

Procedures for Resolving Complaints of Discrimination and 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. These procedures outline the resolution processes that will be used to investigate and/or resolve a report of harassment and/or discrimination under the East Allen County Schools' Nondiscrimination policy (School Board Policy 1009) and Anti-Harassment guideline (Administrative Guideline 4112). These procedures apply to all complaints of discrimination and/or harassment, whether the parties are students, recognized student organizations, employees, volunteers, school visitors or persons participating in a school activity. There are separate procedures in place for complaints under Section 504 of the Rehabilitation Act of 1973 (Administrative Guideline 1210) and Title IX of the Education Amendments of 1972 (Administrative Guideline 4113).

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 policy. Any individual or group of individuals found to have violated the policies will be subject to disciplinary and/or remedial action, up to and including termination of employment or expulsion from East Allen County Schools.

These procedures cover conduct that occurs on and/or off school grounds or that impacts the educational or work experience of a member of the East Allen County Schools community. In particular, conduct that occurs off school grounds is subject to these procedures if 1) the conduct occurred in the context of an education program or school activity, 2) the conduct has or had continuing adverse effects at school or in an out of school educational program or activity.

Any employee, student, parent, school visitor or person participating in a school activity, whether on or off school grounds, who has experienced or witnessed discrimination and/or harassment is encouraged to report the incident(s) promptly. Prompt reporting of complaints is vital to the District's ability to resolve the matter.

Once the District has received a report of harassment and/or discrimination, the District will take any and all necessary and immediate steps to protect the Complainant. Such actions may include taking interim steps before the determination of the final outcome of an investigation.

Section 2. Process. All allegations of discrimination and/or harassment shall be reported to the Principal or the designated staff member. It is advised that incidents are recorded on the District "Discrimination and Harassment Incident Report form" (Attachment A). This form is available in all school offices and on the District website. The District will investigate formal and informal reports/complaints of harassment. Any student (or

parent/guardian of a student), staff member or other individual experiencing conduct which he or she believes to be discrimination or harassment should follow these procedures:

East Allen County Schools will investigate all forms of discrimination, harassment, and prohibited behavior based on our policies. Such investigation may include discussions with all involved parties, identification and questioning of witnesses, and other appropriate actions.

- A. Reports of discrimination and harassment and related information will be kept confidential in a manner consistent with the District's obligations under the law, to the extent possible, without hindering the ability to perform an investigation or the need to take appropriate action to fulfill the obligation to protect others.
- B. Where appropriate, attempts will be made to address and resolve the complaint informally. The District may elect to utilize a formal or informal process, depending on the nature and severity of the alleged conduct.
- C. The District may take interim steps to protect parties and to prevent the possible continuation of discrimination, harassment, or prohibited behavior during informal and formal investigations. The complainant and respondent will be apprised of the status of the processing and investigation regularly throughout the investigative process.
- D. The individuals designated in these procedures will either verbally or in writing make any recommendation(s) for resolving the complaint or present it to the complainant and the respondent, in addition to making recommendations for corrective action and/or discipline and steps to prevent reoccurrence to the Principal. All formal complaints will be responded to in writing. Parents/guardians of student complainants and respondents will be notified regularly during the investigation, including the action taken to prevent further incidents.

Section 3. Informal Complaints. The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment and to investigate and facilitate resolution through an informal means, if possible.

The informal complaints will be given to the appropriate designated employee to investigate. The employee will process student complaints and complete an investigation within a reasonable period of time, which is generally ten (10) business days. In addition, the designated employee will process complaints involving students and employees.

The designated employee will explain the informal process, ask what the student/employee would like, explain the prohibition against retaliation, and proceed with an internal review of the complaint. At the conclusion of the informal review, the complainant and respondent will be informed, either verbally or in writing, of the decision.

Attempts will be made through corrective action and/or discipline to stop the behavior and prevent its reoccurrences. The complainant will be asked if they agree with the proposed resolution. The complainant will be strongly encouraged to come forth immediately if there is any further misconduct by the respondent.

The complainant may file an appeal (oral or written) with the Superintendent within ten (10) business days after receiving the response to their informal complaint.

Section 4. Formal Complaints. Any complaint may be determined to go through the formal process. The formal process will be instituted and completed within fifteen (15) business days unless there is good cause for delay. Any delay must be documented.

The allegation(s) will be properly documented and the investigation procedure will be explained to the complainant. The designated employee will assume responsibility for the investigation. The designated employee will work to gather as much relevant information as possible concerning the complaint. Any witnesses who have direct knowledge of the alleged discriminatory/harassing act(s) will be interviewed. The designated employee will give periodic reports to the Principal, Assistant Superintendent, and Superintendent on the status and outcome of all formal complaints.

At the close of a formal investigation, the complainant and respondent will be informed in writing that the alleged complaint was substantiated or unsubstantiated. In accordance with state and federal law regarding data or records privacy, the complainant will also be informed that appropriate action has been taken. If the evidence shows there is reasonable cause to believe discrimination/harassment has occurred, attempts will be made through corrective action(s) and/or discipline, to stop the behavior and prevent reoccurrence.

If the complainant or the respondent is dissatisfied with the outcome of the formal complaint, they may appeal the decision by submitting a written request to review by the Superintendent within ten (10) business days of his/her receipt of the written decision. The Superintendent must respond, in writing, within seven (7) business days. The Superintendent reserves the right to extend the seven (7) business day response period where business needs so require, upon notice to the parties.

All records generated under the terms of this Guideline shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed.

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. Individuals found to have engaged in retaliation shall be subject to disciplinary action.

Any person who knowingly makes a false accusation of discrimination, harassment, or retaliation shall be subject to disciplinary action.

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 policy may be obtained by contacting the Superintendent.

EAST ALLEN COUNTY SCHOOLS
Report Form for Complaints of Harassment and/or Discrimination

Student/ Staff Name <input type="checkbox"/> Alleged Victim <input type="checkbox"/>	
Bystander	
Home Address:	
Home Telephone Number:	Alternate Telephone Number:
School Building:	Person Completing Form:

Select One Area	<input type="checkbox"/> Alleged harassment was based on (check those that apply): <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Verbal conduct (slurs, jokes, etc.) <input type="checkbox"/> Physical Conduct (touching) <input type="checkbox"/> Race, Color, National Origin <input type="checkbox"/> Other: </div> <div style="width: 45%;"> <input type="checkbox"/> Sexual harassment <input type="checkbox"/> Display of objects, pictures or photographs <input type="checkbox"/> Disability </div> </div>
	<input type="checkbox"/> Alleged discrimination was based on (check those that apply): <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 20%;"> <input type="checkbox"/> Race <input type="checkbox"/> Disability <input type="checkbox"/> Section 504 </div> <div style="width: 20%;"> <input type="checkbox"/> Ancestry <input type="checkbox"/> Religion <input type="checkbox"/> Limited English Proficiency </div> <div style="width: 20%;"> <input type="checkbox"/> National Origin <input type="checkbox"/> Age </div> <div style="width: 20%;"> <input type="checkbox"/> Gender <input type="checkbox"/> Sexual Preference </div> </div>

Name of alleged offender (s):	
Relationship to alleged offender(s):	
Time frame in which incidents occurred:	Where incidents most often occurred:
<i>Use back of form if needed</i>	
Describe incidents and ongoing behavior (give all details):	
<i>Use back of form if needed</i>	
List any witnesses who were present:	
<i>Use back of form if needed</i>	
Did a physical injury result from this incident? <input type="checkbox"/> No <input type="checkbox"/> Yes, explain:	
Was the student/ staff victim absent from school/ work as a result of the incident? <input type="checkbox"/> No <input type="checkbox"/> Yes, how many days? _____	
This complaint is based on my honest belief that _____ has harassed/discriminated against me or another person. I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.	
Complainant's Signature:	Date:
Received By (please print):	Date:

Principal _____ Asst. Principal _____ Counselor _____ Student Services _____