

Anti-Harassment

Section 1. General. East Allen County Schools is committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. It is the Guideline of the East Allen County Schools to prohibit discrimination and harassment on the basis of race, color, religion, sex, national origin, age, disability, ancestry, place of birth, sexual orientation, or any other characteristic protected by law in its education programs or employment policies as required by all federal, state and local anti-discrimination and anti-harassment laws and regulations. This Guideline applies in all East Allen County programs and extracurricular activities, including extracurricular activities, including school-sponsored events away from campus. This Guideline prohibits harassment by an employee or agent of East Allen County Schools, by a student, and by third parties who engage in school-related activities. All employees are expected to comply with this Guideline and to report any incident of alleged prohibited conduct that the employee observes or which is reported to him or her.

Section 2. Definitions of Harassment. East Allen County Schools prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this Guideline. For purposes of this Guideline, harassment is any unwelcome verbal, nonverbal or physical conduct relating to an individual's protected characteristic that creates an intimidating, hostile or offensive working or learning environment, interferes with one's ability to participate in or benefit from an East Allen County Schools' program or activity, and/or otherwise adversely effects or interferes with an individual's work or educational performance.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this Guideline:

Section 3. Verbal Harassment. Verbal harassment includes comments that are offensive or unwelcome regarding a person's race, color, religion, sex, national origin, age, disability, ancestry, place of birth, sexual orientation, or any other characteristic protected by law, including epithets, slurs and negative stereotyping.

Section 4. Nonverbal Harassment. Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of race, color, religion, sex, national origin, age, disability, ancestry, place of birth, sexual orientation, or any other characteristic protected by law.

Section 5. Sexual Harassment. Sexual harassment is a form of unlawful discrimination and is prohibited under East Allen County Schools' anti-harassment Guideline. Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

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

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conducts that may constitute sexual harassment include, but are not limited to:

- Unwelcome sexual propositions, invitations, solicitations, and flirtations
- Sexual violence, including physical and/or sexual assault
- 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 or employment or education may be adversely affected by not submitting to sexual advances
- 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
- Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals
- Unwelcome and inappropriate touching, patting, or pinching; obscene gestures
- 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
- 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
- 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. Additional information about East Allen County Schools' prohibition on sexual harassment can be found in Administrative Guideline 4113 - Sexual Harassment and Sex Discrimination.

Section 6. Investigation and Complaint Process. In determining whether alleged conduct constitutes a violation of this Guideline, East Allen County Schools will consider the surrounding circumstances, the nature of the conduct, the relationship between the parties involved and the context in which the conduct occurred. Whether a particular action or incident constitutes a violation of this Guideline requires a determination based on all of the facts and surrounding circumstances.

East Allen County Schools also prohibits retaliation against persons who report discrimination or harassment in violation of this Guideline or participate in related proceedings and is committed to taking all appropriate remedial actions against individuals who engage in retaliation.

East Allen County Schools encourages reporting of all perceived incidents of discrimination, harassment, or retaliation. An individual who believes that he or she has experienced discrimination, harassment, or retaliation (or a parent or guardian who believes his or her child has experienced discrimination, harassment, or retaliation) in violation of this Guideline should promptly report the incident to any of the individuals listed below. EACS is committed to commence a prompt, thorough investigation of all complaints of discrimination, harassment, or retaliation. Complaints need not be in formal written format. The formal complaint form is found in Administrative Guideline 4112.5 – Procedures for Resolving Complaints of Discrimination and Harassment.

East Allen County Schools will investigate all allegations of harassment and, where harassment is substantiated, will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals found to have engaged in harassment will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school. Employees who fail to report any incident of alleged harassment are also subject to appropriate disciplinary action, up to and including termination of employment.

The following people have been designated to handle inquiries regarding the non-discrimination and anti-harassment policies:

Student – Disability (Section 504) Discrimination or Harassment

Mrs. Connie Brown, Director of Special Services
 East Allen County Schools
 1240 State Road 930 East
 New Haven, Indiana 46774
 (260) 446-0100
 cbrown@eacs.k12.in.us

Student – Discrimination, Harassment or Retaliation

Mrs. Michelle Wenglikowski, Director of Student Services
 East Allen County Schools
 1240 State Road 930 East
 New Haven, IN 46774
 (260) 446-0100
 mwenglikowski@eacs.k12.in.us

Employee - Discrimination, Harassment, or Retaliation

Mrs. Tina Grady, Director of Human Resources
 East Allen County Schools
 1240 State Road 930 East
 New Haven, Indiana 46774
 (260) 446-0100
 tgrady@eacs.k12.in.us

In addition, an individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR may be reached at:

United States Department of Education
Office for Civil Rights

500 West Madison Street, Suite 1475
 Chicago, IL 60661-4544
 Telephone: (312) 730-1560
 Facsimile: (312) 730-1576
 Email: OCR.Chicago@ed.gov

Any other information concerning the above Guideline may be obtained by contacting the Superintendent.