

## Sexual Harassment and Sex Discrimination

Section 1. General. As legally required, including under Title IX of the Education Amendments of 1972 and the Indiana Civil Rights Law, it is the policy and practice of East Allen County Schools ("EACS") that no student will be excluded from participation in, be denied the benefits or, or be subjected to discrimination in any education program or activity on the basis of sex. A student may not, based on sex, be limited in the enjoyment of any right, privilege, advantage, or opportunity, including courses, extracurricular activities, benefits, and facilities.

Section 2. Prohibition Against Sexual Harassment. The Administrative Guideline against sex discrimination includes a prohibition against sexual harassment both on and off school grounds if the conduct occurring away from school grounds affects EACS' environment. This prohibition includes but is not limited to conduct occurring at school buildings and bus stops, on buses, and during extracurricular activities, regardless of where they occur. Prohibited conduct includes but is not limited to sexual advances, requests for sexual favors, sexual violence, and other verbal or physical conduct of a sexual nature that limits or denies, on the basis of sex, a student's ability to participate in EACS programs and activities.

This Administrative Guideline prohibits sexual harassment by an employee or agent of EACS, by another student, and by third parties who come in contact with students at school or at school-related activities.

Section 3. Title IX Coordinator. EACS' Title IX Coordinator is responsible for EACS' compliance with Title IX, including directing the investigation of sex discrimination and sexual harassment complaints and assuring that prompt and effective corrective action is taken. EACS' Title IX Coordinator is:

Mrs. Tina Grady  
1240 State Road 930 East  
New Haven, Indiana 46744  
260-446-0100  
tgrady@eacs.k12.in.us

Section 4. Making a Complaint. Parents and students are encouraged to submit a complaint or provide information about suspected harassment or discrimination so that EACS may conduct a prompt investigation. Complaints may be made orally or in writing to a building administrator or guidance counselor or directly to the Title IX Coordinator. A complaint should be made as soon as possible after the complained-of incident, preferably within 10 days. However, EACS accepts complaints after the 10-day period.

EACS employees are required to immediately report suspected sex discrimination and sexual harassment in writing to the Title IX Coordinator, whether the report is based on the employee's witnessing such conduct or on information from a student, a student's parent, or a third party. If a building administrator is the first EACS employee to receive notice of a complaint, he or she must forward the complaint to the Title IX Coordinator immediately. The Title IX Coordinator will keep a record of all complaints. EACS employees must also intervene to stop any observed sex discrimination or sexual harassment, unless surrounding circumstances would make such intervention dangerous. If this occurs, the EACS employee must document and immediately report the incident to the Title IX Coordinator.

Complaints may be submitted on the attached complaint form. Regardless of the way in which the suspected sex discrimination or sexual harassment is reported, the complaint must be recorded in writing for submission to the Title IX Coordinator. All complaints will be treated as "formal" complaints. All complaints and subsequent investigations will be kept as confidential as possible.

Upon receipt of a complaint, the Title IX Coordinator will contact the student's parent or guardian, or the student if the student is 18 or older, to advise that the Title IX Coordinator will investigate the alleged misconduct and to explain the process.

Immediately after receiving a complaint, the Title IX Coordinator will work with the building administrator to determine whether to take interim measures during the investigation and whether EACS must report the incident that is the subject of the complaint to Child Protective Services or law enforcement. Interim measures could include separating the individuals involved in the complaint, in-school suspension, or other interim disciplinary measures.

There is no "informal" process for addressing complaints of sex discrimination or sexual harassment. Any student who reports suspected sex discrimination or sexual harassment will not be required to resolve issues directly with the person accused of misconduct at any time.

Mediation will not be used to resolve reports of suspected sexual assault. EACS will take action to stop all sexual harassment, remedy the effects of the harassment, and prevent recurrence.

Section 5. Investigating A Complaint. The Title IX Coordinator or designee will conduct and complete a prompt investigation of the complaint in a timely manner. Depending on the nature and complexity of the issues, the process should generally take no more than approximately 30 days.

The investigation may include interviews of the complainant, the individual accused of engaging in discriminatory or harassing behavior, and any witness who may have relevant information.

All individuals who are interviewed will be provided an opportunity to present any evidence they reasonably believe could be relevant. Evidence of a student's past relationships with third parties will not be solicited or considered at any time. The complainant or the person who has been accused of misconduct may contact the Title IX Coordinator for a status update during the investigation.

At the conclusion of the investigation, the Title IX Coordinator will complete a confidential report documenting whether the allegations of suspected sex discrimination or sexual harassment are substantiated and, where necessary, proposing corrective and remedial action. In making the determination, the Title IX Coordinator will use the preponderance of the evidence standard of review (i.e., it is more likely than not that the sex discrimination or sexual harassment occurred). After reaching a determination, the Title IX Coordinator will inform the Complainant and the person accused of misconduct, in writing, whether each allegation was substantiated. This correspondence will include notice of EACS' prohibition against retaliation.

Section 6. Appealing the Title IX Coordinator's Determination. If either the complainant or the person accused of misconduct wishes to appeal the Title IX Coordinator's determination, he or she must contact the Title IX Coordinator within 10 days of receiving notice of the determination. Upon timely notice of appeal, the Superintendent will review the Title IX Coordinator's findings and any supporting documentation.

After the Superintendent's review, he may 1) affirm the Title IX Coordinator's determination; 2) reverse the Title IX Coordinator's determination, or 3) direct the Title IX Coordinator to take additional investigative actions. If the Superintendent directs further investigation, the investigation process described in *Investigating A Complaint* begins again. At the close of the additional investigation, the Title IX Coordinator will again inform the Complainant and the person accused of misconduct, in writing, whether each allegation was substantiated. The complainant and the person accused of misconduct will have 10 days to appeal the new decision to the Superintendent.

The Superintendent's decision is final, except to the extent that an employee has a contractual right to challenge the decision or a student a legal right to challenge it.

Section 7. Corrective Action. If the Title IX Coordinator determines that a student has violated the Title IX policy or otherwise engaged in misconduct and that corrective action is necessary, discipline will follow the procedures outlined in the *Due Process Procedures and Limitations* portion of the EACS Student Handbook. Student corrective action could range from parent conferences up to and including expulsion.

If the Title IX Coordinator determines that a staff member has violated the Title IX policy or otherwise engaged in misconduct and that corrective action is necessary,

she will either implement the corrective action as part of her role as Human Resources Director or recommend the corrective action to the Superintendent for his approval. Employee corrective action could range from a written warning up to and including a recommendation for termination of employment.

If implementing the corrective action requires a hearing, the student who was the target of the alleged sex discrimination or sexual harassment does not have to appear in the same hearing room as the person accused of misconduct.

Section 8. Remedial Action. If the Title IX Coordinator determines that the allegations of suspected sex discrimination or sexual harassment are substantiated, then she must consider whether providing remedial action is appropriate. Remedial action could include student counseling and academic support, including recalculating any course grades if appropriate.

Section 9. Prohibition Against Retaliation. EACS prohibits retaliation of any kind against anyone who reports suspected sex discrimination or sexual harassment. EACS' primary concern is student safety and providing a learning environment free of sex discrimination and sexual harassment. A student who makes a good faith report of sexual violence will not be disciplined for engaging in any sexual activity on school grounds or in connection with school-related activities that EACS discovers during its investigation.

Retaliatory words or actions against someone who reports suspected sex discrimination or sexual harassment will result in discipline, up to and including student expulsion or termination of employment.

Section 10. Concurrent Complaints. Nothing in this Administrative Guideline limits a complainant from filing and pursuing a concurrent criminal complaint. A complainant may pursue a criminal complaint with an appropriate law enforcement agency, a sex discrimination or sexual harassment complaint according to EACS' Title IX Policy, or both simultaneously.

**Title IX Complaint Form**

**I. Contact Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**II. Complainant**

You are filing this complaint on behalf of: \_\_\_\_\_

- Yourself
- Your child or student
- Another student

**III. School Information**

School Name: \_\_\_\_\_

Principal's Name: \_\_\_\_\_

**Nature of Complaint**

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please describe the incident you experienced that led to this complaint in as much detail as possible.

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List the individuals involved in and any witnesses to the incident.

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Submit this form to a building administrator or to EACS Title IX Coordinator Mrs. Tina Grady, 1240 State Road 930 E., New Haven, Indiana 46744, 260-446-0100, [tgrady@eacs.k12.in.us](mailto:tgrady@eacs.k12.in.us).