

5517 – NON-DISCRIMINATION, and ANTI-HARASSMENT

General Policy Statement

Southeastern Dubois County School Corporation (the “School”) does not discriminate on the basis of a protected class including but not limited to race, color, national origin, sex, age, religion, or disability in the programs or activities which it operates or the employment therein or admission thereto. The School strictly adheres to all non-discrimination and anti-harassment laws and does not tolerate acts of harassment.

The School has designated several staff members as coordinators of non-discrimination and anti-harassment. The identity and contact information for these staff members are listed below. The coordinators are responsible for monitoring and ensuring compliance with all non-discrimination and anti-harassment law. The coordinators shall receive and process any formal complaints of discrimination or harassment based on a protected class. The coordinators shall document all reports of incidents of discrimination or harassment and establish a protocol for recordkeeping.

Title	Name	Phone	Email	Mailing Address	Forms of Harassment Addressed
Section 504 Coordinator	Building Principals for each building.		Building Principals for each building.		Disability
Title IX Coordinator	Elaine Kreilein	(812) 634-2006	elaine.kreilein@sedubois.k12.in.us	4770 S State Rd 162, Huntingburg, IN 47542	Sex
Title VI Coordinator	Elaine Kreilein	(812) 634-2006	elaine.kreilein@sedubois.k12.in.us	4770 S State Rd 162, Huntingburg, IN 47542	Race
Anti-Harassment Coordinator	Elaine Kreilein	(812) 634-2006	elaine.kreilein@sedubois.k12.in.us	4770 S State Rd 162, Huntingburg, IN 47542	All other forms of harassment

Additionally, the school has identified Elaine Kreilein, Social Worker as an appropriately trained staff member who is available to assist students with disabilities who have been identified as potential victims of sexual harassment and/or assault

Non-discrimination & Anti-harassment Policy and Procedures

The School is committed to providing a safe environment in which students can learn. The School shall maintain a nondiscriminatory environment protecting students from discrimination and harassment. The School encourages students, parents, and staff to work together to prevent acts of harassment of any kind including bullying.

Harassment of students and staff members is prohibited at all academic, extra-curricular, and school-sponsored activities. The School prohibits harassment in the school environment, whether or not the harassment initially occurred off school grounds or outside the School’s education programs or activities. The school environment includes school facilities, school transportation (including school buses), and school-sponsored activities (such as sporting events or field trips). The School is particularly devoted to preventing and diligently addressing harassment based on a protected class including but not limited to race, color, national origin, sex, age, religion, or disability.

Harassment may take many forms, including: verbal acts and name-calling; graphic and written statements; sexual violence, such as rape or unwanted sexual contact; or other conduct that may be harmful, humiliating, or physically threatening. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents; it may be present in peer-to-peer, staff-to-staff, staff-to-student, or student-to-staff interactions. Harassment may be any act, speech, or gesture sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability to participate in or benefit from the services, activities, or opportunities provided by the School.

The goal of these policies and procedures is to ensure they adequately address and provide the School sufficient options for responding effectively to incidents of discrimination and harassment. The School will ensure that its policy and procedures against discrimination are widely distributed and easily understood by students, parents of students, and employees. The School will take appropriate steps to educate employees, students, and parents regarding its non-discrimination and anti-harassment policies and reporting procedures. This may include: presentations during employee training; seminars, workshops, or speakers; or signs, posters, or demonstrations highlighting important parts of the policy. Policies and reporting procedures will be made available to the school community through hardcopy and via the School's website.

Anyone who believes that a student or staff member has possibly been or is the victim of discrimination or harassment is encouraged to immediately report the situation to an appropriate staff member such as a teacher, counselor, administrator, or appropriate coordinator based on the form of harassment. Any employee who suspects discrimination or harassment must report the behavior to his/her immediate superior. An employee who observes sexual harassment must notify the Title IX coordinator in writing. The reporter need not be the victim of the discrimination or harassment. Complaints against a staff member should not be reported to the staff member that is alleged to be the harasser. Instead, Complaints against a staff member should be reported to that staff member's supervisor or appropriate coordinator based on the form of harassment. For example, harassment based upon disability should be reported to the Section 504 Coordinator. **Anyone who files a complaint or report with the School may also pursue a concurrent complaint with law enforcement.**

NOTE: Sexual conduct/relationships with students by Corporation employee or any other adult member of the School 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 may also be guilty of the criminal charge of "sexual battery" as set forth in Indiana Code 35-42-4-8. In the case of a child under fourteen (14) years of age, the person may also be guilty of "child molesting" under Indiana Code 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person may also be guilty of "sexual misconduct with a minor" under Indiana Code 35-42-4-9. The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any employee accused of sexual relations with a student may be placed on leave with pay 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.

The School will investigate formal and informal complaints of discrimination and harassment. Complaints need not be in formal written format. Reporters may informally and verbally report discrimination and harassment to an appropriate staff member pursuant to this policy. The formal complaint form is found at the school buildings in the office of the principal. This form should be filed with the appropriate non-discrimination and anti-harassment coordinator. The coordinators shall receive and process formal complaints of discrimination or harassment based on a protected class.

All investigations into formal harassment complaints will be prompt, thorough, and impartial. Investigations will be initiated within one (1) business day of a report and will ordinarily be completed within thirty (30) calendar days. Interim measures may be taken by the School to respond to allegations of harassment while an investigation is pending. These interim measures include but are not limited to

heightened monitoring, altered schedules, separation directives, expedited reporting processes, and access to school counseling staff.

A formal investigation outcome may be appealed by any party in writing to the coordinator within ten (10) days receipt of the outcome of the formal investigation. The written appeal should identify the reasons why the coordinator should reconsider the outcome of the investigation. The coordinator should respond to the appealing party within ten (10) days of receipt of the written appeal indicating any reconsideration of the investigation outcome based on the appeal. A reconsideration of the formal investigation outcome may be appealed by any party in writing to the School's governing body within ten (10) days of receipt of the coordinator's reconsideration. The governing body or their designee should respond to the appealing party within forty-five (45) days of receipt of the written appeal indicating the final outcome of the investigation. Notice of the final outcome of the investigation will be provided to parties involved in the complaint to the extent permitted by law.

The School will take all reasonable steps to investigate and respond to the complaint in a manner consistent with a request for confidentiality from alleged target of the harassment. If the alleged target insists that his or her name not be disclosed to the harasser, the School's ability to respond may be limited. The School, however, will consider at all times its responsibility to provide a safe and nondiscriminatory environment for students and staff.

If a report of harassment is received by the School, the School will inform the alleged target of the harassment on whose behalf the report was made (and family members, if appropriate) of the options for formal and informal action and of the School's responsibilities. An accuser has the right to end the informal resolution process at any time and begin the formal complaint process. All investigations into harassment complaints will be prompt, thorough, and impartial. The means of investigating discrimination and harassment will include but are not limited to: witness interviews; request for written witness statements; record identification and review; assessment of whether discrimination or harassment occurred; and, if discrimination or harassment is substantiated, an assessment of how to appropriately stop the harassment, remedy the harassment, and prevent recurrence.

A student accuser may choose to not be physically present in the same room as the accused during any investigatory meetings, including any formal hearings. The parents of a student accuser will have the opportunity to be present for any interviews of the student accuser. Both the accuser and the accused will be given equal opportunity to present evidence during the investigation. Investigations and any hearings involving sexual harassment will not consider evidence of past relationships with third parties. The school will use the preponderance of the evidence standard (meaning that something more likely happened than not) in its review and investigation of complaints. The accused and the accuser will receive periodic status updates on any investigation, and notice of the outcome of the investigation will be provided to parties involved in the complaint to the extent permitted by law.

The school will not require a student or parent who complains of harassment to resolve the problem directly with the alleged harasser. Mediation will not be used to resolve sexual assault complaints.

If harassment has occurred, the School will take prompt and effective steps reasonably calculated to stop the harassment, remedy the harm caused by the harassment, and prevent the harassment from recurring. Steps include, but are not limited to: separating the harasser and the target, providing counseling for the target and/or harasser, taking prompt disciplinary action against the harasser, or publicly labeling the discriminatory incident and reaffirming the school's nondiscrimination policy. These steps should not penalize the target of the harassment.

Disciplinary actions against the harasser may include but are not limited to: suspension and expulsion for students, discharge for employees; exclusion for parents, guests, volunteers, and contractors; and removal from any office for governing body members.

Following a substantiated discrimination or harassment incident, the School shall make sure the target knows how to report subsequent problems and the School shall follow-up to ensure that there have not been continuing or new incidents of discrimination or harassment.

Incidents of harassment may be referred to appropriate law enforcement officials.

In the course of discrimination and harassment investigations, the School will assess whether the nature of the conduct has civil rights implications. If the harassing behavior is on the basis of a protected class including but not limited to race, color, national origin, sex, age, religion, or disability, the School will respond in accordance with the applicable federal civil rights statutes, regulations, and guidance from the United States Department of Education ("USDOE"). The School shall follow the then current guidance from the USDOE regarding the standards for discrimination and harassment including the standard of whether a hostile environment exists.

Overall, the School's process will provide for prompt and equitable resolution of complaints of discrimination and harassment.

Prohibition Against Retaliation and False or Malicious Complaints.

The School prohibits retaliation against persons who report discrimination or harassment or participate in related proceedings. The School will notify the person reporting the discrimination or harassment and all individuals participating in the investigation of the School's policy prohibiting retaliation. The School will make all possible efforts to prevent retaliation against individuals reporting discrimination or harassment or participating in related proceedings

The School prohibits filing a malicious or knowingly false report or complaint of harassment. The school will respond promptly and appropriately to discipline individuals who engage in retaliation or who file a malicious or knowingly false report of complaint of harassment.