

NON-DISCRIMINATION & ANTI-HARASSMENT

The MSD of Wayne Township (“District”) does not discriminate or tolerate harassment on the basis of a protected class including but not limited to race, color, national origin, sex, gender, age, religion, genetic information or disability in the programs or activities which it operates or the employment therein or admission thereto. This commitment applies to all District operations, 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. This policy applies to unlawful conduct occurring on school grounds immediately before, during, or immediately after school hours; in any school program or activity taking place in school facilities, on school transportation, or at other off-campus locations, such as at school-sponsored field trips or a training program; or using property or equipment provided by the school, including school-owned computers and the school’s computer network.

The District 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 document all reports of discrimination or harassment and establish a protocol for recordkeeping. Nothing in this procedure shall supersede or substitute an employee’s other mandatory reporting obligations including, but not limited to, reporting suspected child abuse and neglect and bullying.

Title VI Coordinator

(Race, color, national origin)

Shenia Suggs

(317) 988-8600

Shenia.suggs@wayne.k12.in.us

MSD of Wayne

Township

Education Center 1220 South High School

Road

Indianapolis, Indiana 46241

Section 504 Coordinator

(Disability)

Kyle Fessler

(317) 988-8600

Kyle.fessler@wayne.k12.in.us

MSD of Wayne

Township

Education Center 1220 South High School

Road

Indianapolis, Indiana 46241

Title IX Coordinator

(Sex, including sexual harassment/sexual assault, gender discrimination)

Shenia Suggs

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MSD of Wayne

Township

Education Center 1220 South High School

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Non-discrimination Coordinator

(All other forms)

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(317) 988-8600

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MSD of Wayne

Township

Education Center 1220 South High School

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In addition, each school building shall have a designated building-level coordinator who will work in conjunction with the appropriate coordinator listed above to respond to allegations of discrimination.

Definition of Terms Used in this Policy

For purposes of implementing this Policy, terms shall have their commonly understood or dictionary definition augmented by the definitions in this Paragraph.

"Complaint Coordinator" or "Title IX/Section 504 Coordinator" as used in this Policy means the person designated by the Superintendent to be responsible for monitoring and ensuring compliance with designated non-discrimination and anti-harassment laws. The coordinators shall receive and process any formal complaints of discrimination or harassment. The coordinators shall document all reports of incidents of disability discrimination or harassment and establish a protocol for recordkeeping.

"Confirmed" as used in this Policy means the greater weight of credible evidence developed in an investigation supports a finding that offending behavior has occurred.

"Harassment" as used in this Policy means:

Unwelcome words and/or actions directed to another person, which interfere with the target's ability to work, learn, or benefit from a school activity; or

An offer of a benefit or an opportunity to avoid a sanction if the target accommodates or does not reject the harasser's words or actions.

Harassment may take many forms, including: verbal acts and name-calling; non-verbal acts, graphic and written statements; 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, but 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 District.

The term **"harassment"** specifically includes but is not limited to behavior motivated in whole or in part by the target's sex, gender identity or sexual orientation, race, color, disability, religion, national origin or ancestry, conduct or expression protected by the First Amendment, or association with others for a lawful purpose.

In defining harassment for purposes of initiating an investigation or responding to an alleged violation of this Policy, harassment shall not be limited to words or actions severe or pervasive enough to support a finding of harassment under Indiana or federal law.

“Hazing” as used in this Policy means causing a person to perform or submit to an act of initiation or rite of passage into a class, group, team, or organization if the act or series of acts is demeaning, or results in a risk of mental, emotional, or physical harm. Consent, or assumption of risk by a target shall not be considered in determining if hazing has occurred. For criminal liability for “hazing,” see the Indiana Criminal Recklessness statute at I.C. 35-42-2-2.

“Hostile environment” as used in this Policy means a work or learning environment that is so permeated with hazing, discrimination, harassment, intimidation, or provocation in violation of this Policy that interferes with or limits the ability to participate in or benefit from the services, activities, or opportunities provided by the District.

“Intimidation” as used in this Policy means communicating a threat to another person, with the intent that the target engages in conduct against the other person's will; that the other person be placed in fear of retaliation for a prior lawful act; or causing a building to be evacuated. See I.C. 35-45-2-1.

“Offending behavior” as used in this Policy means words, conduct, or a combination of the two which violate this Policy.

“Offending person” as used in this Policy means a person who has violated this Policy.

“Provocation” as used in this Policy means words and/or conduct intended to or having the effect of “calling out” or challenging a person to fight. It includes, but is not limited to, the use of “fighting words” or challenges to a person based upon race, color, religion, actual or perceived disability, national origin or ethnicity, gender, sexual orientation, or sexual identity.

“Threat” means an expression, by words or action, of an intention to:

unlawfully injure the person threatened or another person, or damage property;

unlawfully subject a person to physical confinement or restraint; commit a crime;

unlawfully withhold official action, or cause official action to be withheld; unlawfully withhold testimony or information with respect to another person’s legal claim or defense, except for a reasonable claim for

witness fees or expenses;

expose the person threatened to hatred, contempt, disgrace, or ridicule;
falsely harm the credit or business reputation of the person threatened; or
cause the evacuation of a dwelling, a building, another structure, or a
vehicle such as a school bus.

"Target" as used in this Policy means a student, employee, Board member, volunteer, or other member of the school community subjected to hazing, harassment, bullying, or provocation in violation of this Policy.

NON-DISCRIMINATION/ANTI-HARASSMENT PROCEDURES
(for reports/complaints *other than* student sexual harassment-see below for procedure for student sexual harassment reports/complaints)

Harassment or discrimination of students, staff members, and guests is prohibited at all academic, extra-curricular, and school-sponsored activities. The School prohibits discrimination and harassment through a computer, computer system, or computer network. Notwithstanding any other prohibition, the District will not take action to regulate expression protected by the United States and Indiana Constitutions.

Harassment, hazing and discrimination may take many forms, including: verbal acts and name-calling; graphic and written statements; sexual violence or unwanted sexual contact; or other conduct that may be harmful, humiliating, or physically threatening. Harassment and discrimination do not have to include intent to harm, be directed at a specific target, or involve repeated incidents, but may be present in peer-to-peer, staff-to-staff, staff-to-student, or student-to-staff interactions. Harassment and discrimination 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 District. These procedures will be used to investigate and address complaints of discrimination and harassment alleging discrimination by students, employees, or third parties.

The goal of these procedures is to ensure they adequately address and provide sufficient options for prompt and effective responses to incidents of discrimination and harassment. The District's response will be reasonably calculated to end harassment and discrimination, eliminate hostile environments, prevent recurrence, and provide for a free appropriate public education ("FAPE"). The District will ensure that its policy and procedures against discrimination and harassment are widely distributed and readily available to students, parents of students, and employees. The District 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 emphasizing important parts of the policy. Policies and reporting procedures will be made available to the school community through hardcopy and via the District's website.

Anyone who believes that a student, staff member or member of a school community has possibly been the target of discrimination or harassment on school property or at a school-sponsored activity is encouraged to immediately report the situation to an appropriate staff member such as a teacher, counselor, administrator, or coordinator based on the form of harassment or discrimination. Any employee who observes, suspects, or is notified of discrimination, hazing or harassment must report the behavior to his/her building level leader. The reporter need not be the target of the discrimination or harassment. Complaints against a staff member should not be reported to the accused staff. Instead, complaints against a staff member should be reported to that staff member's supervisor or appropriate coordinator based on the form of harassment or discrimination. For example, harassment based upon disability should be reported to the Section 504 Coordinator.

Sexual conduct/relationships with students by District employees or any other adult member of the District community is prohibited, and any adult who engages in certain sexual conduct with a student may be disciplined up to and including termination and may also be in violation of crimes. Any employee accused of sexual relations with a student will be prohibited from communicating with students until at least the District's investigation is completed. Proven sexual relationships with a student regardless of the age of the student will lead to a recommendation of employment termination.

If a report of discrimination or harassment is received by the District, the District will inform the reporter or target on whose behalf the report was made (and family members if appropriate) of the options for formal and informal complaint processes and the District's responsibility to investigate the harassment or discrimination. Upon notice of alleged harassment or discrimination, both building and District level coordinators will provide appropriate interim measures, including but not limited to counseling, academic services, and limiting contact between the parties. All investigations into harassment and discrimination complaints will be prompt, thorough, and impartial, and conducted by an employee or agent free of any conflicts of interest.

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

The District will address both formal and informal complaints of discrimination and harassment. Complaints of discrimination and harassment should be received within 30 days of discovering the alleged discrimination or harassment.

Informal Process

Complaints need not be in formal written format. Reporters may informally and verbally report discrimination and harassment to an appropriate staff member. The appropriate coordinators shall be included in the informal complaint to ensure compliance. Resolution of an informal complaint may include: an opportunity for the complainant to explain to the alleged offender that his or her

conduct is unwelcome or offensive, either in writing or face-to-face; a warning to the alleged offender that the alleged conduct is not appropriate and could lead to discipline; mediation with individuals involved in the complaint; or any of the responses available in an formal complaint. Mediation will not be permitted for complaints of sexual violence. All complaints involving a District employee or any other adult member of the District community harassing or discriminating against a student will be formally investigated. At any time during the informal process any of the parties may end the informal process and initiate the formal process.

Formal Process

The formal complaint form is found here. The formal complaint form should be filed with the appropriate non-discrimination or anti-harassment coordinator. The coordinators shall receive and process formal complaints of discrimination or harassment based on the protected class. All investigations into formal harassment or discrimination complaints will be prompt, thorough, and impartial. Investigations will be completed within 60 days from the date the coordinator receives the complaint unless there is good cause for a longer timeline. The means of investigating harassment include: target, witness, and accused interviews; opportunity for the parties to present evidence and witnesses; requests for written witness statements from the parties; assessment of whether harassment or discrimination occurred pursuant to the preponderance of the evidence. If appropriate, the District will make alternative arrangements to avoid targets being in the same room as the accused during formal proceedings. The District will inform all parties at regular intervals of the status of the investigation.

Written notice of the outcome of the investigation will be provided to parties involved in the complaint to the extent permitted by law. A formal investigation outcome may be appealed by any party in writing to the District 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 District'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. Written notice of the final outcome of the investigation will be provided to parties involved in the complaint to the extent permitted by law.

Responses to Substantiated Harassment or Discrimination

In response to a complaint investigation, if the District determines that harassment or discrimination has occurred, the District will take prompt and effective steps reasonably calculated to stop the harassment or discrimination, remedy the harassment or discrimination, and prevent the harassment or discrimination from recurring. Steps may include: separating the harasser/discriminator and the target, providing counseling for the target and/or harasser/discriminator, taking prompt disciplinary action against the harasser/discriminator, or identifying the discriminatory or harassing incident and reaffirming the school's non-

discrimination and anti-harassment policy. These steps should not penalize the target of the harassment or discrimination.

Disciplinary actions against the harasser/discriminator may include but are not limited to: suspension and expulsion for students; discharge for employees; exclusion for parents, guests, volunteers, and contractors.

Following a substantiated discrimination or harassment incident, the District will communicate with the target and all participants of the investigation regarding how to report subsequent problems. The District shall follow-up to ensure that there have not been continuing or new incidents of discrimination or harassment.

Incidents of harassment or discrimination may be referred to appropriate law enforcement officials. If an incident is referred to law enforcement or another outside agency, including the Department of Child Services, the District will proceed with an internal investigation of discrimination or harassment simultaneously designed not to interfere with the law enforcement investigation.

In the course of discrimination and harassment investigations, the District will assess whether the nature of the conduct has civil rights implications. If the harassing or discriminatory behavior is on the basis of a protected class, the District will respond in accordance with the applicable federal civil rights statutes and regulations. The District shall follow the then-current legal standards for non-discrimination and anti-harassment including the standard of whether a hostile environment or disparate treatment exists.

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

TITLE IX (STUDENT) SEXUAL HARASSMENT PROCEDURE

General Policy Statement and Scope

Complaints that fall under this section are sexual harassment complaints in which a student is either the Complainant (alleged victim) or Respondent (alleged harasser).

The term "sexual harassment" as used in this procedure shall mean conduct on the basis of sex, failure to conform to stereotypical notions of masculine or feminine traits, sexual orientation, or gender identity including:

1. A District employee conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment);
2. 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 District's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking as defined by Federal law.

The term “consent” as applicable to this procedure shall mean an individual voluntarily agreeing, by words or actions, to the proposal of another individual. An individual may be incapable of consent due to mental or physical incapacitation. The vast majority of District students are incapable of giving consent to sexual contact, because Indiana law generally establishes the age of consent as 16.

The District designates the following staff member as the District’s Title IX Coordinator and authorizes this individual to coordinate the District’s Title IX compliance. Inquiries about the application of Title IX and its regulations may be referred to the Title IX Coordinator.

Title IX Coordinator

Shenia Suggs
(317) 988-8600
Shenia.suggs@wayne.k12.in.us
MSD of Wayne
Township
Education Center 1220 South High School Road
Indianapolis, Indiana 46241

The District is committed to promptly responding to reports of sexual harassment. All reference to “days” within these procedures shall mean instructional days. The procedures described below may be subject to temporary delays based on good cause (e.g., law enforcement involvement, absence of a party, witness, or advisor, translation or accommodation needs) with written notice to both parties explaining the reason for the delay.

Reporting Sexual Harassment

Anyone who believes that a student or staff member has possibly been the target of sexual harassment should immediately report the situation to an appropriate staff member such as a teacher, counselor, administrator, or the Title IX Coordinator. Any person may report sexual harassment in person, by mail, by telephone, or email using the contact information for the Title IX Coordinator.

Any employee who has reason to believe that a student or staff member has been the target of sexual harassment must report the behavior to his/her building level leader, such as a principal.

The “Complainant” is a person alleged to be the victim of sexual harassment and the “Respondent” means any individual who is reported to be the perpetrator of sexual harassment.

The District accepts anonymous reports. However, anonymous reports may hamper the District’s ability to respond to allegations of sexual harassment.

Emergency Removal

In situations where a Respondent poses an immediate threat to the physical health and safety of any individual (including self) **before or at any time during** the proceedings described herein, the District may remove Respondent from all programs and activities. In order to do so, the District must i) undertake an individualized safety and risk analysis, ii) determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and iii) provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

An emergency removal does not affect or modify any rights a student receiving special education may have under the IDEA, Section 504, or the ADA.

Response to a Report and Supportive Measures

Upon receipt of a report, the Title IX Coordinator must promptly, usually within two (2) days, contact the Complainant to discuss the availability of supportive measures.

Supportive measures are non-disciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District'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, campus escort services, mutual restrictions on contact between the parties, leaves of absence in the case of employees, increased security and monitoring of certain areas of the campus, and other similar measures.

In addition to discussing the availability of supportive measures, the Title IX Coordinator will also 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 will make contact with the Complainant in person, via phone, or via virtual meeting in order for the Complainant to ask questions. If the Complainant is a student under the age of eighteen, the student's parent will be contacted simultaneously.

A "formal complaint" is a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the District investigate the allegation(s) of sexual harassment.

Even in instances where a Complainant chooses not to file a formal complaint, supportive measures may continue at the discretion of the Title IX Coordinator.

The Title IX Coordinator may decide to sign a formal complaint to investigate the allegation(s) of sexual harassment against the wishes of the Complainant where moving forward without an

investigation would be unreasonable. Such circumstances may include, but are not limited to, reports that indicate multiple Respondents, the involvement of a District employee, and/or continued sexual harassment of the Complainant and others.

While there is no deadline by which a Complainant must file a formal complaint, the District encourages Complainants to submit a formal complaint within ten (10) days of meeting with the Title IX Coordinator. In instances where enough time has passed that the District cannot gather evidence, the District may not be able to investigate.

The District will offer supportive measures to a Complainant who is the subject of an anonymous report. However, should a Complainant desire to initiate the grievance process, the Complainant cannot remain anonymous or prevent the Complainant's identity from being disclosed to the Respondent.

Dismissal and Consolidation

In certain instances, the District may dismiss or consolidate formal complaints. Such instances of dismissal include, but are not limited to, when the alleged conduct, even if true, would not constitute sexual harassment, when the Respondent is a non-student or non-employee of the District, or when a Complainant notifies the Title IX Coordinator they would like to withdraw the formal complaint. A dismissal does not preclude the District from taking action under another provision of the student code of conduct. If a formal complaint is dismissed, the District will promptly inform the parties of the reason for dismissal and the right to appeal.

Further, the District may consolidate formal complaints where the allegations of sexual harassment arise out of the same facts or circumstances.

Grievance Procedures

The District will treat Complainants and Respondents equitably throughout this process. As such, the District will only impose disciplinary sanctions following the completion of the informal process or investigation and determination process. All Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution will receive training regarding topics related to this procedure, including: the definition of sexual harassment, the scope of the District's education program and activity, and how to conduct these grievance procedures.

All Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution will objectively evaluate all relevant evidence – both inculpatory and exculpatory. Further, no credibility determinations will be based on a person's status as a Complainant, Respondent, or witness.

Consistent with the law, the District will presume the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. **The District will utilize the preponderance of the evidence standard when determining responsibility.** The District will 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. Further, questions or evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions or evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or to prove consent.

Notice

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to the parties (to the extent known) containing the following information:

- A. Notice of the District's grievance process, including the informal resolution process;
- B. Notice of the allegations of sexual harassment, 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;
- C. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- D. The parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- E. The District's code of conduct for students prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, additional allegations are uncovered and therefore investigated, the District will provide a supplemental notice of the additional allegations to the parties whose identities are known.

Informal Process

Upon receipt of a formal complaint and after providing sufficient notice to the parties, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication of the allegations. The District may not require the parties to participate in the informal process, but instead must obtain the parties' voluntary, written consent to participate.

The informal process is not available to resolve allegations that an employee sexually harassed a student. Further, at any time during the informal process any of the parties may end the informal process and initiate the investigation and determination process.

Investigation and Determination

Unless the District dismisses a formal complaint or the parties resolve a formal complaint through the informal process, the District will investigate the allegations of sexual harassment and make a determination regarding responsibility.

The burden of proof and collection of evidence rests with the District. To that end, the Title IX Coordinator in conjunction with a designated building-level leader will conduct an investigation. The means of investigating a formal complaint include, but are not limited to Complainant, Respondent, and witness interviews and review of documentation. The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The District will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. Evidence or information related to the allegations under investigation may not be discussed by the parties, except with their chosen advisors. The parties may not substantially disrupt the educational environment. Absent extenuating circumstances, the collection of evidence for an investigation should conclude within thirty (30) days.

The parties may be accompanied to any meeting or proceeding related to the investigation by an advisor of their choice, who may be, but is not required to be an attorney. Apart from a union representative accompanying an employee who is a party, employees are discouraged from serving as advisors to students.

Advisors may not present on behalf of the party they accompany and should request or wait for a break in the meeting if they wish to interact with the Title IX Coordinator or building level leader. Advisors may confer quietly with Parties as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the party and their advisors should ask for a break or step out of the meeting. An advisor who disrupts the process will receive one warning, after which if continued disruption occurs the advisor will be removed from the meeting/proceeding. In such an event, the parties will be given the opportunity to reschedule and be accompanied by another advisor.

When the Title IX Coordinator and building level leader have completed their collection of evidence, they will provide both parties with an equal opportunity to inspect and review the evidence obtained that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

The parties and any advisors must execute the provided non-disclosure agreement before they may receive the evidence for review. Following execution of the non-disclosure agreement, the Title IX Coordinator and/or building level leader will send to each party and the party's advisor, if applicable, the evidence subject to inspection and review in an electronic format or hard copy, and parties will have ten (10) days to submit a written response, which the Title IX Coordinator will consider prior to completion of the investigative report.

Following the period for the parties' review and inspection of the evidence, the Title IX Coordinator and building level leader will create an investigative report that fairly summarizes relevant evidence. At least ten (10) days prior to the time of determination, the Title IX Coordinator and building level leader will send to each party and the party's advisor, if applicable, the investigative report in an electronic or a hard copy, for their review and written response.

The Superintendent will act as the decision-maker. After the investigative report has been sent to the parties and before a determination regarding responsibility, each party will be afforded 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 Superintendent may exclude questions as not relevant, including questions that seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Further, questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or to prove consent. Any decision to exclude a question as not relevant will be explained to the party proposing the question. The process of written questions and follow up questions should take thirty (30) days or less.

Within a reasonable time period following the written questions, the Superintendent, acting as the decision-maker, will issue a written determination regarding responsibility applying the preponderance of the evidence standard. The written determination must include:

- A. Identification of the allegations potentially constituting sexual harassment;
- B. A description of the procedural steps taken;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the recipient's code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation;
- F. The recipient's procedures and permissible bases for the Complainant and Respondent to appeal.

The Superintendent will provide the written determination to the parties simultaneously. The Title IX Coordinator is responsible for effective implementation of any remedies.

Remedies

Where, following the formal or informal process, the District determines a Respondent responsible for sexual harassment, the District shall provide remedies designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include supportive measures and/or discipline up to and including expulsion.

Appeals

Following the Superintendent's determination regarding responsibility, either party may appeal to the designated governing body representative. An appeal should be submitted in writing within ten (10) days of the party's receipt of the Superintendent's determination. Note, appeals will only be considered if based on one of the following:

- A. There was a procedural irregularity that affected the outcome of the matter;
- 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; or

- 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 or Respondent that affected the outcome of the matter.

Both parties shall have five (5) days after the submission of an appeal to submit a written statement in support of, or challenging the Superintendent's determination. The governing body representative will issue a written decision describing the result of the appeal and the rationale for the result within forty-five (45) days. The governing body representative's decision will be provided simultaneously to the parties.

Retaliation

The District prohibits retaliation against persons who report, testify, assist, or participate or refuse to participate in any manner in an investigation, proceeding, or hearing. Retaliation includes 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.

Recordkeeping

The District will maintain records from the investigation, determination, appeal, and informal resolution for seven (7) years.

Reports otherwise required by Law

These procedures do not affect or alleviate mandatory reporting required by state or federal law, for example, reporting of suspected child abuse or neglect to law enforcement or Department of Child Services.

PROHIBITION AGAINST RETALIATION

The District prohibits retaliation against persons who report discrimination or harassment or participate in related proceedings. The District will notify the person reporting the discrimination or harassment and all individuals participating in the investigation of the District's policy prohibiting retaliation. The District will make all possible efforts to prevent retaliation against individuals reporting discrimination or harassment or participating in related proceedings. The District will respond promptly and appropriately to address continuing or new problems. Any person may report suspected retaliation to the appropriate coordinator for a protected class. Intentionally making false accusations about discrimination or harassment is also prohibited and should be reported in the same manner as suspected discrimination or harassment behavior.

Questions

Individuals with questions regarding non-discrimination laws may contact the appropriate coordinator listed above or the United States Department of Education, Office for Civil Rights' Chicago Office, which serves Indiana, as follows:

Office for Civil Rights, Chicago Office
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: 312-730-1560
Fax: 312-730-1576; TDD: 800-877-8339
Email: OCR.Chicago@ed.gov

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 (IDEIA)
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, Rehabilitation Act of 1973, as amended
29 U.S.C. 6101, The Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000d et seq., Titles VI and VII of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq.
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 1983
29 C.F.R. Part 1635
34 CFR Part 106
20 USC § 1092, Clery Act
34 USC § 12291, Violence Against Women Act (VAWA)

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