shall develop and implement an environmental health and safety program that is positive, proactive, integrates responsibilities within the Corporation, and promotes and incorporates the following:

- A. Procedures describing a hazard identification and abatement program that requires the periodic inspection of Corporation facilities, the implementation of immediate and programmed corrective actions when deemed necessary by such inspections, and the development of a corporation-wide hazard reporting procedure that enables employee/stakeholder participation. This program should also provide procedures for identifying and responding to hazards that are created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine whether or not appropriate requirements for environmental health and safety have been met.
- B. Procedures that promote environmental health and safety awareness among employees, students, and stakeholders. These procedures shall include, but not be limited to, the establishment of school and Corporation safe school committees, and the establishment of a program of regular communication with students, employees, and stakeholders about pertinent safety and health issues through available mediums in the Corporation.
- C. Procedures directed toward the safety and health of students during transportation to and from school, at school, and during participation in school-related activities. These procedures shall include, but not be limited to, promoting bus safety for students, assessing the safety of school traffic patterns, operating school clinics, administering medication and medical treatment, promoting laboratory and shop safety, promoting safety in sports and other outdoor activities, inspecting playground equipment and promoting safety on playgrounds, and assessing environmental exposure.
- D. Procedures related to Corporation employee health and safety issues that include, but are not limited to, provision of work areas free from recognized hazards and OSHA-related programs that are required by Federal and State law, such as, employee safety and health training and training in hazard recognition, and defining employer and employee responsibilities and expectations related to health and safety.
- E. Procedures describing an accident reporting and investigation system that provides for identification of root causes, determination of remedial and programmed corrective actions, and provides communication about accidents to employees and stakeholders.
- F. Procedures that detail plans for foreseeable emergencies and fire prevention.

ANIMALS IN CLASSROOMS

Live animals shall be allowed in the classroom for educational purposes with the prior approval of the principal. No live animal will be allowed in the classroom longer than (x) a semester ~~() a grading period () _____ () weeks.~~

Animals brought into a classroom must be humanely and properly housed in cages or leashed. Animals brought into the classroom must be known to be in good health. Animals that are poisonous, venomous, or dangerous will not be allowed in the classroom.

When bringing an animal into the classroom, considerations must be given to students or staff who may be allergic to the animal. In advance of the animal being brought to school, a notification will be sent home with the students in that class informing parents of the type of animal that will be coming into the classroom. Parents will have an opportunity to notify the teacher or the principal if their child is allergic to the animal. If a parent responds about a concern regarding a possible allergic reaction to the animal, the principal and teacher shall discuss options that may be considered. The name of the student with the allergy shall remain confidential.

If after an animal is brought to class and school officials become aware that an individual did have an allergic reaction, the school shall resolve the issue and provide the necessary cleaning of all surfaces in the classroom to remove the allergen.

The care of an animal is the responsibility of the teacher. Cages and aquariums shall be cleaned by the teacher, not a student. Animal waste and materials from the cages shall be bagged and disposed of in a proper manner in a proper outside trash container. Wastewater from an aquarium may be disposed of by flushing it down a toilet or any sink where food is not prepared. For animals staying in the classroom for longer than that day, it is the teacher's responsibility to provide care over the weekends and during vacations.

Under the teacher's supervision, students may handle the animal in the classroom after being given instruction on proper handling techniques for handling the animal, as well as proper hand washing techniques after handling the animal. When appropriate, students may feed the animal under the supervision of the teacher.

Live animal presentations and assemblies under the supervision and control of a trained professional may at times have more unique animals and may not be allowed in the classrooms. These presentations are allowed in accordance with the provisions of this policy.

Exceptions to this policy are service animals and fish in an aquarium provided the fish are of a reasonable size and quantity.

Owners of pets and service animals brought on school property are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.

INDOOR AIR QUALITY (IAQ)

The Superintendent shall appoint a person to serve as the Indoor Air Quality (IAQ) Coordinator for the school corporation. The IAQ Coordinator shall serve as the lead contact person for matters related to indoor air quality in the facilities operated by the School Corporation. The IAQ Coordinator contact information shall be available to all students, parents, employees, and visitors by publishing the information on the school corporation's website and in school handbooks. The school corporation shall also notify the Indiana State Department of Health (ISDH) of the IAQ Coordinator's name and contact information.

Each school facility is to meet criteria established by the ISDH. During inspections by the ISDH, the inspector will investigate any condition that is or could be contributing to poor air quality including but not limited to the following: carbon dioxide levels, humidity, evidence of mold or water damage, and excess dust.

~~[NOTE: This content may be included in policy or administrative guideline.]~~

Criteria established by the ISDH are as follows:

- A. Carbon dioxide levels shall never exceed 700 ppm over the outdoor carbon dioxide concentration.
- B. Outdoor air shall be supplied to classrooms when occupied.
- C. Heating facilities shall be capable of and operated during periods of student occupancy to maintain a temperature not less than sixty-eight (68) degrees Fahrenheit in all instructional rooms, offices, locker rooms, and cafeteria; sixty-five (65) degrees Fahrenheit in activity rooms and shops; and sixty (60) degrees Fahrenheit in interior toilet rooms.
- D. When air conditioning is being provided, the system shall be capable of providing and operating during times of student occupancy to maintain a temperature not to exceed seventy-eight (78) degrees Fahrenheit and sixty-five percent (65%) relative humidity.
- E. The school corporation shall establish and maintain a written procedure for routine maintenance of the heating, ventilating and air conditioning system (HVAC). This procedure shall include the following items:
 1. a schedule for inspecting the HVAC system, including annual inspection
 2. ensuring that all supply and return air pathways in the HVAC system are unobstructed and perform as required
 3. a schedule for cleaning the HVAC coils at least annually
 4. a schedule for inspecting and changing filters

This written procedure for routine maintenance, as well as a log verifying the maintenance, was completed in a timely manner including the logging of cleaning and filter changes of the HVAC system, shall be made available for the State inspector's review and maintained for a minimum of three (3) years.

~~[] The Corporation shall comply with the ISDH's manual of best practices for managing indoor air quality at schools, including but not limited to the recommendations for radon testing.~~

[NOTE: END OF SECTION]

The Board recognizes that excessive moisture levels within the schools can lead to conditions that are optimum for the development of biological contaminants, such as mold and fungi on building surfaces. The Board further recognizes that the presence of these contaminants can be harmful on contact with respiratory tissue.

Contributing factors to excessive moisture levels include the following:

- A. roof leaks
- B. structural defects in the building
- C. improperly controlled humidity levels
- D. faulty HVAC systems

As preventative measures, the Corporation shall do the following:

- A. address prevention of water intrusion as a priority IAQ issue and implement strategies toward its elimination
 - When a water leak or intrusion is discovered, corrective action shall be taken within forty-eight (48) hours.
- B. maintain environmental conditions in occupied areas that are in compliance with applicable regulations and strive to conform to consensus industry standards
- C. implement a preventative maintenance program for HVAC systems which shall include, but not limited to, periodic filter replacement, inspection, cleaning and disinfecting processes, and procedures to eliminate the contribution to indoor air quality problems caused by this equipment
- D. implement a system for insuring materials used and purchased for use in the construction, furnishing and maintenance, including cleaning of facilities, do not contribute to health hazards to employees and students by degrading the quality of indoor air

In addition, activities that create indoor air quality health hazards shall not be permitted.

- E. when mold or mold-contaminated material is discovered, corrective action shall be taken within forty-eight (48) hours

Further, the school corporation shall endeavor to reduce irritants by not allowing the use of ozone generators sold as air purifiers while students are present in the classroom. Scented candles and air fresheners are not be used in the classrooms.

In addition, the Superintendent shall develop administrative guidelines for the proper monitoring of the factors that contribute to excessive moisture and for the development of mitigation plans when, and if, problems with IAQ are identified.

SCHOOL BUS AND OTHER VEHICLE IDLING

In accordance with the Indiana State Department of Health regulations, the Board endeavors to limit vehicle emissions that may be introduced into school facilities harming the indoor air quality.

The Corporation shall determine areas where idling is prohibited and post signs.

Drivers of all public and private vehicles are to turn off the engine if the vehicle is to be stopped for more than five (5) minutes in locations where the vehicle exhaust may be drawn into the building or while on school grounds. See Policy 8615 and AG 8615.

The staff will be informed of this policy at the start of each school year. Parents and students will be informed of this policy at the start of each school year at annual orientations or through student/parent handbooks.

POLLUTION CONTROL AND PREVENTION

In an effort to comply with environmental policy and applicable regulations, the Corporation shall develop and implement procedures designed to prevent air and water pollution, minimize or eliminate waste streams where possible, and identify possible sources of air and water pollution.

DRINKING WATER TESTING

The Superintendent is responsible for implementing the appropriate testing of drinking water in all school buildings in the Corporation prior to January 1, 2023. The Superintendent must test the water to determine whether the drinking water equals or exceeds the action level for lead established in the Code of Federal Regulations of fifteen (15) parts per billion or fifteen one-thousandths (.015) milligram of lead per liter of water. The Superintendent may satisfy the requirement for testing the drinking water in a school building if the drinking water in the school building:

- A. was tested during the lead sampling program for school buildings conducted by the Indiana finance authority in 2017 and 2018;



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - CHILD ABUSE AND NEGLECT
Code	po8462
Status	First Reading
Adopted	June 7, 1993
Last Revised	June 2, 2020

8462 - CHILD ABUSE AND NEGLECT

As an agency of the State, the School Board is concerned with the physical and mental well-being of the children of this School Corporation and will cooperate in the identification and reporting of cases of suspected child abuse or neglect in accordance with law.

Each staff member employed by this Corporation shall be responsible for reporting immediately every case, whether ascertained or suspected, of abuse, abandonment, cruelty, or neglect resulting in physical or mental injury to a student by other than accidental means. If a staff member has reason to believe a child is a victim of abuse or neglect, s/he shall immediately make a report to the Department of Child Services ("DCS") by calling the Indiana Child Abuse and Neglect Hotline at 1-800-800-5556 and the _____ **[appropriate local law enforcement agency]** **[END OF OPTION]**. After making the report, the staff member shall notify the appropriate building administrator of the circumstances that led to the report that the staff member made to DCS or the police. The building administrator shall document the report and, if unable to confirm the date and time it was made and/or the identity of the person to whom the report was made, shall contact DCS and the police **[END OF OPTION]** to ensure that they have received the report and an investigation has begun.

~~The building administrator shall secure prompt medical attention for any such injuries reported.~~

Information concerning alleged abuse or neglect of a student is confidential information and is not to be shared with anyone other than the administration, DCS, the local prosecutor **[END OF OPTION]**, and the _____ **[local law enforcement agency]** **[END OF OPTION]**. If the parent or a member of the household is not the subject of the investigation, the Corporation may notify the parents that a report was made.

Failing to report suspected child abuse or neglect is a Class B misdemeanor, which is punishable by up to 180 days in jail and a \$1,000 fine.

Building administrators should be mindful of the possibility of physical or mental abuse inflicted by a staff member. A staff member who violates this policy also may be subject to disciplinary action. Information concerning alleged abuse of a student by a teacher is confidential information and is not to be shared with anyone other than the parent(s), administration, DCS, and the _____ **[appropriate local law enforcement agency]** **[END OF OPTION]**. Any such instances, real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent after making a report of suspected abuse or neglect as described above.

The Board requires that each Corporation employee who is likely to have direct, ongoing contact with children within the scope of his/her employment attend or participate in training on child abuse and neglect, including

- A. training on the duty to report suspected child abuse or neglect under I.C. 31-33-5; and
- B. training on recognizing possible signs of child abuse or neglect

at least once every two (2) years. This training may include: **[Select one or more of the options listed below]**

- A. an in-person presentation;
- B. an electronic or technology-based medium, including self-review modules available on an online system;
- C. an individual program of study of designated materials;
- D. _____ **[insert training format]**.

[END OF OPTIONS]

The training required by this policy shall count toward the Board’s requirements for professional development and be provided during the Corporation employee’s contracted day or at a time chosen by the employee.

Also, the Board requires each Corporation employee who is likely to have direct, ongoing contact with children within the scope of the employee’s employment to attend or participate in at least one (1) hour of training at least every two (2) years on the identification and reporting of human trafficking. The format of this training may include:

- A. an in-person presentation;
- B. an electronic or technology-based medium, including self-review modules available on an online system;
- C. an individual program of study of designated materials.
- D. _____ **[insert other format]**

This training shall count toward the requirements for professional development required by the Board.

~~Not later than December 15, 2018, and annually thereafter,~~ Annually, the Corporation shall provide age-appropriate and research and evidence-based instruction on child abuse and child sexual abuse to students in Kindergarten through Grade 12. This instruction may be delivered by a school safety specialist, school counselor, school social worker, school psychologist, or any person with training and expertise in the area of child abuse and child sexual abuse.

A staff member who violates this policy in any way may be subject to disciplinary action, up to and including termination.

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- Legal
- I.C. 20-26-5-35.5
- I.C. 20-28-3-4.5
- I.C. 20-28-3-7
- I.C. 20-30-5-5.7
- I.C. 31-33-1-1
- I.C. 31-33-5-1
- I.C. 31-33-5-2(b)
- I.C. 31-33-5-3
- I.C. 31-33-5-5(b)
- I.C. 31-33-22-1(a)



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - FOOD SERVICE PROGRAM
Code	po8500
Status	First Reading
Adopted	June 7, 1993
Last Revised	January 7, 2020

8500 - FOOD SERVICE PROGRAM

The School 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.

The Board also will provide a breakfast program in accordance with procedures established by the State Department of Education.

The Board does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or ~~transgender~~ gender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities, including the Food Service program. Students and all other members of the School Corporation community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation related to the Food Service program to a teacher, administrator, supervisor, or other Corporation official so that the Board may address the conduct. See Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity.

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.

Further, the Food Service program shall comply with the School Lunch Fund provisions of Chapter 4 of the State Board of Accounts Uniform Compliance Guidelines for Indiana Public School Corporations.

Dietary Modifications

A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student with a disability or the parent of a student with a disability, without delay and at no additional charge. The adult student with a disability or the parent of a student with disability making such a request of the Food Service Director shall be informed that 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 must be submitted within ten (10) school days from a health care provider who has prescriptive authority in the State of Indiana or the dietary modification may be discontinued until such statement is received.

The medical certification must identify:

- A. the child's physical or mental impairment and why the student's disability or medical condition necessitates such a restriction of the child's diet;
- B. an explanation of what the Food Service Program must do to accommodate the child's disability; and
- C. the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

After a request for a dietary modification is submitted to the Director of Food Service (Director), the Director shall, in turn, notify the Principal, school nurse, and the members of the student's IEP or 504 Team that the dietary modification shall be made for the student, pending the receipt of the required medical certification.

If deemed necessary by the student's IEP or 504 Team, the dietary modification shall be included in the student's IEP or 504 plan.

An adult student with a disability or the parent of a student with a disability who believes the accommodation requested is not being appropriately addressed may access the processes and assistance described in Policy 2260 and/or Policy 2260.01 by contacting the Corporation's Compliance Coordinator named in those policies.

A request for substitutions to the standard meal requirements due to food allergies shall be accommodated, when requested by an adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability, without delay and at no additional charge. An adult student who is not identified as having a disability or the parent of a student who is not identified as having a disability making such a request of the Food Service Director shall be informed that a signed medical statement from a health care provider who has prescriptive authority in the State of Indiana that the student cannot consume certain food items due to a medical condition or some other special dietary need must be submitted within ten (10) school days or the dietary modification may be discontinued until such statement is received.

To qualify for continuing consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet;
- B. an explanation of what the Food Service Program must do to address the student's medical or dietary restriction; and
- C. the food(s) to be omitted from the student's diet and the recommended food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

The request for such dietary modifications shall be submitted to the Director, who shall, in turn, notify the Principal and school nurse that the dietary modification shall be made for the student. Upon request of the parent or adult student, a meeting of a team including the parent, the Director of Food Service, school nurse, and principal shall be convened to determine the specific substitution(s) that will be made to the standard meal pattern for the student.

For students who need a nutritionally equivalent milk substitute, only a signed request by a parent or guardian is required.

~~[Choose one of the following two options.]~~

The Food Service Program shall not accommodate a student's request for specific substitutions to the standard meal pattern requirements that is based solely on religious or lifestyle choices.

~~[] The Food Service Program shall accommodate a student's request for specific substitutions to the standard meal pattern requirements that is based solely on religious or lifestyle choices.~~

~~[End of Options]~~

Operation and Supervision of the Food Service Program

The operation and supervision of the Food Service program is the responsibility of the Superintendent or designee. The Food Service program 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.

Meal Charges

Lunches sold by the Corporation may be purchased by students, staff members and community residents in accordance with the procedures established by the Superintendent.

The Superintendent shall recommend and the Board shall approve the cost of meals for elementary, middle, and high schools annually.

The Board recognizes that circumstances may result in a student's need to charge lunch or breakfast on occasion and shall permit such charges.

Staff members and adult community residents shall not be permitted to charge meals.

The Superintendent shall develop procedures regarding meal charges (AG 8500B), which shall be implemented by the business office. The procedures will provide direction so that deposits into a student's account are not considered income to the child nutrition program until the student charges a meal to his/her account. Further, the procedures will: 1) provide direction so that students attending Corporation schools who do not have funds in their account or on-hand to cover the cost of their meal at the time of service are treated consistently, 2) address feeding students with unpaid meal balances without stigmatizing them, and 3) provide for notification of parents ~~of students who charge meals are notified with notification~~ when a student charges a meal, and 4) establish a plan to collect the charges made by students so that the unpaid charges are not classified as "bad debt" at the end of the school year.

Significant negative lunch account balances shall not be permitted. A significant negative lunch account balance is any balance owed in excess of two times the combined daily breakfast and lunch price at the paid student rate.

~~[CHOOSE ONE OF THE FOLLOWING TWO OPTIONS]~~

~~[] [Option 1]~~

~~If a student has a significant negative lunch account balance, s/he shall be provided a regular reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to his/her negative lunch account balance.~~

~~[End of Option 1]~~

[x] [Option 2]

If a student has a significant negative lunch account balance, s/he shall be provided an alternate meal ~~() at a reduced price recommended by the Superintendent and approved by the Board [end of option]~~, the cost of which shall continue to accrue to his/her negative lunch account balance, and his/her parent(s) shall be contacted to collect the outstanding charges. The alternate meal will be a low-cost alternative to the regular reimbursable meal and shall meet USDA nutritional standards or the Smart Snacks in Schools Regulations so that it qualifies for reimbursement under the National School Lunch/Breakfast Program.

~~[End of Option 2]~~

Furthermore, if a student has a significant negative lunch account balance, the student shall not be permitted to charge any à la carte food or beverage items.

Any significant negative lunch account balance should be pursued for collection before it is determined to be uncollectible pursuant to Policy 6151.

The Board's policy and Superintendent's procedure related to meal charges shall be distributed in writing to all households at the start of each school year and to households transferring to the school or Corporation during the school year. Additionally, the Board's policy and Superintendent's procedure related to meal charges shall be distributed to all Corporation staff responsible for policy enforcement, including Corporation food service employees, accounting staff, and all other staff involved in enforcing any aspect of the meal charge policy (**x**) at the beginning of the school year (**x**) and upon hire during the school year. If the Corporation contracts with any third party to provide food services, the Board policy and Superintendent's procedure also must be distributed to the contractor and its employees working in the Corporation schools.

A lunch account becomes inactive ~~after _____ () weeks with no deposits or withdrawals upon student's last day of attendance or an employee's last day of employment.~~ An inactive lunch account that has a positive balance of \$10.00 ~~[SBOA recommends \$10.00]~~ or less may be receipted back into the ~~fund established to benefit other students. [select one of the following options] () school lunch fund () extracurricular activity fund [END OF OPTION] where the School Lunch Program funds are maintained.~~ An inactive lunch account that has a nominal negative account balance of \$10.00 _____ or less may be offset against the positive balances in the Fund; provided, however, that if the parent requests and can document entitlement to the positive balance in the account, the parent is entitled to a refund of that amount.

Bad Debt/Uncollectable Debt

Significant negative lunch account balances that are not collected in the year when the debt was incurred shall be classified as bad debt. Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Once classified as bad debt, non-Federal funding sources shall reimburse the school lunch program account for the total amount of the bad debt. If funds to reimburse the Corporation for this bad debt are not available from another source, such as school or community organizations (like the PTA) or any other non-Federal source, the funds to reimburse the school lunch program shall be transferred from the Corporation operations fund or other State or local funding to make that reimbursement.

Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 C.F.R. 210.9(b)(17) and 7 C.F.R. 210.15(b). Any related collection costs, including legal costs, arising from such bad debt after they have been determined to be uncollectable also are unallowable.

Bad debt may be removed from accounts receivable in accordance with Policy 6151.

Additional Compliance

In accordance with Federal law, the Superintendent 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 required to obtain only 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 offer only the Special Milk Program.]~~

A periodic review of the Food Service accounts will be made by the business office.

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 Service program.

With regard to the operation of the Corporation 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 State and Federal law and USDA regulations;
- H. regular maintenance and replacement of equipment;
- I. compliance with the Corporation's time and effort record-keeping policy by all Corporation employees whose salaries are paid from USDA funds or with non-Federal funds used to meet a match or cost share requirement. (See Policy 6116)

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 shall 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.

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Legal

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
 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794
 34 CFR Part 104
 Uniform Compliance Guidelines for Indiana Public School Corporation (Indiana State Board of Accounts)



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - WELLNESS
Code	po8510
Status	First Reading
Adopted	April 4, 2006
Last Revised	September 5, 2017

8510 - WELLNESS

As required by law, the School Board establishes the following wellness policy for the School Corporation as a part of a comprehensive wellness initiative.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the Corporation's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

Schools alone, however, cannot develop in students healthy behaviors and habits with regard to eating and exercise. It will be necessary for not only the staff but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board sets the following goals in an effort to enable students to establish good health and nutrition habits:

A. With regard to nutrition education:

[Select one or more of the following:]

- Nutrition education shall be included in the health curriculum so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.
- ~~Nutrition education shall be included in the sequential, comprehensive health curriculum in accordance with the curriculum standards and benchmarks established by the State.~~
- ~~Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.~~
- Nutrition education standards and benchmarks shall be age-appropriate and culturally relevant.
- The standards and benchmarks for nutrition education shall be behavior focused.
- ~~Nutrition education shall include enjoyable, developmentally appropriate and culturally relevant participatory activities, such as contests, promotions, taste testing, and others.~~
- ~~Nutrition education shall include opportunities for appropriate student projects related to nutrition, involving, when possible, community agencies and organizations.~~
- Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.
- ~~Nutrition education posters, such as the Food Pyramid Guide, will be displayed in the cafeteria.~~
- ~~The school cafeteria shall serve as a learning lab by allowing students to apply the knowledge, attitudes, and skills taught in the classroom when making choices at mealtime.~~

11. ~~() Nutrition education shall extend beyond the school by engaging and involving families and the community.~~
12. Nutrition education shall reinforce lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate.
13. Nutrition education benchmarks and standards include a focus on media literacy as it relates to food marketing strategies.
14. ~~() Nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, and low-fat and fat-free dairy products.~~
15. ~~() Staff responsible for providing instruction in nutrition education shall regularly participate in professional development activities designed to better enable them to teach the benchmarks and standards.~~
16. ~~() Instruction related to the standards and benchmarks for nutrition education shall be provided by highly qualified teachers.~~
17. ~~() The Corporation shall provide information to parents that is designed to encourage them to reinforce at home the standards and benchmarks being taught in the classroom.~~
18. ~~() [other:] _____.~~
19. ~~() [other:] _____.~~
20. ~~() [other:] _____.~~

B. With regard to physical activity:

[It is recommended that one (1) or more of the following be selected from both categories:]

1. Physical Education

- a. ~~() A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the physical education academic content standards and benchmarks adopted by the State.~~
- b. The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.
- c. ~~() Planned instruction in physical education shall be sufficient for students to achieve a proficient level with regard to the standards and benchmarks adopted by the State.~~
- d. ~~() Planned instruction in physical education shall promote participation in physical activity outside the regular school day.~~
- e. ~~() All students in grades K-12, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive daily physical education for the entire school year, for at least 150 minutes per week for K-5 students and at least 225 minutes per week for students in grades 6-12.~~

[NOTE: The National Association for Sport and Physical Education (NASPE) defines a quality physical education program in the terms and minutes specified above.]

- f. ~~() All students in grades _____, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive instruction in physical education for () _____ () minutes () daily () _____ () days per week [END OF OPTIONS] for the entire school year.~~
- g. ~~() All students, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive instruction in physical education for () _____ () minutes () daily () _____ () days per week for at least _____ () semesters in grades _____-12.~~
- h. ~~() The physical education curriculum shall provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity.~~
- i. ~~() Physical education classes shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.~~
- j. ~~() The sequential, comprehensive physical education curriculum shall stress the importance of remaining physically active for life.~~
- k. ~~() The K-12 program shall include instruction in physical education as well as opportunities to participate in competitive and non-competitive team sports to encourage lifelong physical activity.~~
- l. ~~() Planned instruction in physical education shall require students to be engaged in moderate to vigorous physical activity for at least fifty percent (50%) of scheduled class time.~~

- m. ~~() Teachers properly certificated/licensed in the subject area of physical education shall provide all instruction in physical education.~~
- n. ~~() Professional development opportunities should focus on the physical education content area.~~
- o. ~~() All physical education classes shall have a student/teacher ratio comparable to the student/teacher ratio in other curricular areas.~~

[NOTE: NASPE includes this option in the definition of a quality physical education program.]

- p. Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.
- q. Planned instruction in physical education shall meet the needs of all students, including those who are not athletically gifted.
- r. Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, bullying, or harassment of any kind.
- s. Planned instruction in physical education shall include cooperative as well as competitive games.
- t. Planned instruction in physical education shall take into account gender and cultural differences.
- u. ~~() [other:] _____.~~
- v. ~~() [other:] _____.~~
- w. ~~() [other:] _____.~~

2. Physical Activity

- a. Physical activity ~~() shall~~ shall not **[END-OF-OPTION]** be employed as a form of discipline or punishment.
- b. Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day.
- c. ~~() Schools shall encourage families to provide physical activity outside the regular school day, such as outdoor play at home, participation in sports sponsored by community agencies or organizations, and in lifelong physical activities like bowling, swimming, or tennis.~~
- d. ~~() All students in grades K–5/6 shall be provided with a daily recess period at least _____ () minutes in duration. Recess shall not be used as a reward or punishment.~~

[NOTE: NASPE's recommendation is that all elementary school students should be provided with at least one (1) daily period of recess for a minimum of twenty (20) minutes.]

- e. ~~() The school shall provide information to families to encourage and assist them in their efforts to incorporate physical activity into their children's daily lives.~~
- f. The school shall encourage families and community organizations to help develop and institute programs that support physical activity of all sorts.
- g. ~~() The school shall provide students in grades _____ with the opportunity to use physical activity in which they participate outside the regular school day (other than organized interscholastic athletics) to satisfy physical activity requirements.~~
- h. In addition to planned physical education, the school shall provide age-appropriate physical activities (e.g., recess during the school day, intramurals and clubs before and after school, and interscholastic sports) that meet the needs of all students, including males, females, students with disabilities, and students with special health care needs.

[NOTE: This is a NASPE recommendation in their position statement on Comprehensive School Physical Activity Programs (2008).]

- i. ~~() All students in grades _____ shall have the opportunity to participate in extracurricular activities and intramural programs that emphasize physical activity.~~
- j. ~~() All students in grades _____–12 shall have the opportunity to participate in interscholastic sports programs.~~
- k. Schools shall offer a wide range of physical activities outside the regular school day that meet the needs, interests, and abilities of all students, including males, females, students with disabilities, and students with special healthcare needs.
- l. ~~() All before/after school programs shall provide developmentally appropriate physical activity for the students who participate.~~

- m. ~~() Schools shall discourage extended periods of student inactivity without some physical activity.~~
- n. ~~() [other:] _____.~~
- o. ~~() [other:] _____.~~
- p. ~~() [other:] _____.~~

C. With regard to other school-based activities:

~~Free drinking water shall be available to students during designated meal times and may be available throughout the school day.~~

[Select one or more of the following:]

1. **Free drinking water shall be available to students during designated meal times and may be available throughout the school day.**
2. ~~() The schools shall provide at least _____ () minutes daily for students to eat.~~
3. The schools shall schedule mealtimes so there is minimum disruption by bus schedules, recess, and other special programs or events.
4. The school shall provide attractive, clean environments in which the students eat.
5. ~~() Students at _____ [insert name(s) of building(s)] are not permitted to have drinks in the classroom.~~
6. ~~() Students at _____ [insert name(s) of building(s)] are permitted to have bottled water only in the classroom.~~
7. ~~() Activities, such as tutoring or club meetings, shall not be scheduled during mealtimes, unless students may eat during those meetings.~~
8. ~~() Schools () may () shall [END OF OPTION] limit the number of celebrations involving serving food during the school day to no more than _____ () party(ies) per class per month.~~
9. ~~() Students, parents, and other community members shall have access to, and be encouraged to use, the school's outdoor physical activity facilities outside the normal school day.~~
10. ~~() An organized wellness program shall be available to all staff.~~
11. ~~() The schools () shall () may [END OF OPTION] use environmentally friendly practices, such as the use of locally grown foods and non-disposable tableware and dishes.~~
12. ~~() The schools () shall () may [END OF OPTION] provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the school dining areas.~~
13. The schools ~~() shall~~ may **[END OF OPTION]** demonstrate support for the health of all students by hosting health clinics and screenings and encouraging parents to enroll their eligible children in Medicaid or in other children's health insurance programs for which they may qualify.
14. Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.
15. Students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.
16. ~~() [other:] _____.~~
17. ~~() [other:] _____.~~
18. ~~() [other:] _____.~~

D. With regard to nutrition promotion, any foods and beverages marketed or promoted to students on the school campus, during the school day, will meet or exceed the USDA Smart Snacks in School nutrition standards.

Additionally, the Corporation shall:

[Select one or more of the following:]

1. encourage students to increase their consumption of healthful foods during the school day;

2. create an environment that reinforces the development of healthy eating habits, including offering the following healthy foods:
 - a. a variety of fresh produce to include those prepared without added fats, sugars, refined sugars, and sodium
 - b. a variety of vegetables daily to include specific subgroups as defined by dark green, red/orange, legumes, and starchy
 - c. ~~whole grain products—half of all grains need to be whole grain rich upon initial implementation and all grains must be whole grain rich within two (2) years of implementation~~
 - d. fluid milk that is fat-free (unflavored and flavored) and low-fat (unflavored)
 - e. meals designed to meet specific calorie ranges for age/grade groups
3. ~~eliminate trans fat from school meals;~~
4. ~~require students to select a fruit or vegetable as part of a complete reimbursable meal;~~
5. ~~designate wellness champions at each school that will promote resources through the Corporation's website for wellness for students, families, and the community;~~
6. provide opportunities for students to develop the knowledge and skills for consuming healthful foods;
7. ~~promote and encourage Farm to School efforts through its nutrition department in order to provide the healthy foods identified above;~~
8. ~~require that all foods and beverages sold as fundraisers on the school campus during the school day shall meet the USDA Competitive Food regulations;~~
9. ~~discourage rewarding children in the classroom with candy and other foods that can undermine children's diets and health and reinforce unhealthy eating habits. A wide variety of alternative rewards can be used to provide positive reinforcement for children's behavior and academic performance;~~
10. ~~utilize the following promotions/partnerships:

 - a. ~~Through United States Tennis Association partnerships, each K-12 school has the opportunity to receive more than \$ _____ [insert dollar amount] worth of equipment to teach and implement tennis appropriate to grade level in the curriculum.~~
 - b. ~~Through grants from the _____ [insert source of grants] and local businesses, each elementary school has the opportunity to implement the _____ [insert name of local bike safety program].~~
 - c. ~~_____.~~
 - d. ~~_____.~~~~

Furthermore, with the objectives of enhancing student health and well being, and reducing childhood obesity, the following guidelines are established:

- A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages as well as to the fiscal management of the program.
- B. The sale of foods of minimal nutritional value in the food service area during the lunch period is prohibited.
- C. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).
- D. The sale to students of foods and beverages that do not meet the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards to be consumed on the school campus during the school day is prohibited. Competitive foods available for purchase by students à la carte in the dining area, foods or beverages sold from vending machines, and foods and beverages provided by the school or school staff for classroom parties or holiday celebrations are subject to this prohibition.

~~[DRAFTING NOTE: THE FINAL RULES STATE THAT A POLICY MUST HAVE STANDARDS FOR FOOD AND BEVERAGES "PROVIDED" AT SCHOOL, SUCH AS PROVIDED FOR A CLASS PARTY OR AS A REWARD TO STUDENTS. THESE STANDARDS DO NOT HAVE TO MEET THE REQUIREMENTS IMPOSED ON FOOD SOLD AT SCHOOL. A CORPORATION CAN ADOPT THE SAME STANDARD AS THE STANDARD FOR SOLD FOOD OR ESTABLISH ITS OWN STANDARDS AS LONG AS IT HAS SOMETHING IN PLACE FOR FOOD PROVIDED IN SCHOOL OTHER THAN THROUGH SALE. THIS DOES NOT APPLY TO FOOD BROUGHT IN FOR INDIVIDUAL CONSUMPTION, I.E., A SACK LUNCH.]~~

- E. All foods that are provided, not sold, on the school campus during the school day, including foods and beverages provided for classroom parties or holiday celebrations shall comply with the ~~current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards.~~ food and beverage standards approved by the ~~Superintendent. Board.~~ teacher and/or building

principal. ~~() following food and beverage standards:~~

~~[It is recommended that one (1) or more of the following also be selected:]~~

- F. ~~() The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritious value.~~
- G. ~~() The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well regardless of unpaid meal balances and without stigma.~~
- H. All food items and beverages available for sale to students for consumption on campus between midnight and thirty (30) ~~() sixty (60) [END OF OPTION]~~ minutes **[thirty (30) minutes is the required minimum]** after the close of the regular school day shall comply with the current USDA Dietary Guidelines for Americans, including, but not limited to, competitive foods that are available to students à la carte in the dining area, as well as food items and beverages from vending machines, school stores, or fund-raisers by student clubs and organizations, parent groups, or boosters clubs.
- I. The school food service program may ~~() shall [END OF OPTION]~~ involve students, parents, staff, school officials **[END OF OPTIONS]** in the selection of competitive food items to be sold in the schools.
- J. ~~() Nutrition information for competitive foods available during the school day shall be readily available near the point of purchase.~~
- K. ~~() All foods available to students in Corporation programs, other than the food service program, shall be served with consideration for promoting student health and well-being.~~
- L. ~~() Any food items sold () for consumption on campus from thirty (30) minutes after the end of the last lunch period until () thirty (30) () sixty (60) [END OF OPTIONS] minutes after the school day ends [END OF OPTION] in a fundraiser by approved student clubs and organizations and Corporation support organizations shall meet the current USDA Dietary Guidelines for Americans.~~
- M. ~~() The school shall prepare and distribute to staff, parents, and after school program personnel a list of snack items that comply with the current USDA Dietary Guidelines for Americans.~~
- N. ~~() The food service program shall be administered by a qualified nutrition professional.~~
- O. ~~() The food service program shall be administered by a director who is properly qualified, certificated, licensed, or credentialed, according to current professional standards.~~
- P. All food service personnel shall receive pre-service training in food service operations.
- Q. Continuing professional development shall be provided for all staff of the food service program.
- R. **[other:] Meals served through the district's food services shall comply with the National School Lunch and/or Breakfast standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served, as specified in 7 CFR 210.10**
- S. ~~() [other:]~~
- T. ~~() [other:]~~

The Board designates the Superintendent ~~() the building principals~~ as the individual(s) charged with operational responsibility for measuring and evaluating the Corporation's implementation and progress under this policy.

The Superintendent ~~() Board~~ shall appoint a Corporation wellness committee that ~~() meets at least four (4) times per year and [END OF OPTION]~~ includes parents, students, representatives of the school food authority, nutritionists or certified dietitians, educational staff (including health and physical education teachers), mental health and social services staff, school health professionals, the School Board, school administrators, and members of the public to oversee the development, implementation, evaluation, and periodic update, if necessary, of the wellness policy. School level health advisory teams may assist in the planning and implementation of these Wellness initiatives.

The Superintendent shall be an ex officio member of the committee.

The wellness committee shall be an ad hoc committee of the Board with members recruited and appointed annually.

The wellness committee shall:

- A. assess the current environment in each of the Corporation's schools;
- B. measure the implementation of the Corporation's wellness policy in each of the Corporation's schools;
- C. review the Corporation's current wellness policy;
- D. recommend revision of the policy, as appropriate; and

E. present the wellness policy, with any recommended revisions, to the Board for approval or re-adoption if revisions are recommended.

Before the end of each school year, the wellness committee shall submit to the Superintendent and Board their report in which they describe the environment in each of the Corporation's schools and the implementation of the wellness policy in each school, and identify any revisions to the policy the committee deems necessary. In its review, the Wellness Committee shall consider evidence-based strategies in determining its recommendations.

The Superintendent shall report annually to the Board on the work of the wellness committee, including their assessment of the environment in the Corporation, their evaluation of wellness policy implementation Corporation-wide, and the areas for improvement if any, that the committee identified. The committee also shall report on the status of compliance by individual schools and progress made in attaining goals established in the policy.

[NOTE: If the Board has established a coordinated school health advisory council pursuant to I.C. 20-26-9-18, the council may serve as the wellness committee for the Corporation if it includes the members listed above and holds the responsibilities set forth above.]

The Superintendent also shall be responsible for informing the public, including parents, students, and community members, on the content and implementation of this policy. In order to inform the public, the Superintendent shall ~~() distribute information at the beginning of the school year to families of school children, () include information in the student handbook, () _____, () _____, [END OF OPTIONS]~~ and post the wellness policy on the Corporation's website, including the assessment of the implementation of the policy prepared by the Corporation.

The Corporation shall assess the Wellness Policy at least once every three (3) years on the extent to which schools in the Corporation are in compliance with the Corporation policy, the extent to which the Corporation policy compares to model wellness policies, and the progress made in attaining the goals of the Corporation Wellness Policy. To ensure continuing progress, the Corporation will evaluate implementation efforts and their impact on students and staff using the following tool: **[select one (1) of the following options]**

~~https://www.cdc.gov/healthyschools/shi/index.htm~~

~~https://schools.healthiergeneration.org/~~

~~https://www.wellsat.org/~~

~~http://www.doe.in.gov/sites/default/files/nutrition/evaluation-checklist_0.pdf~~

The assessment shall be made available to the public:

- A. ~~() in the parent and staff handbooks.~~
- B. ~~() in the School Corporation's Annual Report to the public.~~
- C. on the School Corporation's website.
- D. ~~() on each individual school's website.~~
- E. ~~() in the School Corporation's calendar.~~
- F. ~~() _____.~~

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Legal	I.C. 20-26-9-18
	42 U.S.C. 1751 et seq.
	42 U.S.C. 1758b
	42 U.S.C. 1771 et seq.
	7 C.F.R. Parts 210 and 220



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - TRANSPORTATION
Code	po8600
Status	First Reading
Adopted	June 7, 1993
Last Revised	June 2, 2020

8600 - TRANSPORTATION

It is the policy of the School 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.

~~On or before September 1, 2019, and each September 1 thereafter, Each September,~~ the School Corporation must review the Corporation's school bus routes and school bus safety policies to improve the safety of students and adults.

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.

The Board may enter into a contractual agreement with a qualified contractor for the transportation of students.

The Board may enter into an agreement with an agency or organization serving persons with a developmental disability in which a school bus or special purpose bus used by the Corporation may be used to transport persons with a developmental disability who are at least two (2) years of age to and from programs for persons with a developmental disability.

The Board may allow, by written authorization the use of a school bus or a special purpose bus for the transportation of adults at least sixty-five (65) years of age or adults with developmental or physical disabilities.

~~+~~ 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 is not required to be constructed, equipped, or painted as specified for regular school buses.

A special purpose bus may not be used to provide ~~regular~~ transportation of school children between their residence and school (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 for transportation of students from one school to another 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.

~~[END OF OPTION]~~
~~[START OF OPTION]~~

A special purpose bus may be used to transport homeless or foster students. If more than seven (7) students are being transported to schools in the same school corporation, a school bus or a special purpose bus must be used. If seven (7) or fewer students are being transported to schools in the same school corporation, a special purpose bus or an "appropriate vehicle" may be used to transport the students. The driver must meet the qualifications for the driver of a school bus or special purpose bus set forth in State statute, as applicable, if a school bus or special purpose bus is used, as set forth in I.C. 20-27-9-5(e).

An "appropriate vehicle" is defined as a vehicle that: 1) owned by the School Corporation or contracted for by the Corporation and 2) has a seating capacity of not more than eight (8) passengers including the driver. The term "appropriate vehicle" includes a car, truck, sport utility vehicle, or

~~minivan.~~

- A. is owned by the School Corporation or contracted for by the Corporation and
- B. has a seating capacity of not more than eight (8) passengers including the driver. The term "appropriate vehicle" includes a car, truck, sport utility vehicle, or minivan.

~~[END OF OPTION]~~~~[START OF OPTION]~~

A special purpose bus may be used to transport students for career and technical education programs. If more than seven (7) students are being transported to or from a career and technical education program, a school bus or a special purpose bus must be used. If seven (7) or fewer students are being transported to or from a career and technical education course an appropriate vehicle may be used to transport the students. The driver of the vehicle used to transport students to or from technical education programs must meet the qualifications for a driver of a school bus or special purpose bus set forth in State statute, as applicable, if a school bus or special purpose bus is used. A special purpose bus may be used to transport students from school to school or to/from school and a career and technical education program but may not be used to transport students between their residence and a career and technical education program.

An "appropriate vehicle" is defined as a vehicle that:

- A. is owned by the Corporation or contracted for by the Corporation; and
- B. has a seating capacity of not more than eight (8) passengers including the driver.

The term "appropriate vehicle" includes a car, truck, sport utility vehicle, or minivan.

~~[END OF OPTION]~~

~~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 or is used to provide transportation: (1) between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the individual's sibling, (2) between an individual's residence and the preschool facility site for preschool children who attend preschool offered by the Corporation or (3) between an individual's residence and the program for persons with a developmental disability for persons with a developmental disability, the operator must meet the requirements of a regular school bus driver.~~

- A. between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the individual's sibling;
- B. between an individual's residence and the preschool facility site for preschool children who attend preschool offered by the Corporation; or
- C. between an individual's residence and the program for persons with a developmental disability; 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.~~

~~[END OF OPTION]~~

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.

If the vehicle is equipped with safety belts that meet the standards stated in Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) and are standard equipment installed by the manufacturer, then each occupant shall have a safety belt properly fastened around his/her body at all times when the vehicle is in forward motion, as required by I.C. 9-19-10-2 State statute.

If a school bus driver must load or unload an elementary school student at a location that requires the student to cross a roadway that is a U.S. route or state route, the Superintendent shall present the school bus route to the Board for approval.

~~[NOTE: SELECT THE FOLLOWING OPTION ONLY IF YOU ARE A RURAL SCHOOL CORPORATION]~~

Transportation of Charter School Students

If a student who attends a charter school located in a rural school corporation resides on or along the highway constituting the regular route of a Corporation bus, the Board shall provide transportation for the charter school student 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 student's charter school or the point on an established bus route that is nearest or most easily accessible to the charter school.

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Legal

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. 9-19-10-2 (use of safety belt by motor vehicle occupants)

I.C. 9-21-12 (school bus operation)

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

I.C. 20-27-10-0.5

I.C. 20-27-12-0.1

I.C. 20-27-12-0.3

I.C. 20-27-12-5

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)



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 2 - May 2021 - BUS DRIVERS AND CELLULAR TELEPHONE USE
Code	po8606
Status	First Reading
Adopted	November 1, 2016

8606 - **BUS DRIVERS AND CELLULAR TELEPHONE USE**

It is the policy of the School Board to take every step necessary to maintain the safety of its students while riding in school buses that are used to transport School Corporation students. This policy shall be implemented in compliance with Federal and State law and regulations of the Indiana State Board of Education and the State School Bus Committee.

Definitions:

"Electronic device" includes, but is not limited to, a cellular telephone; personal digital assistant; pager; computer; or any other device used to input, write, send, receive, or read text.

"Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 CFR 20.3. It does not include two-way or Citizens Band Radio services.

"Telecommunications device" means an electronic or digital telecommunications device. The term includes a:

- A. wireless telephone;
- B. personal digital assistant;
- C. pager; or
- D. text messaging device.

The term does not include:

- A. amateur radio equipment that is being operated by a person licensed as an amateur radio operator by the Federal Communications Commission under 47 CFR Part 97; or
- B. a communications system installed in a commercial motor vehicle weighing more than 10,000 pounds.

"Text message" means a communication in the form of electronic text sent from a telecommunications device.

Federal and State Laws:

Federal and State law prohibit texting, emailing, and using a telecommunications device or hand-held mobile telephone, including a cellular telephone, while driving commercial motor vehicles, including school buses, except in a bona fide emergency.

Federal regulations prohibit operators of commercial motor vehicles from texting while driving. Federal regulations also prohibit operators of commercial motor vehicles from using a hand-held mobile telephone while driving. For purposes of the Federal regulations, "driving" does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

State law prohibits a person from using a telecommunications device to

- A. type a text message or an electronic mail message;

- B. transmit a text message or an electronic mail message; or
- C. read a text message or an electronic mail message;

while operating a moving motor vehicle unless the device is used in conjunction with hands-free or voice-operated technology, or unless the device is used to call 911 to report a bona fide emergency.

Furthermore, it is a serious traffic violation under State law to drive a commercial motor vehicle while using a hand-held device as described in the Federal regulations at 49 CFR 383 through 384 and 49 CFR 390 through 392.

Prohibitions:

In light of the Corporation's policy to protect the safety of its students to the greatest extent possible and the State and Federal laws referenced herein, all Corporation employees and any independent contractors or employees of independent contractors who drive school buses ~~to transport Corporation students or other motor vehicles to transport Corporation students~~ are prohibited from holding or using a telecommunication device while operating a moving motor vehicle.

- A. ~~using a cellular telephone, electronic device, mobile telephone or telecommunications device to communicate while driving a school bus to transport students; and~~
- B. ~~using a cellular telephone, electronic device, mobile telephone or telecommunications device to type, transmit or read a text message or an electronic mail message while driving a school bus to transport students,~~

~~except in the case of~~ As referenced above, an exception to this prohibition is to call 911 to report a bona fide emergency. In cases of a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cellular telephone, electronic device, mobile telephone or telecommunications device. A telecommunication device may be used in conjunction with hands-free or voice-operated technology.

~~Furthermore, all Corporation employees are prohibited from using a cellular telephone, electronic device, mobile telephone or telecommunications device to type, transmit or read a text message or an electronic mail message while operating a motor vehicle other than a school bus to transport Corporation students, except in the case of a bona fide emergency. In cases of a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cellular telephone, electronic device, mobile telephone or telecommunications device.~~

~~[] OPTION (recommended)~~

~~A Corporation employee who operates a motor vehicle other than a school bus to transport Corporation students is prohibited from using a cellular telephone, electronic device, mobile telephone or telecommunications device to communicate while operating a motor vehicle to transport students, except in the case of a bona fide emergency. In cases of a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cellular telephone, electronic device, mobile telephone or telecommunications device.~~

~~[END OF OPTION]~~

A Corporation employee who violates this policy shall be subject to disciplinary action, up to and including termination. The Board directs that any contracts entered into with an independent contractor for bus transportation shall provide that: (1) the Corporation requires compliance by the independent contractor and its employees or subcontractors with this policy as a condition of the contract; and (2) the violation of this policy by an independent contractor or its employees or subcontractors may result in the termination of the contract.

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Legal	I.C. 9-13-2-31 ("commercial motor vehicle" defined)
	I.C. 9-13-2-161 ("school bus" defined)
	I.C. 9-13-2-177.3 ("telecommunications device" defined)
	I.C. 9-13-2-177.4 and I.C. 9-21-8-0.5 ("text message" defined)
	I.C. 9-21-8-59 (prohibition against use of telecommunications device while operating a moving motor vehicle)
	I.C. 9-24-6-6(a)(12) (driving a commercial motor vehicle while using a hand-held mobile device)
	49 C.F.R. 383.5 (definition of "commercial motor vehicle," "electronic device" and "mobile telephone")
	49 C.F.R. 383.51 (disqualification of drivers)
	49 C.F.R. 391.15 (disqualification of drivers)
	49 C.F.R. 392.80 (prohibition against texting while driving)
	49 C.F.R. 392.82 (prohibition against using a hand-held mobile telephone while driving)



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES
Code	po8800
Status	First Reading
Adopted	June 7, 1993
Last Revised	March 6, 2018

8800 - RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES

Decisions of the United States Supreme Court have made it clear that it is not the province of a public school to advance or inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of his/her choice. The rights of any minority, no matter how small, must be protected. No matter how well-intended, either official or unofficial sponsorship of religiously-oriented activities by the school are offensive to some and tend to supplant activities which should be the exclusive province of individual religious groups, churches, private organizations, or the family.

School Corporation staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or an act of worship or celebration. The Corporation shall not act as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on Corporation property by any party shall be in accordance with Policy 7510 and AG 7510A - Use of Corporation Facilities and Policy 9700 and AG 9700 - Relations with Special Interest Groups.

The **School** Board acknowledges that it is prohibited from adopting any policy or rule respecting or promoting an establishment of religion or prohibiting any person from the free, individual, and voluntary exercise or expression of the individual's religious beliefs. Such exercise or expression may be limited to lunch periods or other non-instructional time periods when individuals are free to associate. However, an individual who is required by his/her religious beliefs to engage in religious exercise (e.g. a formal prayer during the school day) will be accommodated unless such accommodation would disrupt an educational function.

In order that the right of each student to the free exercise of religion is guaranteed within the school and the freedom of each student to either engage in or refrain from religious observation on school grounds is subject to the least possible coercion from the State, the Board shall establish the daily observance of a moment of silence in each classroom or on school grounds.

Observance of religious holidays through devotional exercises or acts of worship is also prohibited. Acknowledgement of, explanation of, and teaching about religious holidays of various religions is encouraged. Celebration activities involving nonreligious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and do not interfere with the regular school program.

The United States flag shall be displayed in each classroom of every school in the **School** Corporation.

The flags of the United States and of Indiana shall be raised above each school and/or at other appropriate places during all school sessions, weather permitting. The flags shall be raised before the opening of school and taken down at its close every day.

The Board shall provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation and may not be required to participate if the student chooses not to or the student's parent chooses not to have the student participate. The Superintendent shall develop administrative guidelines which ensure that any staff member who conducts this activity does it at an appropriate time, in an appropriate manner, and with due regard to the need to protect the rights and the privacy of a nonparticipating student.

~~Each classroom teacher and building administrator may post the national motto "In God We Trust" in their classroom or building in a historic and/or patriotic context, but not in a religious setting. Whenever possible, the motto should be placed near the American flag.~~

The Corporation may place a durable poster or framed picture of the national motto "In God We Trust" and an accurate representation of the United States flag and Indiana State flag positioned under the national motto in each school library and classroom within the Corporation. The durable poster or framed picture must meet the specifications outlined by State statute. The representation of the United States flag and the Indiana State flag must comply with any applicable federal or state laws concerning the design, dimensions, or presentation of the respective flags.

Legal

- I.C. 1-1-11-2
- I.C. 1-2-2-1
- I.C. 1-2-3-6
- I.C. 20-30-3-5
- I.C. 20-30-5-0.5
- I.C. 20-30-5-4.5
- I.C. 20-33-12
- 20 U.S.C. 4071 et seq.



Book	Policy Manual
Section	Policies for the Board
Title	Revised Policy - Vol. 33, No. 1 - November 2020 - RELATIONS WITH SPECIAL INTEREST GROUPS
Code	po9700
Status	First Reading
Adopted	June 7, 1993
Last Revised	March 7, 2017

9700 - RELATIONS WITH SPECIAL INTEREST GROUPS

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fundraising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests without advancing the special interests of any particular group.

It is the policy of the School Board that students, staff members, and School Corporation facilities not be used for advertising or promoting the interests of any nonschool agency or organization, public or private, without the approval of the Board or its delegated representative; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

A. Political/Commercial Interests

All materials or activities proposed by outside political or commercial sources for student or staff use or participation shall be reviewed by the ~~() Board () Superintendent~~ principal ~~[END-OF-OPTION]~~ on the basis of their educational contribution to part or all of the school program, benefit to students, good taste ~~[END-OF-OPTION]~~ and no such approval shall have the primary purpose of advancing the name, product, or special interest of the proposing group.

~~[CHOOSE BETWEEN OPTION #1 AND OPTION #2 BELOW][SELECTION OF FIRST OPTION PRECLUDES SELECTION OF SECOND OPTION.]~~

~~[] [Option #1]~~

~~The Board shall not permit the use of any type of educational material, program, or equipment in its curricular or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political or commercial messages or are designed to persuade students or staff members to acquire a particular product or service offered by a named individual, company, organization, association, or agency. Professional staff may, however, utilize political materials or those provided by special interest groups in adopted courses of study with the approval of the principal.~~

~~[OR]~~

[Option #2]

The Board shall permit the use of educational materials, programs, and equipment which contains commercial messages provided the content of such messages and the manner of presentation has been approved by the Superintendent and is in compliance with the Corporation's administrative guidelines. Outside speakers representing commercial organizations will be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational aims of the Corporation.

~~[END-OF-OPTIONS]~~

B. Patriotic Youth Membership Organizations

The Board may provide a representative of a Patriotic Youth Membership Organization, as defined and organizations listed in Title 36 of the United States Code (e.g., Boy Scouts of America, Girl Scouts of the United States, Big Brothers and Big Sisters of America, and Boys and Girls Club of America) that has an educational purpose and promotes patriotism and civic involvement to provide an oral, written, or oral and written information regarding the organization to students of the Corporation.

If the organization makes such a request to provide oral or written information to students, the Corporation is required to provide at least one (1) time each school year, with a specific day and time specified, for the organization to provide the information on Corporation property.

Prior to the representative from the Patriotic Youth Membership Organization being permitted on Corporation property, the Corporation shall conduct an expanded criminal history check on the representative seeking to present information to students on Corporation property. The Corporation may request written consent for the expanded criminal history check from the representative of the organization. The representative is responsible for all costs associated with obtaining the expanded criminal history check.

A Corporation may, upon receipt of the expanded criminal history check, refuse to allow a representative to provide information if the representative that has been selected from the Patriotic Youth Membership Organization has been convicted of a felony listed in I.C. 20-28-5-8(c) or I.C. 20-28-5-8(d).

C. Contests/Exhibits

The Board recognizes that contests, exhibits, and the like may benefit individual students or the Corporation as a whole, but participation in such special activities may not:

1. have the primary effect of advancing a special product, group, or company;
2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the Corporation;
3. involve any direct cost to the Corporation;
4. ~~interrupt the regular school program; unless the student body as a whole derives benefit from such activities;~~
5. cause the participants to leave the Corporation, unless:
 - a. Board Policy 2340 - Field and Other Corporation-Sponsored Trips has been complied with in all aspects;
 - b. ~~the Board has granted special permission;~~
 - c. ~~the parents of a minor student have granted their permission;~~

D. Distribution/Posting of Literature

No outside organizations or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on Corporation property either during or after school hours without the permission and prior review of the ~~Board. Superintendent.~~ principal. **[END-OF-OPTION]**

The Superintendent shall establish administrative guidelines which ensure that:

1. criteria established in Policy 5722 – School-Sponsored Publications and Productions are used to make a decision regarding materials that students seek to post or distribute;
2. distribution or posting of materials employees wish to distribute on behalf of an employee organization comply with the terms of negotiated collective bargaining agreements;
3. the school mail system is not used by students or staff for distribution of nonschool-related materials;
4. no materials from any profit-making organization are distributed for students to take home to their parents; unless authorized by the Superintendent;
5. the time, place, and manner of distribution of all nonschool-related materials is clearly established and communicated;

E. Solicitation of Funds

~~**[CHOOSE BETWEEN OPTION #1 OR OPTION #2 BELOW]** **Option #1** Because the Corporation cannot accommodate every organization that desires to solicit funds for worthy purposes, the Board shall not permit any organization not related to the Corporation to solicit funds on Corporation property. **[OR]**~~

Option #2

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the ~~Board.~~ Superintendent.

[END-OF-OPTIONS]

Permission to solicit funds will be granted only to those organizations, individuals, or staff members who meet the permission criteria established in the Corporation's administrative guidelines. Solicitation must take place at such times and places and in such a manner as specified in the administrative guidelines. In accordance with Board Policy 5830, no Corporation student may participate in the solicitation without the Superintendent's approval.

The Board disclaims all responsibility for the protection of or accounting for such funds.

Solicited funds are not to be deposited in any regular or special accounts of the Corporation.

~~A copy of this policy, as well as the relevant administrative guidelines, shall be given to any individual granted permission to solicit funds on Corporation property.~~

This policy does not apply to the raising of funds for Corporation-sponsored or school-sponsored activities.

Use of the name, logo, or any assets of the Corporation, including, but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the ~~Board.~~ Superintendent. **[END-OF-OPTION]**

[CHOOSE BETWEEN OPTION #1 OR OPTION #2 BELOW]

~~OPTION #1~~

~~The Board does not permit or sanction the use of crowdfunding for Corporation or specific school programs or activities, including co-curricular or extra-curricular activities.~~

OR

OPTION #2

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent. ~~Board upon recommendation of the Superintendent.~~

All crowdfunding activities are subject to Policy 6605 and any administrative guidelines adopted by the Superintendent to implement Policy 6605.

[END-OF-OPTIONS]

Any booster club or school-support group that may use students in a fundraising activity must comply with I.C. 4-32.2-5-21 and Board Policy 5830 for any of the following types of fundraising events: bingo games, charity game nights, raffles, door prizes, fundraising festivals, activities related to pull tabs, punch-boards, tip-boards, and the like. Moreover, any fundraiser involving games of chance must comply with Indiana law, including obtaining the appropriate license or permits.

F. Prizes/Scholarships

The Board is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this Corporation. But, in accepting the offer of such scholarships or prizes, the Board directs that these guidelines be observed:

- ~~No information ,either academic or personal, **[END-OF-OPTION]** shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.~~
- The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the Board. Superintendent. principal.
- ~~The principal, together with a committee of staff members designated by the principal, shall be involved in the selection of the recipient. and, if agreeable to the sponsoring organization, the selection shall be left entirely to the principal and staff committee.~~

G. Sale of School Supplies

In determining the appropriateness of the sale of school supplies by organizations other than the Corporation, the Board requires that:

- the organization have a purpose which will benefit the Corporation and its students;
- the organization's planned activities are clearly in the best interest of the Corporation and its students;
- ~~the organization has submitted the following information and assurances on the form provided by the Corporation: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.~~

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.

H. Surveys and Questionnaires

Neither Corporation-related nor noncorporation-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved in accordance with the Superintendent's criteria, a copy of the results and the proposed manner of their communication are to be provided to the Superintendent for review and approval before they are released.

- I.C. 4-32.2-4
- I.C. 4-32.2-5
- I.C. 4-32.2-5-21
- I.C. 20-26-20
- I.C. 20-28-5-8(c)
- I.C. 20-28-5-8(d)
- I.C. 20-30-5-5
- I.C. 20-30-5-6

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Legal	I.C. 4-32.2-4
	I.C. 4-32.2-5
	I.C. 4-32.2-5-21
	I.C. 20-26-20
	I.C. 20-28-5-8(c)
	I.C. 20-28-5-8(d)
	I.C. 20-30-5-5
	I.C. 20-30-5-6



Book	Policy Manual
Section	Policies for the Board
Title	Technical Correction - Vol. 33, No. 1 - November 2020 - FLEX PROGRAM
Code	po2370.02
Status	First Reading

2370.02 - **FLEX PROGRAM**

The School Board recognizes the normal instructional program might not be appropriate for all students, therefore it authorizes the Superintendent to provide a flexible school program for select students.

In order to qualify to be enrolled in this program the student must be in grade eleven (11) or grade twelve (12) and meet any of the following:

- A. failed the ISTEP+ graduation exam at least two (2) times;
- B. been determined to be chronically absent by amassing more than ten (10) unexcused absent days in one (1) school year;
- C. been determined to be a habitual truant;
- D. been significantly behind in credits for graduation;
- E. previously undergone at least a second suspension from school during the same school year;
- F. previously been expelled from school; or
- G. been determined by the principal and the student's parent to benefit by participating in the school flex program.

An eligible student who participates in a school flex program must:

- A. attend at least three (3) hours of instructional time per school day;
- B. pursue a timely graduation;
- C. provide evidence of college or technical career education enrollment and attendance or proof of employment and labor that is aligned with the student's career academic sequence under rules ~~establish~~ established by the Indiana Bureau of Child Labor;
- D. not be suspended nor expelled while participating in the school flex program;
- E. pursue course and credit requirements for a general diploma; and
- F. maintain a ninety-five percent (95%) attendance rate.

The instructional day shall consist of a minimum of three (3) hours of instructional time.

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Legal I.C. 20-30-2-2