

CENTRAL NINE CAREER CENTER

DISPOSITION OF NEW/REVISED/REPLACEMENT POLICIES FOR BOARD ADOPTION

VOLUME 30 NO. 2

<u>Policy Number</u>	<u>Action</u>	<u>Date Adopted</u>	<u>Description</u>
1422	UPDATE		Discrimination Officer/Records
1662	UPDATE		Discrimination Officer/Records
2260	UPDATE		Discrimination Officer/Records
3120.04	UPDATE		Substitute Teachers
3122	UPDATE		Discrimination Officer/Records
3131	UPDATE		Reduction in Force
3362	UPDATE		Discrimination Officer/Records
4122	UPDATE		Discrimination Officer/Records
4162	UPDATE		Drug/Alcohol Testing - CDL
4362	UPDATE		Discrimination Officer/Records
5517	UPDATE		Discrimination - Students
5630.01V2	UPDATE		Student Restraint
6610	UPDATE		ECA
7510	UPDATE		Facilities Request
7530.02	UPDATE		Staff PCDs
8315	UPDATE		Information Management

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 1 of 15

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Board does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, "Protected Classes") occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment.

The Executive Director shall appoint and publicize the name of the Compliance Officer(s) who is/are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Corporation's collectively bargained contracts dealing with hiring, promotion, and tenure should contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 2 of 15

Compliance Officer(s)

The following person(s) is/are designated as the Corporation's Compliance Officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Corporation and address any complaint of discrimination:

[Mrs. Nicole Otte](#)
Assistant Director
1999 US 31 South
Greenwood, IN 46143
317-888-4401

notte@central9.k12.in.us

Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment to an administrator, supervisor, or other Corporation-level official so that the Board may address the conduct. Any administrator, supervisor, or other Corporation-level official who receives such a complaint shall file it with a Compliance Officer within two (2) business days.

Employees who believe they have been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Corporation and/or a concurrent criminal complaint will not adversely affect the complaining individual's employment status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 3 of 15

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Corporation community or a visitor to the Corporation, and receive complaints that are initially filed with a school building administrator, supervisor or other Corporation-level official. Upon receipt of a complaint, either directly or through a school building administrator, supervisor or other Corporation-level official, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The Compliance Officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Executive Director or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the Compliance Officer within two (2) business days of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Corporation employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the Compliance Officer or designee must contact the employee within two (2) business days to advise him/her of the Corporation's intent to investigate the wrongdoing.

Complaint Procedures

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 4 of 15

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in employment.

In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Corporation.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee or unsuccessful applicant for employment who believes s/he has been unlawfully discriminated or retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. This informal procedure is not required as a precursor to the filing of a formal complaint or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 5 of 15

Employees, or unsuccessful applicants for employment, who believe that they have been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the Compliance Officer may advise against the use of the informal complaint process.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 6 of 15

An individual who believes s/he has been unlawfully discriminated/retaliated against in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to the Compliance Officer(s); and/or (3) to the Executive Director or other Corporation-level employee.

All informal complaints must be reported to the Compliance Officer(s) who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 1422 Nondiscrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 7 of 15

Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

The Compliance Officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the Compliance Officer(s), Executive Director, or other Corporation-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs.

If a Complainant informs an administrator, supervisor, Executive Director, or other Corporation-level official, either orally or in writing, about any complaint of discrimination/retaliation, that employee or unsuccessful applicant for employment must report such information to the Compliance Officer within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 8 of 15

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Executive Director.

Within two (2) business days of receiving the complaint, the Compliance Officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer, or a designee, will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 1422 - Nondiscrimination. The Respondent also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 9 of 15

Although certain cases may require additional time, the Compliance Officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Executive Director that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

The Compliance Officer, or the designee, should consult with the Board's legal counsel before finalizing the report to the Executive Director.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Executive Director must either issue a decision regarding whether the charges have been substantiated or request further investigation. A copy of the Executive Director's decision will be delivered to both the Complainant and the Respondent.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 10 of 15

If the Executive Director requests additional investigation, the Executive Director must delineate the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Executive Director must issue a written decision as described above.

If the Executive Director determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Executive Director may appeal through a signed written request to the Board within five (5) business days of his/her receipt of the Executive Director's decision.

If the Executive Director is the Respondent, the appeal process will skip the review by the Executive Director and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 11 of 15

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee or unsuccessful applicant for employment alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant and the Respondent may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses to the extent possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

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

All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 12 of 15

During the course of a formal investigation, the Compliance Officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~In accordance with the Board's records retention policy, the Compliance Officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment. (See Policy 8310—Public Records)~~

Remedial Action, Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment by taking appropriate action reasonably calculated to stop and prevent further misconduct.

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 13 of 15

When imposing discipline, the Executive Director shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

All sanctions imposed by the Board and/or Executive Director shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect. Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.

The Board may appoint an individual, who may be an employee of the Corporation, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Corporation other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Corporation's records retention schedule.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 14 of 15

Retaliation

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination occurring in the Corporation's employment opportunities, programs and/or activities, or, if initially occurring off Corporation grounds or outside the Corporation's employment opportunities, programs and activities, affecting the Corporation environment, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1422/page 15 of 15

Training

The Compliance Officers also will oversee the training of Corporation employees so that all employees understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Compliance Officers will be posted throughout the Corporation and published in any Corporation statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and this policy.

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-6

20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

29 U.S.C. 6101, The Age Discrimination in Employment Act of 1975

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 2008

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635

Adopted 3/10/16

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 1 of 23

ANTI-HARASSMENT

General Policy Statement

It is the policy of the Governing Board to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Career Center's employment opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs, and activities, affecting the Career Center environment (hereinafter referred to collectively as "unlawful harassment"). This commitment applies to all Career Center operations, employment opportunities, 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 occurring in the Career Center's employment opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs, and activities, affecting the Career Center environment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct affects the Career Center environment.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition above), which is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information that are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the Career Center community as well as third parties who feel aggrieved to seek assistance to rectify such problems occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment.

All Career Center employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition above) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment that the employee observes or which is reported to the employee.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 2 of 23

The Board will investigate all allegations of unlawful harassment (see definition on page 1) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment and, in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment (see definition on page 1) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Career Center employees who fail to report any incident of alleged unlawful harassment (see definition on page 1) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment.

For purposes of this policy, "Career Center community" means students, administrators, teachers, and staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on Career Center property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the Career Center community at school-related events/activities (whether on or off Career Center property).

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 3 of 23

Other Violations of the Anti-Harassment Policy

The Career Center also will take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment (see definition on page 1) or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment (see definition on page 1).
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment (see definition on page 1), when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment (see definition on page 1) when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 4 of 23

- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. sexual violence
- I. theft;
- J. sexual, religious, or racial harassment;
- K. public humiliation; or
- L. destruction of property.

In the bullying context, “harassment” means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that:

- A. places a student in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 5 of 23

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. 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 conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. 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 of employment or education may be adversely affected by not submitting to sexual advances;

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 6 of 23

- D. 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;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. 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;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. 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;
- J. inappropriate boundary invasions by a Career Center employee or other adult member of the Career Center community into a student's personal space and personal life;
- K. 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.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 7 of 23

NOTE: Sexual conduct/relationships with students by a Career Center employee or any other adult member of the Career Center community is prohibited, and any teacher, administrator, coach, other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 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 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.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 8 of 23

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment also may include but is not limited to conduct directed at or pertaining to a person's genetic information.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 9 of 23

Reports and Complaints of Harassing Conduct

Students, members of the Career Center community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Career Center official so that the Career Center may address the conduct before it becomes severe, pervasive, or persistent. All Career Center employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee. Any administrator, supervisor, or other Career Center-level official who receives such a complaint shall file it with the Career Center's Anti-Harassment Compliance Officer at his/her first convenience. Career Center employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination.

Members of the Career Center community or third parties who believe they have been subjected to unlawful harassment (see definition on page 1) by another member of the Career Center community or a third party are entitled to utilize the Board's complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. Individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying, the Executive Director or his/her designee believes that the reported misconduct may have created a hostile work or learning environment and may have constituted unlawful harassment (see definition on page 1) based "Protected Classes" (see definition on page 1), the Executive Director or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 10 of 23

Anti-Harassment Compliance Officers

The following individual(s) serve as “Anti-Harassment Compliance Officer(s)” for the Career Center. They are hereinafter referred to as the “Compliance Officer(s)”.

~~Executive Director~~

~~Central Nine Career Center
1999 U.S. 31 South
Greenwood, IN 46143~~

~~317-888-4401~~

[Nicole Otte](#)

Assistant Director
Central Nine Career Center
1999 U.S. 31 South
Greenwood, IN 46143

317-888-4401

notte@central9.k12.in.us

The names, titles, and contact information for the Compliance Officers will be published annually on the Career Center's website.

The Compliance Officers will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition on page 1), to assist students, other members of the Career Center community and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Career Center employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Career Center(s) intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Career Center's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Career Center employee or any other adult member of the Career Center community against a student will be formally investigated.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 11 of 23

The Compliance Officers are assigned to accept complaints of unlawful harassment (see definition on page 1) directly from any member of the School Career Center community or a visitor to the Career Center, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School Career Center community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Executive Director or will oversee the preparation of such recommendations by a designee. However, if the alleged harasser is the Executive Director, the recommendations shall be submitted to the Board President and/or Assistant Director.

All Career Center employees must report incidents of unlawful harassment (see definition on page 1) that they observe or that are reported to them to the Compliance Officer within five (5) business days of learning of the incident.

Investigation and Complaint Procedure (see Form 1662 F1)

Any employee or other member of the Career Center community or third party (e.g., visitor to the Career Center) who believes that s/he has been subjected to unlawful harassment (see definition on page 1) may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of unlawful harassment (see definition on page 1) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition on page 1) was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 12 of 23

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1) and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully harassed or retaliated against in the Career Center's employment opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs, and activities, affecting the Career Center environment. This informal procedure is not required as a precursor to the filing of a formal complaint and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the Career Center community, or third parties who believe that they have been subjected to unlawful harassment (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint procedure.

However, all complaints of unlawful harassment (see definition on page 1) involving a Career Center employee, any adult member of the Career Center community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 13 of 23

As an initial course of action, if an individual feels that s/he is being unlawfully harassed (see definition on page 1) and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed (see definition on page 1) may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one (1) of the Compliance Officers; and/or 3) to the Executive Director or other Career Center-level employee.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The Career Center's informal complaint procedure is designed to provide employees, other members of the Career Center community or third parties who believe they are being subjected to unlawful harassment (see definition on page 1) with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 14 of 23

- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, one of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

One (1) of the Compliance Officers or a designee will retain all materials generated as part of the informal complaint process in accordance with the Board's records retention policy (see Policy 8310, Policy 8320, and Policy 8330).

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

The formal complaint process is not intended to interfere with the rights of an employee, other member of the Career Center community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 15 of 23

An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, Executive Director, the Compliance Officer, Executive Director, or other Career Center-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Executive Director, Executive Director, or other Career Center-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the complaint is reported must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision making process.

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 16 of 23

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Executive Director and/or Board Attorney.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/unlawful harassment/retaliation.

An Executive Director will not conduct an investigation unless directed to do so by the Compliance Officer.

Contemporaneously, one (1) of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of the Board's anti-harassment policy shall be provided to the Respondent. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, one of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 17 of 23

- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Executive Director that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used (i.e., it is more likely than not that unlawful discrimination retaliation occurred).Executive Director

The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Executive Director.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Executive Director must either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Executive Director's decision will be delivered to both the Complainant and the Respondent.

If the Executive Director requests additional investigation, the Executive Director must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Executive Director must issue a written decision as described above.

A Complainant or respondent who is dissatisfied with the decision of the Executive Director may appeal through a signed written request to the Governing Board within five (5) business days of his/her receipt of the Executive Director's final decision.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 18 of 23

If the Executive Director is the Respondent, the appeal process will skip the review by the Executive Director and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Career Center community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant and the Respondent may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 19 of 23

Privacy/Confidentiality

The Career Center will employ all reasonable efforts to protect the privacy of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed), and the witnesses to the extent possible, consistent with the Career Center's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

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

All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Career Center community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment. (See Policy 8310 Public Records and/or Policy 8330 Student Records)~~

Remedial Action, Sanctions, and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment (see definition on page 1)/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 20 of 23

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Executive Director shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

All subsequent sanctions imposed by the Board and/or Executive Director shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects. Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.

The Board may appoint an individual, who may be an employee of the Career Center, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Career Center other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 21 of 23

printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Corporation's records retention schedule.

Retaliation

Any act of retaliation against a person who has made a report, filed a complaint alleging unlawful harassment, or participated as a witness in a harassment investigation is prohibited.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 22 of 23

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition on page 1), or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing pertaining to unlawful harassment, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Federal or State laws.

Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under State law, such knowledge should be reported to local law enforcement.

Any reports made to Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

ADMINISTRATION
1662/page 23 of 23

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Compliance Officers will oversee the training of Career Center employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.

Notice

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the Compliance Officers will be posted throughout the Career Center, and published in any Career Center statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Career Center as required by Federal and State law and this policy.

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 (IDEA 2004)

20 U.S.C. 1681 et seq., Title IX of the Educational Amendments Act of 1972

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635

National School Boards Association Inquiry and Analysis - May 2008

Adopted 7/10/14

Revised 3/10/16

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROGRAM
2260/page 1 of 17

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship, and/or personal sense of self worth.

As such, the Governing Board does not discriminate on the basis of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, "Protected Classes") occurring in the Career Center's educational opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs, and activities, affecting the Career Center environment.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the Career Center, or social or economic background, to learn through the curriculum offered in this Career Center. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Executive Director shall:

A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based upon Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROGRAM
2260/page 2 of 17

B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
2. verify that facilities are made available, in accordance with Board Policy 7510 – Use of Career Center Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

D. Career Center Support

verify that like aspects of the Career Center program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Evaluation

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of Protected Classes.

policy

GOVERNING BOARD CENTRAL NINE CAREER CENTER

PROGRAM
2260/page 3 of 17

The Executive Director shall appoint and publicize the name of the Compliance Officer(s) who is/are responsible for coordinating the Career Center's efforts to comply with applicable Federal and State laws and regulations, including the Career Center's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public.

Compliance Officer(s)

The following person(s) is/are designated as the Career Center's Compliance Officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Career Center and address any complaint of discrimination:

[Nicole Otte](#)

Assistant Director
1999 US 31 South
Greenwood, IN 46143

317-888-4401

notte@central9.k12.in.us

Reports and Complaints of Unlawful Discrimination and Retaliation

Students are encouraged to promptly report incidents of unlawful discrimination and/or retaliation occurring in the Career Center's educational opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs and activities, affecting the Career Center environment to an administrator, supervisor, or other Career Center-level official so that the Board may address the conduct. Any administrator, supervisor, or other Career Center-level official who receives such a complaint shall file it with a Compliance Officer within two (2) business days.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

**PROGRAM
2260/page 4 of 17**

Students who believe they have been unlawfully discriminated/retaliated against in the Career Center's educational opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs and activities, affecting the Career Center environment are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Career Center and/or a concurrent criminal complaint will not adversely affect the complaining individual's educational status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Career Center community or a visitor to the Career Center, and receive complaints that are initially filed with a school building administrator, supervisor or other Career Center-level official. Upon receipt of a complaint, either directly or through a school building administrator or other Career Center-level official, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The Compliance Officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Executive Director or oversee the preparation of such recommendations by a designee. All members of the Career Center community must report incidents of discrimination/retaliation that are reported to them to the Compliance Officer within two (2) business days of learning of the incident/conduct.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROGRAM
2260/page 5 of 17

Any Career Center employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Career Center employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Career Center employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the Compliance Officer or designee must contact the employee within two (2) business days to advise him/her of the Career Center's intent to investigate the wrongdoing.

Complaint Procedures

Any student who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

In accordance with Federal and State law, students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in education.

In addition, students will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Career Center.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROGRAM
2260/page 6 of 17

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully discriminated or retaliated against in the Career Center's educational opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs and activities, affecting the Career Center environment. This informal procedure is not required as a precursor to the filing of a formal complaint or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated against in the Career Center's educational opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs and activities, affecting the Career Center environment may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Career Center employee or any other adult member of the Career Center community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROGRAM
2260/page 7 of 17

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against in the Career Center's educational opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs and activities, affecting the Career Center environment and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against in the Career Center's educational opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs and activities, affecting the Career Center environment may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to the Compliance Officer(s); and/or (3) to the Executive Director or other Career Center-level employee.

All informal complaints must be reported to the Compliance Officer(s) who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

**PROGRAM
2260/page 8 of 17**

The Career Center's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 2260 Nondiscrimination and Access to Equal Educational Opportunity as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends school.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

The Compliance Officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310 or Policy 8330)

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROGRAM
2260/page 9 of 17

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation in the Career Center's educational opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs and activities, affecting the Career Center environment (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the Compliance Officer(s), Executive Director, or other Career Center-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs.

If a Complainant informs an administrator, Executive Director, or other Career Center-level official, either orally or in writing, about any complaint of discrimination/retaliation, the employee to whom the student complains must report such information to the Compliance Officer within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROGRAM
2260/page 10 of 17

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the Compliance Officer should consult with the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Executive Director.

Within two (2) business days of receiving the complaint, the Compliance Officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer, or a designee, will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including this policy. The Respondent also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROGRAM
2260/page 11 of 17

- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Executive Director that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

The Compliance Officer, or the designee, should consult with the Board's legal counsel before finalizing the report to the Executive Director.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Executive Director must either issue a decision regarding whether the charges have been substantiated or request further investigation. A copy of the Executive Director's decision will be delivered to both the Complainant and the Respondent.

If the Executive Director requests additional investigation, the Executive Director must delineate the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Executive Director must issue a written decision as described above.

If the Executive Director determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROGRAM
2260/page 12 of 17

A Complainant or Respondent who is dissatisfied with the decision of the Executive Director may appeal through a signed written request to the Board within five (5) business days of his/her receipt of the Executive Director's decision.

If the Executive Director is the Respondent, the appeal process will skip the review by the Executive Director and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant and the Respondent may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies, such as the filing of a complaint with the Office for Civil Rights or the Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROGRAM
2260/page 13 of 17

Privacy/Confidentiality

The Career Center will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses to the extent possible, consistent with the Career Center's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

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

All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the Compliance Officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~In accordance with the Board's records retention policy, the Compliance Officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation occurring in the Career Center's educational opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs and activities, affecting the Career Center environment. (See Policy 8310 — Public Records)~~

Remediation

In cases where the complaint investigation results in a finding that the allegation of discrimination/retaliation is substantiated, action must be taken by the Compliance Officer to remedy the past effects of such discrimination/retaliation on a student. This may include but is not limited to providing a contact person to monitor the student, providing tutoring to the student, allowing the student to retake tests or assignments, and counseling.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

**PROGRAM
2260/page 14 of 17**

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation occurring in the Career Center's educational opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs and activities, affecting the Career Center environment by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any. With respect to violations of this policy by Respondents who are students, disciplinary action may be imposed up to and including expulsion from school, in accordance with applicable State law. Any discipline of students with disabilities will be in accordance with the Individuals with Disabilities Education Act ("IDEA") and the Federal and State regulations implementing the IDEA.

When imposing discipline, the Executive Director shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any, and with Federal and State laws and regulations.

All sanctions imposed by the Board and/or Executive Director shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect. Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.

The Board may appoint an individual, who may be an employee of the Career Center, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Career Center other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

policy

GOVERNING BOARD
CENTRAL NINE CAREER CENTER

PROGRAM
2260/page 15 of 17

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Corporation's records retention schedule.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROGRAM
2260/page 16 of 17

Retaliation

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination occurring in the Career Center's educational opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs and activities, affecting the Career Center environment, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.

Training

The Compliance Officers also will oversee the training of Career Center employees so that all employees understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

Notice

Notice of the Board's policy on nondiscrimination in educational programs and the identity of the Compliance Officers will be posted throughout the Career Center and published in any Career Center statement regarding the availability of educational opportunities, in any student handbooks, and in general information publications of the Career Center as required by Federal and State law and this policy.

policy

GOVERNING BOARD CENTRAL NINE CAREER CENTER

PROGRAM
2260/page 17 of 17

The Executive Director shall annually attempt to identify children with disabilities, ages 3-22, who reside in the Career Center but do not receive public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in Career Center programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the Career Center will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (see AG 2260F).

I.C. 20-33-1-1

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

29 U.S.C. Section 794, Rehabilitation Act of 1973

29 C.F.R. Part 1635

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

34 CFR Part 110 (7/27/93)

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979

Title III of the No Child Left Behind Act of 2001

Adopted 1/14/10

Revised 12/12/13

Revised 3/10/16

EMPLOYMENT OF SUBSTITUTES

The Board recognizes the need to procure the services of substitute teachers in order to continue the operation of the schools as a result of the absence of regular personnel.

The Executive Director shall employ substitute teachers as services are required to replace temporarily-absent regular staff members. Such assignment of substitute teachers may be terminated when their services are no longer required. ~~The Corporation shall not employ persons holding a substitute teacher permit/license when licensed teachers are available.~~

~~Substitute teachers must possess a valid Indiana substitute teacher permit/license kept on file in the Office of the Executive Director or hold a valid Indiana initial practitioner, proficient practitioner, or accomplished practitioner license, emergency permit, visiting teacher permit, or transition to teaching permit, which shall be kept on file in the Office of the Executive Director.~~

Substitute teachers must possess a valid Indiana substitute teacher permit obtained through the Indiana Department of Education (IDOE) with a copy kept on file in the Office of the Superintendent or hold a valid Indiana professional, provisional, limited, or an equivalent license issued by the IDOE, a copy of which shall be kept on file in the Office of the Superintendent.

Substitute teachers must meet the minimum requirements established by the IDOE to obtain a substitute teacher permit:

- A. hold a high school diploma, and
- B. be eighteen (18) years of age or older.

~~In order to obtain proper licensure for substitute teaching, the Executive Director shall submit, on a yearly basis, to the Indiana Department of Education a substitute plan consisting of the following elements, at a minimum:~~

- A. ~~the Corporation's requirements for a substitute permit;~~
- B. ~~the minimum of a high school diploma earned from an accredited school;~~
- C. ~~a plan for reciprocity with other Indiana corporations providing for their utilization of substitute teachers who were licensed by the Corporation submitting the plan, if applicable;~~

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3120.04/page 2 of 4

- ~~D. training and mentoring procedures for first year substitute teachers;
and~~
- ~~E. any additional documentation, as may be required by the Indiana
Department of Education.~~

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3120.04/page 3 of 4

~~Any changes to the substitute plan shall be submitted to the Indiana Department of Education at least thirty (30) days prior to the implementation of any changes to the plan. The Executive Director shall sign and submit a completed application form for a substitute teacher permit approved by the Indiana Department of Education and a nonrefundable fee in the form of a cashier's check, certified check, or money order in the amount required under 515 IAC 9-1-31 to the Indiana Department of Education for each substitute teacher not otherwise licensed as provided herein.~~

~~This licensure requirement applies to all substitute teachers. Provided, however, that any person who holds a valid Indiana initial practitioner, proficient practitioner, or accomplished practitioner license, emergency permit, visiting teacher permit, or transition to teaching permit may serve as a substitute teacher without first obtaining a substitute permit/license.~~

Substitute teachers will be paid according to the Board adopted pay schedule and any revisions thereto.

An individual who holds a professional license, provisional license, limited license, or an equivalent license issued by the Indiana Department of Education and serves as an occasional substitute teacher shall be compensated on the Corporation's Career Center's substitute teacher pay schedule. Provided, however, that an individual who holds a professional license or provisional license and serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days shall be compensated on the regular pay schedule for Corporation teachers.

A substitute teacher may be employed without a written contract.

The Executive Director may recommend that the Board approve a contract with a vendor to provide substitute teachers to work in the Corporation as long as the substitutes provided meet the provisions of this policy and AG 3120.04.

I.C. 20-28-5-2, 20-28-5-3

I.C. 20-28-9-6, 20-28-9-7, 20-28-9-8

~~I.C. 20-18-2-22, 20-28-5-2, 20-28-5-3, 20-28-9-6,~~

~~I.C. 20-28-9-7, 20-28-9-8~~

~~515 I.A.C. 5-1-1, 515 I.A.C. 5-1-2, 515 I.A.C. 5-1-3, 515 I.A.C. 5-1-4~~

Adopted 10/8/09
Revised 1/8/15

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3120.04/page 4 of 4

| © NEOLA ~~2014~~2018

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 1 of 14

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Board does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, "Protected Classes") occurring in the Career Center's employment opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs, and activities, affecting the Career Center environment.

The Executive Director shall appoint and publicize the name of the Compliance Officer(s) who is/are responsible for coordinating the Career Center's efforts to comply with applicable Federal and State laws and regulations, including the Career Center's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Career Center's collectively bargained contracts dealing with hiring, promotion, and tenure should contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender specific terms should be eliminated from such contracts.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 2 of 14

Compliance Officer(s)

The following person(s) is/are designated as the Career Center's Compliance Officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Career Center and address any complaint of discrimination:

[Nicole Otte](#)

Assistant Director
1999 US 31 South
Greenwood, IN 46143

317-888-4401

notte@central9.k12.in.us

Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment to an administrator, supervisor, or other Career Center-level official so that the Board may address the conduct. Any administrator, supervisor, or other Career Center-level official who receives such a complaint shall file it with a Compliance Officer within two (2) business days.

Employees who believe they have been unlawfully discriminated/retaliated against in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Career Center and/or a concurrent criminal complaint will not adversely affect the complaining individual's employment status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 3 of 14

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Career Center community or a visitor to the Career Center, and receive complaints that are initially filed with a school building administrator, supervisor or other Career Center-level official. Upon receipt of a complaint, either directly or through a school building administrator, supervisor or other Career Center-level official, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The Compliance Officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Executive Director or oversee the preparation of such recommendations by a designee. All members of the Career Center community must report incidents of discrimination/retaliation that are reported to them to the Compliance Officer within two (2) business days of learning of the incident/conduct.

Any Career Center employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officers within two (2) business days. Additionally, any Career Center employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Career Center employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the Compliance Officer or designee must contact the employee within two (2) business days to advise him/her of the Career Center's intent to investigate the wrongdoing.

Complaint Procedures

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 4 of 14

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in employment.

In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Career Center.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee or unsuccessful applicant for employment who believes s/he has been unlawfully discriminated or retaliated against in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment. This informal procedure is not required as a precursor to the filing of a formal complaint or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 5 of 14

Employees, or unsuccessful applicants for employment, who believe that they have been unlawfully discriminated/retaliated against in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Career Center employee or any other adult member of the Career Center community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the Compliance Officer may advise against the use of the informal complaint process.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 6 of 14

An individual who believes s/he has been unlawfully discriminated/retaliated against in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to the Compliance Officer(s); and/or 3) to the Executive Director or other Career Center-level employee.

All informal complaints must be reported to the Compliance Officer(s) who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Career Center's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 3122 Nondiscrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 7 of 14

Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

The Compliance Officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the Compliance Officer(s), Executive Director, or other Career Center-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs.

If a Complainant informs an administrator, supervisor, Executive Director, or other Career Center-level official, either orally or in writing, about any complaint of discrimination/retaliation, the employee who is informed of the complaint must report such information to the Compliance Officer within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 8 of 14

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Executive Director.

Within two (2) business days of receiving the complaint, the Compliance Officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer, or a designee, will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3122 - Nondiscrimination. The Respondent also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 9 of 14

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Executive Director that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Executive Director must either issue a decision regarding whether the charges have been substantiated or request further investigation. A copy of the Executive Director's decision will be delivered to both the Complainant and the Respondent.

If the Executive Director requests additional investigation, the Executive Director must delineate the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Executive Director must issue a written decision as described above.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 10 of 14

If the Executive Director determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Executive Director may appeal through a signed written request to the Board within five (5) business days of his/her receipt of the Executive Director's decision.

If the Executive Director is the Respondent, the appeal process will skip the review by the Executive Director and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee or unsuccessful applicant for employment alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant and the Respondent may be represented, at his/her own cost, at any of the above-described meetings/hearings.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 11 of 14

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

Privacy/Confidentiality

The Career Center will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses to the extent possible, consistent with the Career Center's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

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

All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the Compliance Officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~In accordance with the Board's records retention policy, the Compliance Officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment. (See Policy 8310 - Public Records)~~

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 12 of 14

Remedial Action, Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment by taking appropriate action reasonably calculated to stop and prevent further misconduct.

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Executive Director shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

All sanctions imposed by the Board and/or Executive Director shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect. Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.

The Board may appoint an individual, who may be an employee of the Career Center, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Career Center other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

policy

GOVERNING BOARD
CENTRAL NINE CAREER CENTER

PROFESSIONAL STAFF
3122/page 13 of 14

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information (“ESI”), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Corporation’s records retention schedule.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 14 of 14

Retaliation

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.

Training

The Compliance Officers also will oversee the training of Career Center employees so that all employees understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3122/page 15 of 14

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Compliance Officers will be posted throughout the Career Center and published in any Career Center statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Career Center as required by Federal and State law and this policy.

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-6

20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

29 U.S.C. 6101, The Age Discrimination in Employment Act of 1975

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 2008

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635

Adopted 10/8/09

Revised 12/12/13

Revised 3/10/16

REDUCTION IN FORCE ("RIF") IN CERTIFICATED STAFF

It is the responsibility of the Board to employ and retain the certificated staff necessary for the effective and efficient implementation of its educational program and the safe operation of its schools.

The Board shall eliminate certificated positions and reduce the number of certificated staff when the Board finds that curricular changes, changes in enrollment, return to duty from leave of a certificated staff member, closing of schools, territorial changes, fiscal reasons, or other good cause warrants.

Discussion Prior to RIF:

Discussion shall be held with the exclusive representative of the Corporation's teachers prior to any RIF for the purpose of discussing any proposed reduction in the certificated staff.

Procedure for RIF:

As required by I.C. 20-28-7.5-1(d), once the positions to be eliminated are identified by the Board, the certificated staff members to be dismissed shall be identified on the basis of licensure and merit not years of service or seniority unless Indiana law dictates otherwise.

As used in this policy, "licensure" means the scope of the license issued by the Office of Educator Licensing and Development in the Indiana Department of Education, and "merit" means a performance category assigned to an educator pursuant to I.C. 20-28-11.5, i.e. "highly effective", "effective", "improvement necessary" or "ineffective". ~~Where two (2) certificated staff members are in the same performance category, the following factors may be considered to identify the staff member to be terminated:~~ Where two (2) certificated staff members are in the same performance category and are required by law to be RIF'd based upon merit, one or more of the following factors may be considered to identify the staff member to be terminated:

- A. The academic needs of students in the Corporation.
- B. The results of an evaluation conducted under I.C. 20-28-11.5.
- C. The attainment of either additional content area degrees beyond the requirements for employment; or additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under I.C. 20-29.

GOVERNING BOARD
CENTRAL NINE CAREER CENTER

PROFESSIONAL STAFF
3131/page 2 of 3

- D. The assignment of instructional leadership roles, including the responsibility for conducting evaluations under I.C. 20-28-11.5.
- E. The number of years of a teacher's experience.

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3131/page 3 of 3

Certificated staff members selected to be terminated pursuant to this policy shall receive the initial notification of possible contract cancellation required by I.C. 20-28-7.5-2(a)(2)law between May 1st and July 1st preceding the proposed cancellation of their contract with the Board.

I.C. 20-28-7.5-1(d)

I.C. 20-28-7.5-2(a)(2)

I.C. 20-28-9-1.5(b)

I.C. 20-28-11.5

Elliott v. Board of School Trustees of Madison Consolidated Schools, No. 16-4168 (7th Circuit Dec. 4, 2017)

Adopted 10/8/09

Revised 9/8/11

Revised 10/9/14

© NEOLA ~~2014~~2018

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 1 of 23

ANTI-HARASSMENT

General Policy Statement

It is the policy of the Governing Board to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Career Center's employment opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs, and activities, affecting the Career Center environment (hereinafter referred to collectively as "unlawful harassment"). This commitment applies to all School Career Center operations, employment opportunities, 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 occurring in the Career Center's employment opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs, and activities, affecting the Career Center environment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct affects the Career Center environment.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition above), which is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information that are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the School Career Center community as well as third parties who feel aggrieved to seek assistance to rectify such problems occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 2 of 23

All Career Center employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition above) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment that the employee observes or which is reported to the employee.

The Board will investigate all allegations of unlawful harassment (see definition on page 1) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment and, in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment (see definition on page 1) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Career Center employees who fail to report any incident of alleged unlawful harassment (see definition on page 1) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment.

For purposes of this policy, "Career Center community" means students, administrators, teachers, and staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 3 of 23

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on Career Center property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the Career Center community at school-related events/activities (whether on or off Career Center property).

Other Violations of the Anti-Harassment Policy

The Career Center also will take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment (see definition on page 1) or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment (see definition on page 1).
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment (see definition on page 1), when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

**PROFESSIONAL STAFF
3362/page 4 of 23**

Definitions

Bullying

Bullying rises to the level of unlawful harassment (see definition on page 1) when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. sexual violence;
- I. theft;
- J. sexual, religious, or racial harassment;
- K. public humiliation; or
- L. destruction of property.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 5 of 23

In the bullying context, “harassment” means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that:

- A. places a student in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. 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.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 6 of 23

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

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. 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 of employment or education may be adversely affected by not submitting to sexual advances;
- D. 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;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. 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;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 7 of 23

- I. 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;
- J. Inappropriate boundary invasions by a Career Center employee or other adult member of the Career Center community into a student's personal space and personal life;
- K. 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.

NOTE: Sexual conduct/relationships with students by a Career Center employee or any other adult member of the Career Center community is prohibited, and any teacher, administrator, coach, other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 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 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.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 8 of 23

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 9 of 23

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment also may include but is not limited to conduct directed at or pertaining to a person's genetic information.

Reports and Complaints of Harassing Conduct

Students, members of the Career Center community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Career Center official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. All Career Center employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee. Any administrator, supervisor, or other Career Center-level official who receives such a complaint shall file it with the Career Center's Anti-Harassment Compliance Officer at his/her first convenience. Career Center employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination.

Members of the Career Center community or third parties who believe they have been subjected to unlawful harassment (see definition on page 1) by another member of the Career Center community or a third party are entitled to utilize the Board's complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. Individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 10 of 23

If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying, the Executive Director or his/her designee believes that the reported misconduct may have created a hostile work or learning environment and may have constituted unlawful harassment (see definition on page 1) based on "Protected Classes" (see definition on page 1), the Executive Director or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers who shall investigate the allegation in accordance with this policy.

Anti-Harassment Compliance Officers

The following individuals serve as “Anti-Harassment Compliance Officers” for the Career Center. They are hereinafter referred to as the “Compliance Officers”.

[Nicole Otte](#)

Assistant Director
1999 US 31 South
Greenwood, IN 46143

317-888-4401

notte@central9.k12.in.us

The names, titles, and contact information for the Compliance Officers will be published annually on the School Career Center's web site.

A Compliance Officer will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition on page 1), to assist students, other members of the Career Center community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 11 of 23

Any Career Center employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Career Center's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Career Center's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Career Center employee or any other adult member of the Career Center community against a student will be formally investigated.

The Compliance Officers are assigned to accept complaints of unlawful harassment (see definition on page 1) directly from any member of the School Career Center community or a visitor to the Career Center, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School Career Center community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Executive Director or will oversee the preparation of such recommendations by a designee. However, if the alleged harasser is the Executive Director, the recommendations shall be submitted to the Board President.

All Career Center employees must report incidents of unlawful harassment (see definition on page 1) that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 12 of 23

Investigation and Complaint Procedure (see Form 3362 F1)

Any employee or other member of the Career Center community or third party (e.g., visitor to the Career Center) who believes that s/he has been subjected to unlawful harassment (see definition on page 1) may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of unlawful harassment (see definition on page 1) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition on page 1) was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1), and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully harassed or retaliated against in the Career Center's employment opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs, and activities, affecting the Career Center environment. This informal procedure is not required as a precursor to the filing of a formal complaint and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 13 of 23

Employees, other members of the Career Center community, or third parties who believe that they have been subjected to unlawful harassment (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint procedure.

However, all complaints of unlawful harassment (see definition on page 1) involving a Career Center employee, any adult member of the Career Center community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed (see definition on page 1) and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed (see definition on page 1) may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one of the Compliance Officers; and/or 3) to the Executive Director or other Career Center-level employee.

All informal complaints must be reported to one (1) of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 14 of 23

The Career Center's informal complaint procedure is designed to provide employees, other members of the Career Center community or third parties who believe they are being subjected to unlawful harassment (see definition on page 1) with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officers may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, one of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

One (1) of the Compliance Officers or a designee will retain all materials generated as part of the informal complaint process in accordance with the Board's records retention policy (see Policy 8310, Policy 8320 and Policy 8330).

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 15 of 23

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

The formal complaint process is not intended to interfere with the rights of an employee, other member of the Career Center community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

An individual who believes s/he has been subjected to offensive conduct/unlawful harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, Executive Director, the Compliance Officer, Executive Director, or other Career Center-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Executive Director, or other Career Center-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the complaint is reported must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision making process.

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 16 of 23

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Executive Director and/or Board Attorney.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/unlawful harassment/retaliation.

An Executive Director will not conduct an investigation unless directed to do so by the Compliance Officer.

Contemporaneously, one of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of the Board's anti-harassment policy shall be provided to the Respondent. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, one (1) of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 17 of 23

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Executive Director that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used (i.e., it is more likely than not that unlawful discrimination retaliation occurred).Executive Director

The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Executive Director.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Executive Director must either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Executive Director's decision will be delivered to both the Complainant and the Respondent.

If the Executive Director requests additional investigation, the Executive Director must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Executive Director must issue a written decision as described above.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 18 of 23

A Complainant or respondent who is dissatisfied with the decision of the Executive Director may appeal through a signed written request to the Governing Board within five (5) business days of his/her receipt of the Executive Director's final decision.

If the Executive Director is the Respondent, the appeal process will skip the review by the Executive Director and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Career Center community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant and the Respondent may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 19 of 23

Privacy/Confidentiality

The Career Center will employ all reasonable efforts to protect the privacy of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed), and the witnesses to the extent possible, consistent with the Career Center's legal obligations to investigate, to take appropriate action, and comply with any discovery or disclosure obligations.

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

All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Career Center community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment. (See Policy 8310—Public Records and/or Policy 8330—Student Records)~~

Remedial Actions, Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment (see definition on page 1) or retaliation by taking appropriate action reasonable calculated to stop the harassment and prevent further such harassment.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 20 of 23

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Executive Director shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

All subsequent sanctions imposed by the Board and/or Executive Director shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects. Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.

The Board may appoint an individual, who may be an employee of the Career Center, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Career Center other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF

3362/page 21 of 23

printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Corporation's records retention schedule.

Retaliation

Any act of retaliation against a person who has made a report, filed a complaint alleging unlawful harassment, or participated as a witness in a harassment investigation is prohibited.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 22 of 23

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition on page 1), or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing pertaining to unlawful harassment, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Federal or State laws.

Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services, Office of Child Protective Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under State law, such knowledge should be reported to local law enforcement.

Any reports made to the local Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROFESSIONAL STAFF
3362/page 23 of 23

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Compliance Officers will oversee training of Career Center employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.

Notice

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the Compliance Officers will be posted throughout the Career Center, and published in any Career Center statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Career Center as required by Federal and State law and this policy.

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 (IDEA 2004)

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, Section 504 of the Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635

National School Boards Association Inquiry and Analysis - May 2008

Adopted 10/8/09

Revised 7/10/14

Revised 3/10/16

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 1 of 15

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Board does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including transgender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, or genetic information which are classes protected by Federal and/or State law (collectively, "Protected Classes") occurring in the Career Center's employment opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs, and activities, affecting the Career Center environment.

The Executive Director shall appoint and publicize the name of the Compliance Officer(s) who is/are responsible for coordinating the Career Center's efforts to comply with applicable Federal and State laws and regulations, including the Career Center's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the Career Center's collectively bargained contracts dealing with hiring, promotion, and tenure should contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender specific terms should be eliminated from such contracts.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 2 of 15

Compliance Officer(s)

The following person(s) is/are designated as the Career Center's Compliance Officer(s) and, as such, shall handle inquiries regarding the nondiscrimination policies of the Career Center and address any complaint of discrimination:

[Nicole Otte](#)

Assistant Director
1999 US 31 South
Greenwood, IN 46143

317-888-4401

notte@central9.k12.in.us

Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment to an administrator, supervisor, or other Career Center-level official so that the Board may address the conduct. Any administrator, supervisor, or other Career Center-level official who receives such a complaint shall file it with a Compliance Officer within two (2) business days.

Employees who believe they have been unlawfully discriminated/retaliated against in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, in the Career Center and/or a concurrent criminal complaint will not adversely affect the complaining individual's employment status or opportunity. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 3 of 15

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The Compliance Officer(s) shall accept complaints of unlawful discrimination/retaliation directly from any member of the Career Center community or a visitor to the Career Center, and receive complaints that are initially filed with a school building administrator, supervisor or other Career Center-level official. Upon receipt of a complaint, either directly or through a school building administrator, supervisor or other Career Center-level official, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or designate a specific individual to conduct such a process.

The Compliance Officer will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Executive Director or oversee the preparation of such recommendations by a designee. All members of the Career Center community must report incidents of discrimination/retaliation that are reported to them to the Compliance Officer within two (2) business days of learning of the incident/conduct.

Any Career Center employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Career Center employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Career Center employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the Compliance Officer or designee must contact the employee within two (2) business days to advise him/her of the Career Center's intent to investigate the wrongdoing.

Complaint Procedures

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated at the lowest possible administrative level and in a prompt and equitable manner.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 4 of 15

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law pertaining to discrimination in employment.

In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights, the Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission, as well as a concurrent criminal complaint with the law enforcement agency having jurisdiction in the Career Center.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee or unsuccessful applicant for employment who believes s/he has been unlawfully discriminated or retaliated against in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment. This informal procedure is not required as a precursor to the filing of a formal complaint or a concurrent criminal complaint.

The informal process is available only in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 5 of 15

Employees, or unsuccessful applicants for employment, who believe that they have been unlawfully discriminated/retaliated against in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Career Center employee or any other adult member of the Career Center community against a student will be formally investigated, and a concurrent criminal complaint shall be filed.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. A/The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so.

An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint and filing a concurrent criminal complaint if s/he desires to do so.

In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the Compliance Officer may advise against the use of the informal complaint process.

policy

GOVERNING BOARD CENTRAL NINE CAREER CENTER

SUPPORT STAFF
4122/page 6 of 15

An individual who believes s/he has been unlawfully discriminated/retaliated against in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to the Compliance Officer(s); and/or (3) to the Executive Director or other Career Center-level employee.

All informal complaints must be reported to the Compliance Officer(s) who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Career Center's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 4122 Nondiscrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 7 of 15

Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

The Compliance Officer will retain all materials that are generated as part of the informal complaint process in accordance with the Board's records retention policy. (See Policy 8310)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, this formal complaint process shall be implemented.

An individual who believes that s/he has been subjected to unlawful discrimination/retaliation in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with an administrator, the Compliance Officer(s), Executive Director, or other Career Center-level official, as well as file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs.

If a Complainant informs an administrator, supervisor, Executive Director, or other Career Center-level official, either orally or in writing, about any complaint of discrimination/retaliation, the employee who is informed of the complaint must report such information to the Compliance Officer within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 8 of 15

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Executive Director.

Within two (2) business days of receiving the complaint, the Compliance Officer, or a designee, will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the Compliance Officer, or a designee, will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 4122 - Nondiscrimination. The Respondent also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer, or a designee, will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 9 of 15

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Executive Director that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used (*i.e.*, it is more likely than not that unlawful discrimination/retaliation occurred).

The Compliance Officer, or the designee, should consult with the Board's legal counsel before finalizing the report to the Executive Director.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Executive Director must either issue a decision regarding whether the charges have been substantiated or request further investigation. A copy of the Executive Director's decision will be delivered to both the Complainant and the Respondent.

If the Executive Director requests additional investigation, the Executive Director must delineate the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Executive Director must issue a written decision as described above.

policy

GOVERNING BOARD CENTRAL NINE CAREER CENTER

SUPPORT STAFF
4122/page 10 of 15

If the Executive Director determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the decision of the Executive Director may appeal through a signed written request to the Board within five (5) business days of his/her receipt of the Executive Director's decision.

If the Executive Director is the Respondent, the appeal process will skip the review by the Executive Director and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee or unsuccessful applicant for employment alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant and the Respondent may be represented, at his/her own cost, at any of the above-described meetings/hearings.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 11 of 15

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

Privacy/Confidentiality

The Career Center will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses to the extent possible, consistent with the Career Center's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

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

All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the Compliance Officer or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

~~In accordance with the Board's records retention policy, the Compliance Officer will maintain all public records created as a part of an investigation of a complaint of discrimination/retaliation occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment. (See Policy 8310—Public Records)~~

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 12 of 15

Remedial Action, Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment by taking appropriate action reasonably calculated to stop and prevent further misconduct.

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Executive Director shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

All sanctions imposed by the Board and/or Executive Director shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect. Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.

The Board may appoint an individual, who may be an employee of the Career Center, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Career Center other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 13 of 15

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information (“ESI”), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Corporation’s records retention schedule.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 14 of 15

Retaliation

Retaliation against a person who (1) makes a report or files a complaint alleging unlawful discrimination occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment, or (2) participates as a witness in an investigation, is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because s/he opposed any act or practice made unlawful by Federal or State nondiscrimination laws, made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.

Training

The Compliance Officers also will oversee the training of Career Center employees so that all employees understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4122/page 15 of 15

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the Compliance Officers will be posted throughout the Career Center and published in any Career Center statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Career Center as required by Federal and State law and this policy.

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-6

20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

29 U.S.C. 6101, The Age Discrimination in Employment Act of 1975

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 2008

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635

Adopted 10/8/09

Revised 12/12/13

Revised 3/10/16

DRUG AND ALCOHOL TESTING OF CDL HOLDERS AND OTHER
EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS ~~DRUG AND
ALCOHOL TESTING OF CDL LICENSE HOLDERS~~

The Board ~~believes that~~entrusts the safety of students ~~while~~ being transported to and from school or school activities ~~is of utmost importance and is the primary responsibility of the driver of the school vehicle~~on school buses to the drivers of those buses. To be worthy of the Board's continuing trust, each school bus driver must be mentally and physically alert at all times while on duty. The Board therefore establishes this policy and directs the Executive Director to promulgate administrative guidelines as needed to fully implement Department of Transportation requirements for drug and alcohol testing of these employees of the Board.

~~To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with Corporation vehicles must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well being.~~

The Board ~~expects~~requires all Commercial Driver's License ("CDL") ~~CDL~~ license holders, including school bus drivers, to comply with Board Policy 4122.01 on Drug Free Workplace which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times. ~~Further, the Board concurs with the Federal requirement~~To implement this requirement, it is the policy of the Board that all CDL ~~license~~ holders and employees who perform safety sensitive functions should be free of any influence of alcohol or controlled substance while on duty.

The Board directs the Executive Director to establish a drug and alcohol testing program pursuant to Federal regulations and the Career Center's administrative guideline that requires each employee who is employed as a regular or substitute bus driver or performs safety sensitive functions on school buses such as bus mechanics, and contractors who drive school buses pursuant to a transportation contract, to be subject to testing for the presence of alcohol in his/her system as well as for the presence of the following:~~whereby each regular and substitute bus driver, as well as any other staff member who holds a CDL license, is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:~~

- A. Marijuana ~~—(Hemp product consumption is not an acceptable alternative medical explanation for a positive marijuana screen test.)~~metabolites

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4162/page 2 of 8

- B. Cocaine metabolites
- C. ~~Opiates~~ Opioids
- D. Amphetamines
- E. Phencyclidine (PCP)

Tests are to be conducted pursuant to this policy and Federal regulations:

- A. prior to employment (for controlled substances only);
- B. based upon reasonable suspicion;
- C. upon an employee's or contractor's return to duty after any alcohol or drug rehabilitation;
- D. after an accident under circumstances described in the Executive Director's administrative guideline;
- E. on a random basis; and
- F. on a follow-up basis.

Employees who are subject to this policy shall comply with the testing procedures required by the Federal regulations and the Department of Transportation ("DOT"), especially with regard to adulterated tests, substituted tests, refusals to test, dilute tests, and other procedures as described in AG 4162A.

~~The drug tests are to be conducted in accordance with Federal and State regulations a.) prior to employment, (**Controlled Substances Only**) b.) for reasonable suspicion, c.) upon return to duty after any alcohol or drug rehabilitation, d.) After any accident which involves the loss of human life or for which a citation is issued, e.) on a random basis, and f.) on a follow-up basis.~~

~~Candidates shall also be tested for the presence of alcohol in their system prior to employment.~~

~~Any staff member who tests positive shall be prohibited from driving any school vehicle and subject to discipline, up to and including discharge, in accordance with Corporation guidelines.~~

Any individual who tests positive on a test described above shall be prohibited from driving a school bus or performing a safety sensitive function on a school bus. An employee who tests positive on a test described above also shall be subject to discipline, up to and including discharge. A contract driver shall be prohibited from driving on the same basis as a driver who is an employee of the Career Center.

In addition, the Executive Director shall require that individuals who test positive, but who are not discharged, be evaluated by a substance abuse professional and complete a counseling/educational program before they may return to driving or performing safety-sensitive functions for the Career Center, consistent with AG 4162A.

Employees who are removed from driving or performing safety-sensitive functions as a result of this policy must take and pass a return-to-duty test before returning to driving or performing safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming driving or performing safety-sensitive duties.

Background checks also are to be conducted on all potential employees who will serve as drivers or perform safety-sensitive functions, or all current employees who desire to transition to serve as drivers or perform safety-sensitive functions, regarding history of drug and alcohol usage and tests during prior employment for DOT-regulated employers consistent with AG 4162A.

The Board directs the Executive Director to comply with DOT/Federal regulations requiring that the Board provide educational materials that explain the requirements of drug and alcohol testing according to Federal regulations and the Board's policies and procedures for compliance with those regulations to school bus drivers and employees who perform safety-sensitive functions and any organization of these employees. After the initial distribution of materials to each driver and employee who performs safety-sensitive functions employed at the time of the distribution, the Executive Director or a designee shall see that each employee subsequently hired or transferred into one of these positions receives the materials required by this policy.

The materials to be provided to drivers and other employees who perform safety-sensitive functions pursuant to this policy shall include a detailed discussion of the following:

- A. the identity of the person designated by the Executive Director to answer employee questions about the materials
- B. the categories of drivers and employees who perform safety-sensitive functions who are subject to drug and alcohol testing
- C. sufficient information about the safety-sensitive functions performed by those employees to make clear what period of the employee's work day the employee is subject to this policy
- D. specific information concerning employee conduct that is prohibited by this policy
- E. the circumstances under which an employee will be tested for alcohol and/or controlled substances, including post-accident testing
- F. the procedures that will be used to test for the presence of alcohol and controlled substances, protect the employee and the integrity of the testing process, safeguard the validity of the test results, and ensure that test procedures are attributed to the correct person, including post-accident information and procedures and instructions required by Federal regulations
- G. the requirement that an employee submit to alcohol and controlled substances tests administered in accordance with Federal regulations
- H. an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the consequences of refusal to submit a sample

- I. the consequences for an employee found to have violated this policy, including the requirement that the driver be removed immediately from driving or performing any safety-sensitive function, and the procedures for seeking the assistance of substance abuse professionals and the return-to-duty process found in 40 C.F.R. 40.281 to 313
- J. the consequences for drivers and employees who perform safety-sensitive functions found to have an alcohol concentration of 0.02 or greater but less than 0.04
- K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to the Executive Director

The Executive Director shall require each driver and employee who performs safety-sensitive functions to sign a statement certifying that he or she has received a copy of these materials described in this policy. The original of the certificate signed by the employee shall be maintained in a file on the employee or contractor. An employee required to sign a certificate certifying that he or she has received a copy of the materials described in this policy who refuses to sign the certificate shall not be permitted to drive or perform any safety sensitive function until the certificate required by this policy is signed.

The Executive Director shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse. In addition, the Career Center shall provide a comprehensive drug-free awareness program as an ongoing educational effort to prevent and eliminate illegal drug use and controlled substance abuse.

The Executive Director shall submit, for Board approval, a contract with a certified laboratory to provide services for implementation of the Department of Transportation rules including the following services:

- A. testing of all first and second test urine samples
- B. clear and consistent communication with the Career Center's Medical Review Officer (MRO)
- C. methodology and procedures for conducting random tests for controlled substances and alcohol
- D. preparation and submission of all required reports

The Executive Director also shall propose that the Board select the agency or persons who will conduct the alcohol tests, provide the Career Center's MRO, and the drug collection site(s) in accordance with the requirements of the law.

~~Prior to the beginning of the testing program, the Corporation shall provide a drug-free awareness program which will inform each CDL license holder about:~~

- ~~A. the dangers of illegal drug use and controlled substance and alcohol abuse;~~
- ~~B. Board Policy 4122.01 Drug Free Workplace, Policy 4161 Unrequested Leaves of Absence, and Policy 4170.01 Employee Assistance Program;~~
- ~~C. the sanctions that may be imposed for violations of Policy 4122.01.~~

~~The Executive Director shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse.~~

~~The Executive Director shall submit, for Board approval, a contract with a certified laboratory to provide services for implementation of the Department of Transportation rules including the following services:~~

- ~~A. testing of all first and second test urine samples~~
- ~~B. clear and consistent communication with the Corporation's Medical Review Officer (MRO)~~

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4162/page 8 of 8

~~C. methodology and procedures for conducting random tests for controlled substances and alcohol~~

~~D. preparation and submission of all required reports to the Corporation, the MRO, and to Federal and State governments~~

~~The Executive Director shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the Corporation's MRO, and the drug collection site(s) in accordance with the requirements of the law.~~

~~I.C. 20-27-5 (driver qualifications – transportation contracts)~~

~~I.C. 20-27-8 (driver standards)~~

~~49 C.F.R. Part 40 (drug and alcohol testing)~~

~~49 C.F.R. 40.85 (drugs to be tested for)~~

~~49 C.F.R. 382.107 (safety sensitive function defined)~~

~~49 C.F.R. 382.301 (pre-employment testing)~~

~~49 C.F.R. 382.303 (post-accident testing)~~

~~49 C.F.R. 382.305 (random testing)~~

~~49 C.F.R. 382.307 (reasonable suspicion testing)~~

~~49 C.F.R. 382.601 (employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances)~~

~~I.C. 20-27-5-13; 20-27-8-1 et seq.~~

~~49 C.F.R. 382.101 et seq.~~

~~49 C.F.R. Part 40~~

Adopted 10/8/09

© NEOLA 2018

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 1 of 23

ANTI-HARASSMENT

General Policy Statement

It is the policy of the Governing Board to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Career Center's employment opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs, and activities, affecting the Career Center environment (hereinafter referred to collectively as "unlawful harassment"). This commitment applies to all School Career Center operations, employment opportunities, 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 occurring in the Career Center's employment opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs, and activities, affecting the Career Center environment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct affects the Career Center environment.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition above), which is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information that are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the Career Center community as well as third parties who feel aggrieved to seek assistance to rectify such problems occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment.

All Career Center employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition above) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment that the employee observes or which is reported to the employee.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 2 of 23

The Board will investigate all allegations of unlawful harassment (see definition on page 1) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment and, in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment (see definition on page 1) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Career Center employees who fail to report any incident of alleged unlawful harassment (see definition on page 1) occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment.

For purposes of this policy, "Career Center community" means students, administrators, teachers, and staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on Career Center property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the Career Center community at school-related events/activities (whether on or off Career Center property).

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

**SUPPORT STAFF
4362/page 3 of 23**

Other Violations of the Anti-Harassment Policy

The Career Center also will take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment (see definition on page 1) or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment (see definition on page 1).
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment (see definition on page 1), when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment (see definition on page 1) when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 4 of 23

- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. sexual violence;
- I. theft;
- J. sexual, religious, or racial harassment;
- K. public humiliation; or
- L. destruction of property.

In the bullying context, “harassment” means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that:

- A. places a student in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 5 of 23

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. 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 conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. 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 of employment or education may be adversely affected by not submitting to sexual advances;

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 6 of 23

- D. 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;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. 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;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. 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;
- J. inappropriate boundary invasions by a Career Center employee or other adult member of the Career Center community into a student's personal space and personal life;
- K. 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.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 7 of 23

NOTE: Sexual conduct/relationships with students by a Career Center employee or any other adult member of the Career Center 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 also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 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 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.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 8 of 23

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the 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. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment also may include but is not limited to conduct directed at or pertaining to a person's genetic information.

Reports and Complaints of Harassing Conduct

Students, members of the Career Center community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Career Center official so that the Career Center may address the conduct before it becomes severe, pervasive, or persistent. All Career Center employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee. Any administrator, supervisor, or other Career Center-level official who receives such a complaint shall file it with the Career Center's Anti-Harassment Compliance Officer at his/her first convenience. Career Center employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 9 of 23

Members of the Career Center community or third parties who believe they have been subjected to unlawful harassment (see definition on page 1) by another member of the Career Center community or a third party are entitled to utilize the Board's complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. Individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying, the Executive Director or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful harassment (see definition on page 1) based on "Protected Classes" (see definition on page 1), the Executive Director or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers who shall investigate the allegation in accordance with this policy.

Anti-Harassment Compliance Officers

The following individuals serve as “Anti-Harassment Compliance Officers” for the Career Center. They are hereinafter referred to as the “Compliance Officers”.

[Nicole Otte](#)
Assistant Director
1999 US 31 South
Greenwood, IN 46143

317-888-4401
note@central9.k12.in.us

The names, titles, and contact information for the Compliance Officers will be published annually on the School Career Center's web site.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 10 of 23

The Compliance Officers will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition on page 1), to assist students, other members of the Career Center community and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Career Center employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Career Center's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Career Center's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Career Center employee or any other adult member of the Career Center community against a student will be formally investigated.

The Compliance Officers are assigned to accept complaints of unlawful harassment (see definition on page 1) directly from any member of the School Career Center community or a visitor to the Career Center, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School Career Center community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Executive Director or will oversee the preparation of such recommendations by a designee. However, if the alleged harasser is the Executive Director, the recommendations shall be submitted to the Board President.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 11 of 23

All Career Center employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Investigation and Complaint Procedure (see Form 4362 F1)

Any employee or other member of the Career Center community or third party (e.g., visitor to the Career Center) who believes that s/he has been subjected to unlawful harassment (see definition on page 1) may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment (see definition on page 1) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition on page 1) was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 12 of 23

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1) to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully harassed or retaliated against in the Career Center's employment opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs, and activities, affecting the Career Center environment. This informal procedure is not required as a precursor to the filing of a formal complaint and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Employees, other members of the Career Center community, or third parties who believe that they have been subjected to unlawful harassment (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint procedure.

However, all complaints of unlawful harassment (see definition on page 1) involving a Career Center employee, any adult member of the Career Center community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed (see definition on page 1) and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 13 of 23

An individual who believes s/he has been unlawfully harassed (see definition on page 1) may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one of the Compliance Officers; and/or 3) to the Executive Director or other Career Center-level employee.

All informal complaints must be reported to one (1) of the Compliance Officers, who will either facilitate an informal resolution as described below on his/her own or appoint another individual to facilitate an informal resolution.

The Career Center's informal complaint procedure is designed to provide employees, other members of the Career Center community or third parties who believe they are being subjected to unlawful harassment (see definition on page 1) with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 14 of 23

While there are no set time limits within which an informal complaint must be resolved, one (1) of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

One (1) of the Compliance Officers or a designee will retain all materials generated as part of the informal complaint process in accordance with the Board's records retention policy (see Policy 8310, Policy 8320 and Policy 8330).

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

The formal complaint process is not intended to interfere with the rights of an employee, other members of the Career Center community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR), the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC), and/or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 15 of 23

An individual who believes s/he has been subjected to offensive conduct/unlawful harassment/retaliation hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, Executive Director, the Compliance Officer, or other Career Center-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Executive Director, or other Career Center-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the complaint is reported must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision making process.

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 16 of 23

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Executive Director and/or Board Attorney.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/unlawful harassment/retaliation.

Contemporaneously, one (1) of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of the Board's anti-harassment policy shall be provided to the Respondent. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, one (1) of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. (interview(s) with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 17 of 23

- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Executive Director that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used (i.e., it is more likely than not that unlawful discrimination retaliation occurred).

The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Executive Director.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Executive Director must either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Executive Director's decision will be delivered to both the Complainant and the Respondent.

If the Executive Director requests additional investigation, the Executive Director must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Executive Director must issue a written decision as described above.

A Complainant or respondent who is dissatisfied with the decision of the Executive Director may appeal through a signed written request to the Governing Board within five (5) business days of his/her receipt of the Executive Director's final decision.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 18 of 23

If the Executive Director is the Respondent, the appeal process will skip the review by the Executive Director and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Career Center community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant and the Respondent may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Equal Employment Opportunity Commission, Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 19 of 23

Privacy/Confidentiality

The Career Center will employ all reasonable efforts to protect the privacy of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed), and the witnesses to the extent possible, consistent with the Career Center's legal obligations to investigate, to take appropriate action, and comply with any discovery or disclosure obligations.

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

All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Career Center community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment. (See Policy 8310 Public Records and/or Policy 8330 Student Records)~~

Remedial Action, Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment (see definition on page 1)/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 20 of 23

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant. Such remedial action may include, but is not limited to, counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any.

When imposing discipline, the Executive Director shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any.

All subsequent sanctions imposed by the Board and/or Executive Director shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects. Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.

The Board may appoint an individual, who may be an employee of the Career Center, to monitor the Respondent to ensure no further discrimination or retaliation occurs. Likewise, the Board may appoint an individual, who may be an employee of the Career Center other than the Respondent, to follow up with the Complainant to ensure that no further discrimination or retaliation has occurred and to take action to promptly address any reported occurrences.

Remediation

In cases where the complaint investigation results in a finding that the allegation of harassment is substantiated, action must be taken by the Compliance Officer to remedy the past effects of such harassment. This may include but is not limited to providing a contact person to monitor the harassed student, providing tutoring to the student, allowing the student to retake tests or assignments, and counseling. Counseling shall be offered to all students who have been subjected to harassment.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 21 of 23

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Corporation's records retention schedule.

Retaliation

Any act of retaliation against a person who has made a report, filed a complaint alleging unlawful harassment, or participated as a witness in a harassment investigation is prohibited.

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition on page 1), or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing pertaining to unlawful harassment, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Federal or State laws.

Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 22 of 23

immediately report that knowledge or suspicion to the Department of Child Services, Office of Child Protective Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under State law, such knowledge should be reported to local law enforcement.

Any reports made to Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

SUPPORT STAFF
4362/page 23 of 23

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Compliance Officers will oversee training of Career Center employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.

Notice

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the Compliance Officers will be posted throughout the Career Center, and published in any Career Center statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Career Center as required by Federal and State law and this policy.

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 (IDEA 2004)

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, Section 504 of the Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635

National School Boards Association Inquiry and Analysis - May 2008

Adopted 10/8/09

Revised 7/10/14

Revised 3/10/16

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 1 of 23

ANTI-HARASSMENT

General Policy Statement

It is the policy of the Governing Board to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment, occurring in the Career Center's educational opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs, and activities, affecting the Career Center environment (hereinafter referred to collectively as "unlawful harassment"). This commitment applies to all Career Center operations, educational opportunities, 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 occurring in the Career Center's educational opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs, and activities, affecting the Career Center environment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct affects the Career Center environment.

The Board will vigorously enforce its prohibition against unlawful harassment (see definition on page 1), that is based on race, color, national origin, sex (including transgender status, sexual orientation and/or gender identity), religion, disability, military status, ancestry, or genetic information, which are classes protected by Federal and/or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the Career Center community as well as third parties who feel aggrieved to seek assistance to rectify such problems occurring in the Career Center's educational opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs and activities, affecting the Career Center environment.

All Career Center employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 2 of 23

The Career Center will investigate all allegations of unlawful harassment (see definition on page 1) and, in those cases where unlawful harassment is substantiated, will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects.

Individuals who are found to have engaged in unlawful harassment (see definition on page 1) will be subject to appropriate disciplinary action, up to and including termination of employment or expulsion from school.

Furthermore, Career Center employees who fail to report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee also are subject to appropriate disciplinary action, up to and including termination of employment.

For purposes of this policy, "Career Center community" means students, administrators, teachers, and staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on Career Center property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the Career Center community at school-related events/activities (whether on or off Career Center property).

Other Violations of the Anti-Harassment Policy

The Career Center also will take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment (see definition on page 1) or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment (see definition on page 1).

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 3 of 23

- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment (see definition on page 1), when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment (see definition on page 1) when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students with the intent to harass, ridicule, humiliate, intimidate or harm that/those student(s), and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. sexual violence;

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 4 of 23

- I. theft;
- J. sexual, religious, or racial harassment;
- K. public humiliation; or
- L. destruction of property.

In the bullying context, “harassment” means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for educational decisions affecting such individual.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 5 of 23

- C. Such conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive 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 conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. sexual violence, including physical and/or sexual assault;
- C. threats or insinuations that a person's academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of education may be adversely affected by not submitting to sexual advances;
- D. 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;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 6 of 23

- G. 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;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. inappropriate boundary invasions by a Career Center employee or other adult member of the Career Center community into a student's personal space and personal life;
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature;
- K. 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.

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.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 7 of 23

NOTE: Sexual conduct/relationships with students by a Career Center employee or any other adult member of the School Career Center community is prohibited, and any teacher, administrator, coach, other school authority, or staff member who engages in certain sexual conduct with a student may be disciplined up to and including termination and also may be guilty of the criminal charge of "sexual battery" as set forth in I.C. 35-42-4-8. In the case of a child under fourteen (14) years of age, the person also may be guilty of "child molesting" under I.C. 35-42-4-3. In the case of a child between the ages of fourteen (14) and sixteen (16), the person also may be guilty of "sexual misconduct with a minor" under I.C. 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 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.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involving religious slurs.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 8 of 23

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may include but is not limited to conduct directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Reports and Complaints of Harassing Conduct

Students, members of the Career Center community and third parties are encouraged to promptly report incidents of unlawful harassment (see definition on page 1) to an administrator, supervisor or other Career Center official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. All Career Center-level employees, including administrators, professional staff and support staff, shall report any incident of alleged unlawful harassment (see definition on page 1) that the employee observes or which is reported to the employee. Any administrator or other Career Center-level official who receives such a complaint shall file it with the Career Center's Anti-Harassment Compliance Officer at his/her first convenience. Career Center employees who fail to comply with the reporting responsibility shall be subject to discipline, up to and including termination.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 9 of 23

Members of the Career Center community or third parties who believe they have been subjected to unlawful harassment (see definition on page 1) by another member of the Career Center community or a third party are entitled to utilize the Board's complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. Individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of a reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying, the Executive Director or his/her designee believes that the reported misconduct may have created a hostile work or learning environment and may have constituted unlawful harassment (see definition on page 1) based on "Protected Classes" (see definition on page 1), the Executive Director or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers who shall investigate the allegation in accordance with this policy.

Anti-Harassment Compliance Officers

The following individuals serve as “Anti-Harassment Compliance Officers” for the Career Center. They are hereinafter referred to as the “Compliance Officers”.

[Nicole Otte](#)

Assistant Director
1999 US 31 South
Greenwood, IN 46143

317-888-4401

notte@central9.k12.in.us

The names, titles, and contact information for the Compliance Officers will be published annually on the School Career Center's web site.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 10 of 23

The Compliance Officers will be available during regular school/work hours to discuss concerns related to "unlawful harassment" (see definition on page 1), to assist students, other members of the Career Center community and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Career Center employee who directly observes unlawful harassment (see definition on page 1) of a student is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) business days to advise him/her/them of the Career Center intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or his/her designee to conduct an investigation following all the procedures outlined in this policy for a formal complaint. Additionally, if the alleged harasser is a student, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days to advise him/her/them of the Career Center's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint. However, all complaints of harassment involving a Career Center employee or any other adult member of the Career Center community against a student will be formally investigated.

The Compliance Officers are assigned to accept complaints of unlawful harassment (see definition on page 1) directly from any member of the Career Center community or a visitor to the Career Center, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the Career Center community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Executive Director or will oversee the preparation of such recommendations by a designee. However, if the alleged harasser is the Executive Director, the recommendations shall be submitted to the Board President

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 11 of 23

All Career Center employees must report incidents of unlawful harassment (see definition on page 1) that they observe or that are reported to them to the Compliance Officer within two (2) business days business days of learning of the incident.

Investigation and Complaint Procedure (see Form 5517 F1)

Any employee or other member of the Career Center community or third party (e.g., visitor to the Career Center) who believes that s/he has been subjected to unlawful harassment (see definition on page 1) may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of unlawful harassment (see definition on page 1) and a process for rendering a decision regarding whether the claim of unlawful harassment (see definition on page 1) was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1), time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 12 of 23

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and/or unlawful harassment (see definition on page 1), and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against in the Career Center's educational opportunities, programs, and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's educational opportunities, programs, and activities, affecting the Career Center environment. This informal procedure is not required as a precursor to the filing of a formal complaint and/or filing a concurrent criminal complaint, and will be utilized only where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.

Students who believe that they have been unlawfully harassed (see definition on page 1) or retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the information procedure may request that the informal process be terminated at any time to move to the formal complaint procedure.

However, all complaints of unlawful harassment (see definition on page 1) involving a Career Center employee, any adult member of the Career Center community, or a third party against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed (see definition on page 1) and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) is/are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 13 of 23

An individual who believes s/he has been unlawfully harassed (see definition on page 1) may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one (1) of the Compliance Officers; and/or 3) to the Executive Director or other Career Center-level employee.

All informal complaints must be reported to one (1) of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The Career Center's informal complaint procedure is designed to provide employees, other members of the Career Center community or third parties who believe they are being subjected to unlawful harassment (see definition on page 1) with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends school.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 14 of 23

While there are no set time limits within which an informal complaint must be resolved, one (1) of the Compliance Officers or a designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint, may file a complaint with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), and/or may file a concurrent criminal complaint with the law enforcement agency having jurisdiction. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

One of the Compliance Officers or a designee will retain all materials generated as part of the informal complaint process in accordance with the Board's records retention policy (see Policy 8310, Policy 8320 and Policy 8330).

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

The formal complaint process is not intended to interfere with the rights of an employee, other member of the Career Center community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights (OCR) or the Indiana Civil Rights Commission (ICRC), and/or to file a concurrent criminal complaint with the law enforcement agency having jurisdiction.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 15 of 23

An individual who believes s/he has been subjected to offensive conduct/unlawful harassment/retaliation, hereinafter referred to as the "Complainant", may file a formal complaint, either orally or in writing with a teacher, the Compliance Officer, Executive Director, or other Career Center-level employee. Due to the sensitivity surrounding complaints of unlawful harassment (see definition on page 1) and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Executive Director, or other Career Center-level employee, either orally or in writing, about any complaint of harassment or retaliation, the employee to whom the student reports the complaint must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision making process.

All formal complaints of unlawful harassment (see definition on page 1) or retaliation must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported complaint by signing the document.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 16 of 23

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including but not limited to a change of building or class assignment or class schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deems appropriate in consultation with the Executive Director and/or Board Attorney.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/unlawful harassment/retaliation.

An Executive Director will not conduct an investigation unless directed to do so by the Compliance Officer.

Contemporaneously, one (1) of the Compliance Officers or a designee will inform the individual alleged to have engaged in the unlawful harassing or retaliatory conduct, hereinafter referred to as the "Respondent", that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of the Board's anti-harassment policy shall be provided to the Respondent. The Respondent also must be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, one (1) of the Compliance Officers or a designee will attempt to complete an investigation into the allegations of harassment or retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 17 of 23

- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
- D. consideration of any documentation or other information, presented by the Complainant, Respondent, or any other witnesses that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Executive Director that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of the evidence standard will be used (i.e., it is more likely than not that unlawful harassment or retaliation occurred). Executive Director

The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Executive Director.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the Executive Director must either issue a decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Executive Director's decision will be delivered to both the Complainant and the Respondent.

If the Executive Director requests additional investigation, the Executive Director must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Executive Director must issue a written decision as described above.

A Complainant or respondent who is dissatisfied with the decision of the Executive Director may appeal through a signed written request to the Governing Board within five (5) business days of his/her receipt of the Executive Director's final decision.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 18 of 23

If the Executive Director is the Respondent, the appeal process will skip the review by the Executive Director and move directly to the Board. In such circumstances, the Compliance Officer, or the designee, shall prepare and deliver a written report to the Board that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment (see definition on page 1) or retaliation.

The Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of a written request to appeal. At this meeting, the parties have the right to present evidence, including testimony and/or exhibits, to the Board in support of their position. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Career Center community or third party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant and the Respondent may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the Indiana Civil Rights Commission, or the filing of a concurrent criminal complaint. Use of the complaint procedures is not a prerequisite to the pursuit of other remedies. Furthermore, the complaint must be investigated even if a separate investigation is being conducted by another agency, including but not limited to the local police department.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 19 of 23

Privacy/Confidentiality

The Career Center will employ all reasonable efforts to protect the privacy of the Complainant, the Respondent(s) (that is the individual(s) against whom the complaint is filed), and the witnesses to the extent possible, consistent with the Career Center's legal obligations to investigate, to take appropriate action, and comply with any discovery or disclosure obligations.

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

All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the Career Center community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

~~In accordance with the Board's records retention policy and student records policy, the Compliance Officer will maintain all records created as a part of an investigation of a complaint of unlawful harassment/retaliation occurring in the Career Center's employment opportunities, programs and/or activities, or, if initially occurring off Career Center grounds or outside the Career Center's employment opportunities, programs and activities, affecting the Career Center environment. (See Policy 8310—Public Records and/or Policy 8330—Student Records)~~

Remediation

In cases where the complaint investigation results in a finding that the allegation of unlawful harassment/retaliation is substantiated, action must be taken by the Compliance Officer to remedy the past effects of such unlawful harassment/retaliation on a student. This may include but is not limited to providing a contact person to monitor the student, providing tutoring to the student, allowing the student to retake tests or assignments, and counseling.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 20 of 23

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment (see definition on page 1)/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s), if any. Any discipline of students with disabilities will be in accordance with the Individuals with Disabilities Education Act ("IDEA") and the Federal and State regulations implementing the IDEA.

When imposing discipline, the Executive Director shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s), if any, and with Federal and State laws and regulations.

All sanctions imposed by the Board and/or Executive Director shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects. Prior sanctions imposed on the Respondent(s) for similar past conduct shall be considered in determining the appropriateness of the sanction(s) imposed for the present conduct.

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to complaints, responses, witness statements, documentary evidence, audio, video and/or digital recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries. The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 21 of 23

records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 and the Corporation's records retention schedule.

Retaliation

Any act of retaliation against a person who has made a report, filed a complaint alleging unlawful harassment, or participated as a witness in a harassment investigation is prohibited.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 22 of 23

Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice of unlawful harassment (see definition on page 1), or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing pertaining to unlawful harassment, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Federal or State laws.

Individuals found to have engaged in retaliation shall be subject to disciplinary action, up to and including termination of employment or expulsion from school.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Child Services, Office of Child Protective Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant or the alleged victim, a report of such knowledge must be made in accordance with State law and Board Policy.

If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined under State law, such knowledge should be reported to local law enforcement.

Any reports made to Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies.

policy

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

STUDENTS
5517/page 23 of 23

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Compliance Officers will oversee training of Career Center employees and students so that they understand their rights and responsibilities under Federal and State law and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law. All training regarding the Board's policy and administrative guidelines and harassment in general will be age and content appropriate.

Notice

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the Compliance Officers will be posted throughout the Career Center, and published in any Career Center statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Career Center as required by Federal and State law and this policy.

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 (IDEA 2004)

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, Section 504 of the Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Titles VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635

National School Boards Association Inquiry and Analysis - May 2008

Adopted 1/14/10

Revised 7/10/14

Revised 3/10/16

USE OF SECLUSION AND RESTRAINT WITH STUDENTS

It is the policy of the Board that all students are to be treated with dignity and respect and to be free from abuse. The Board supports the promotion and training of appropriate student behavior as part of the Corporation's curriculum. It is the policy of the Board to use prevention, positive behavior intervention and support, and conflict de-escalation to eliminate or minimize the need for the use of seclusion or restraint with students. This policy applies to all students, regardless of the existence of a disability.

General Guidelines

Any behavioral intervention shall be consistent with a student's rights to be treated with dignity and respect and to be free from abuse.

Any behavioral intervention used shall be consistent with the student's most current individualized education program (IEP) and with the student's behavioral intervention plan (BIP), if applicable.

Every effort shall be made to eliminate or minimize the need for the use of seclusion or restraint with a student, including the use of prevention, positive behavior intervention and support, and conflict de-escalation prior to the use of seclusion or restraint, except in the case of an emergency, as defined in the seclusion and restraint plan.

Seclusion and restraint shall be used only: 1) as a last resort safety procedure employed after another, less restrictive procedure has been implemented without success; and 2) when there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

Seclusion and restraint shall be used only for a short period of time or until the imminent risk of injury has passed.

Regular training of appropriate school employees/staff members on the proper use of effective alternatives to seclusion and physical restraint and the safe use of seclusion and physical restraint in situations involving imminent danger of serious physical harm to the student, school employees or others is required, as indicated in the seclusion and restraint plan.

The student shall be monitored by a staff member at all times during the use of seclusion or restraint to ensure the appropriateness of its use and the safety of the student and others.

Corporation employees shall never use mechanical restraints to restrict student's freedom of movement and shall never use a drug, medication or other chemical to control behavior or restrict freedom of movement, except as authorized by a licensed physician or other qualified health professional. Corporation employees shall never give a student any drug or medication that is not a standard treatment and dosage for the student's medical or psychiatric condition.

The seclusion and restraint plan shall apply to all students and not only students with disabilities.

Seclusion and restraint shall not be used as a means of punishment or discipline, coercion or retaliation, or as a matter of convenience.

Seclusion and restraint shall never be used in a manner that restricts a student's breathing or intentionally harms the student.

The use of seclusion or restraint, particularly when there is repeated use for an individual student, multiple uses within the same classroom, or multiple uses by the same individual, shall trigger a review and, if appropriate, revision of strategies currently in place to address behavior that imposes imminent risk of injury, including engaging in a functional behavioral assessment and reviewing and/or modifying the student's IEP or BIP. In positive strategies are not in place, Corporation employees shall consider developing them.

Behavioral strategies to address behavior that imposes imminent risk of injury that result in the use of seclusion or restraint shall address the underlying cause or purpose of the behavior.

Parents or guardians shall be informed of and have access to the plan on seclusion and restraint at the student's school or other educational setting, as well as applicable Federal, State or local laws.

A student's parent must be notified as soon as possible when an incident involving the student that includes the use of seclusion or restraint occurs. ~~Schools must designate the employee who will be responsible for documenting every instance in which seclusion or restraint was used on a student. The documentation shall include a detailed account of the incident, including the circumstances that led to the use of restraint and/or seclusion.~~

Staff, including school resource officers, involved in the use of seclusion or restraint must complete an incident report as soon as practical after the use of seclusion or restraint.

The building administrator or designee must send a copy of the incident report to the parent or guardian and place a copy of the report in the student's confidential file.

The building administrator or designee also must send a copy of the incident report to a Corporation administrator designated by the Executive Director, who must maintain records of all such incident reports. The Executive Director is directed to designate a Corporation administrator to serve as the coordinator of data, planning and oversight of the use of seclusion or restraint procedures in the Corporation. The coordinator must maintain records of the use of seclusion or restraint in the Corporation.

Any instance of seclusion or restraint must be documented as indicated in the seclusion and restraint plan. Such documentation shall, at a minimum, be in writing, include sufficient detail to provide for the collection of specific data that would enable teachers, staff and other personnel to review seclusion and restraint policies in order to implement modifications to the Corporation's plan. Data collected from the use of either seclusion or restraint shall be reviewed at least annually in order to improve prevention, positive behavioral intervention and support, and conflict de-escalation techniques in order to avoid the use of seclusion and restraint.

The Board directs the Executive Director or ~~the~~ a local Director of Special Education to develop a seclusion and restraint plan that, at a minimum, incorporates these guidelines and specifies the training required, notification procedures, and timelines. The plan must be reviewed annually and updated as needed.

Adopted 7/10/14
Revised 10/9/14

EXTRA-CURRICULAR FUNDS

The Board shall establish financial controls for the administration of the normal, legitimate, ~~curricular related and~~ extra-curricular activities of the ~~Corporation~~ Career Center in accordance with guidelines of the State Board of Accounts and the applicable provisions of Policy 6111 – Internal Control Standards and Procedures.

Each fund covered by this policy must be recognized by the Board before monies can be collected or disbursed in the name of said fund. Each fund shall be managed by a school administrator designated by the Executive Director and a bonded Business Manager approved by the Board.

The Executive Director is directed to submit annually a list of any new accounts along with a brief description of its objectives.

All student activity funds will be managed by the bonded School Treasurer in accordance with the guidelines established by the State Board of Accounts in its Handbook of Instruction for extra-curricular accounts. The Executive Director shall be responsible for ensuring that the Career Center has the current edition of this handbook.

A person who has charge of the collection, custody, and disbursement of funds collected and expended to pay expenses incurred in conducting any athletic, social, or other school function, the cost of which is not paid from public funds, shall: (1) keep an accurate account of all money received and expended, showing the: (A) sources of all receipts; (B) purposes for which the money was expended; and (C) balance on hand; and (2) file a copy of the account with the Board within two (2) weeks after the close of each fiscal school year.

The funds of all accounts of any organization, class, or activity shall be accounted separately from all others. Funds may not be transferred from the accounts of any organization, class, or activity except by a majority vote of its members, if any, and by the approval of the principal, sponsor, and Treasurer of the organization, class, or activity. However, in the case of athletic funds: (1) approval of the transfer must be made by the athletic director, who is regarded as the sponsor; and (2) participating students are not considered members. All expenditures of the funds are subject to review by the governing body of the Career Center.

The Treasurer shall give a bond in an amount fixed by the Executive Director and principal of the school approximating the total amount of the anticipated funds that will come into the possession of the Treasurer at any one (1) time during the regular school year. Bonds shall be filed with the trustee or Board of School Trustees.

The surety on the bonds must be a surety company authorized to do business in Indiana. However, the requirement for giving the bond and the requirement to deposit the receipts in a separate bank account, as required by I.C. 20-41-1-9, does not apply to any school for which the funds, as estimated by the principal, will not exceed three hundred dollars (\$300) during a school year.

The principal or teacher in charge of the school shall designate a collecting authority to be in charge of the collection of any funds described in this section. This designation must be made immediately upon the opening of the school term or the vacating of the office of Treasurer. Upon collection of any funds, the collecting authority shall deliver the funds, together with an accounting of the funds, to the custody of the school Treasurer. The principal may designate different collecting authorities for each separate account of funds.

The Treasurer shall keep an accurate account of all money received by the collecting authority and expended, showing: (1) the sources of all receipts; (2) the purposes for which the money was expended; and (3) the balance on hand. A copy of the report, together with all records and files of extracurricular activities, shall be filed as required under I.C. 20-41-1-3.

However, in a school that has two (2) or more semesters in any one (1) school year, the Treasurer of the school shall file a copy of the Treasurer's financial report of receipts and disbursements with the Board not more than two (2) weeks after the close of each semester. Records and files of extracurricular activities for the entire school year shall be filed with the last financial semester report of any one (1) school year. These records shall be kept for five (5) years, after which they may be destroyed, unless the Career Center's records retention policy requires this category of records to be maintained for a longer period.

The Treasurer shall deposit all receipts in one (1) bank account. The receipts shall be deposited without unreasonable delay. The account shall be known as the school extracurricular account. The records of each organization, class, or activity shall be kept separate so that the balance in each fund may be known at all times.

The money in the school extracurricular account may be invested under the conditions specified in IC 5-13-10 and IC 5-13-10.5 for investment of state money. However, investments under this section are at the discretion of the principal. The interest earned from any investment may be credited to the school extracurricular account and need not be credited proportionately to each separate extracurricular fund. The interest earned from the investment may be used for any of the following:

- A. a school purpose approved by the principal.
- B. an extracurricular purpose approved by the principal.

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

FINANCES
6610/page 4 of 4

Amounts expended from the extra-curricular account are in addition to any appropriation under I.C. 20-26-5-4-(3).

~~I.C. 20-26-6-4, 20-26-6-6, 20-26-6-7~~

~~I.C. 5-11-1-24, 5-11-1-27~~

~~I.C. 5-13-10, 5-13-10.5~~

~~I.C. 20-26-5-4(3)(A) – Uniform Internal Control Standards for Political Subdivisions
Accounting and Uniform Compliance Manual for Extra-Curricular Accounts~~

~~I.C. 20-41-1~~

~~© NEOLA 2006~~2018

~~I.C. 20-26-6-4, 20-26-6-6, 20-26-6-7~~

Adopted 1/14/10

USE OF SCHOOL FACILITIES

The Board believes that the school facilities of this Corporation should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program of the schools.

The Board will permit the use of school facilities when such permission has been requested in writing by a responsible organization or a group of citizens and has been approved by the Executive Director.

Corporation facilities shall be available for the below-listed uses. When there are competing interests for such uses, approval will be given according to the following priorities:

- A. uses directly related to the schools and the operations of the schools
- B. uses and groups indirectly related to the schools
- C. meetings of employee associations
- D. uses for voter registration and elections
- E. departments or agencies of the municipal government
- F. other governmental agencies
- G. community organizations or groups of individuals formed for charitable, civic, educational, and/or recreational purposes.

The use of Corporation grounds and facilities shall not be granted for any purpose which is prohibited by law.

Should all or any part of the Corporation's community be struck by a disaster, the Board shall make Corporation grounds and/or facilities available, at no charge, for the housing, feeding, and care of victims or potential victims when requested by local, State, or Federal authorities. The Executive Director should meet with the other emergency readiness groups to establish a disaster preparedness plan in order to ensure that proper procedures are established to minimize confusion, inefficiency, and disruption of the educational program.

The Executive Director shall develop administrative guidelines for the granting of permission to use Corporation facilities including a schedule of fees. Such guidelines are to include the following:

- A. Each user shall present evidence of the purchase of organizational liability insurance to the limit prescribed by Corporation guidelines.
- B. Use of school equipment in conjunction with the use of school facilities must be requested specifically in writing, and may be granted by the procedure by which permission to use facilities is granted. The users of school equipment must accept liability for any damage or loss to such equipment that occurs while it is in their use. Where guidelines so specify, no item of equipment may be used except by a qualified operator.
- C. Users shall be liable financially for damage to the facilities and for proper chaperonage.
- D. Users shall not possess, consume, or distribute alcoholic beverages or other controlled substances, nor shall any betting occur, at any function occurring on Corporation premises.

No liability shall attach to this Corporation, any employee, officer, or member of this Corporation specifically as a consequence of permitting access to these facilities.

I.C. 20-26-5-1, 20-26-5-4, 20-26-8-1
511 IAC 6-2-1(b)(5)

Adopted 1/14/10

© NEOLA 2018

STAFF USE OF PERSONAL COMMUNICATION DEVICES

Use of personal communication devices (“PCDs”) has become pervasive in the workplace. For purposes of this policy, “personal communication device” includes computers, tablets (e.g., iPads and similar devices), electronic readers (“e-readers”; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones [e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.]), and/or other web-enabled devices of any type. Whether the PCD is ~~School Board-Career Center~~-owned and assigned to a specific employee or school official, or personally-owned by the employee or school official (regardless of whether the Board pays the employee or school official an allowance for his/her use of the device, the ~~Board-Career Center~~ reimburses the employee or school official on a per use basis for their business-related use of his/her PCD, or the employee or school official receives no remuneration for his/her use of a personally-owned PCD), the employee is or school official is responsible for using the device in a safe and appropriate manner and in accordance with this policy and its accompanying guidelines, as well as other pertinent Board policies and procedures.

Employees and school officials are permitted to use a Career Center-owned and/or personally owned-PCD to make/receive calls, send/receive emails, send/receive texts, send/receive instant messages, that concern Career Center business of any kind.

Employees and school officials are responsible for archiving such communication(s) in accordance with the Career Center's requirements.

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones

Employees and school officials are responsible for operating Career Center-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees and school officials are prohibited from using a PCD while operating such vehicles or equipment. In the interest of safety for employees, school officials, and other drivers, employees and school officials are required to comply with all applicable laws while driving.

~~Using a cell phone or other PCD while operating a vehicle is strongly discouraged. Employees should plan their work accordingly so that calls are placed, text messages/instant messages/e-mails read and/or sent, and/or the Internet browsed either prior to traveling or while on rest breaks. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving).~~

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROPERTY
7530.02/page 2 of 6

Employees and school officials may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty ~~to~~ To Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees and school officials are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on a PCD regardless of whether they are Career Center-owned and assigned to a specific employee or school official or personally-owned by the employee or school official~~their PCDs~~.

~~Cellular and wireless~~PCD communications, including calls, text messages, instant messages, and e-mails sent ~~from PCDs~~or received, may not be secure. Therefore, employees and school officials should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, ~~cellular/wireless~~PCD communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records. ~~if the content of the message concerns Corporation business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 – Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with Corporation requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.~~

Further, PCD communications about students, including text messages, instant messages and e-mails sent and/or received by a Career Center employee or school official using his/her PCD may constitute education records if the content includes personally identifiable information about a student.

Communications, including text messages, instant messages and e-mails sent and/or received by a Career Center employee or school official using his/her PCD, that are public records or student records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. PCD communications that are student records should be maintained pursuant to Policy 8330 – Students Records.

It is the responsibility of the Career Center employee or school official who uses a PCD for Career Center business-related use to archive all text messages, instant messages and e-mails sent and/or received using his/her PCD in accordance with the Career Center's requirements.

Finally, PCD communications and other electronically stored information (ESI) stored on the staff member's or school official's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Employees and school officials are required to comply with Career Center requests to produce copies of PCD communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

At the conclusion of an individual's employment or official service (whether through resignation, nonrenewal, or termination), the employee or school official is responsible for verifying all public records, student records and ESI subject to a Litigation Hold that are maintained on the employee's or school official's PCD are transferred to the Career Center's custody (e.g., server, alternative storage device). The Career Center's IT department/staff is available to assist in this process. Once all public records, student records and ESI subject to a Litigation Hold are transferred to the Career Center's custody, the employee or school official is required to delete the records/ESI from his/her PCD. The employee or school official will be required to sign a document confirming that all such records/information ~~has~~ have been transferred to the Career Center's custody and deleted from his/her PCD.

Similarly, if an employee or school official intends to dispose of, or otherwise stop using, a personally-owned PCD on which s/he has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the employee or school official must transfer the records/ESI to the Career Center's custody before disposing of, or otherwise ceasing to use, the personally-owned PCD. The employee or school official is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the personally-owned PCD. Failure to comply with these requirements may result in disciplinary action.

If a PCD is lost, stolen, hacked or otherwise subjected to unauthorized access, the employee or school official must ~~immediately~~ notify the Executive Director ~~immediately~~ so a determination can be made as to whether any public records, students records and/or ESI subject to a Litigation Hold has been compromised and/or lost. Pursuant to Policy 8305 Information Security and its accompanying guidelines, the~~The~~ Executive Director shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD ~~was~~ were encrypted.

The Board prohibits employees and school officials from maintaining the following types of records and/or information on their PCDs:

- A. social security numbers
- B. driver's license numbers
- C. credit and debit card information

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

PROPERTY
7530.02/page 5 of 6

- D. financial account numbers
- E. student personally identifiable information
- F. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)
- G. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)

It is suggested that employees and school officials lock and password protect their PCDs when not in use.

Employees and officials are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Executive Director or as necessary to fulfill their job responsibilities, employees and school officials are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, classrooms, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Executive Director and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

Personal Use of PCDs While at Work

~~Board~~ Career Center employees may carry PCDs and/or cell phones with them while at work, but are subject to the following restrictions:

- A. Excessive use of a PCD and/or cell phone for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.
- B. Employees are personally and solely responsible for the care and security of their personally-owned PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, personally-owned PCDs brought onto its Career Center property, or the unauthorized use of such devices.

Potential Disciplinary Action

Violation of any provision of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws also may ~~also~~ result in disciplinary action up to and including termination.

Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 (2008)

Children's Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)
20 U.S.C. 1232g; 34 CFR Part 99

Adopted 12/12/13

INFORMATION MANAGEMENT

The School Board recognizes its responsibility, in certain circumstances, to maintain information created, maintained or otherwise stored by the School Corporation outside the "records retention schedule". In such situations, a litigation hold procedure will be utilized to identify and preserve information relevant to a specific matter. All paper documents and electronically stored information ("ESI") subject to a litigation hold shall be handled pursuant to the requirements in AG 8315. All information falling within a litigation hold, which is under the control of the Corporation, must be preserved in a readily accessible form and cannot be disposed of under the records retention and disposal procedures. Failure to comply with a litigation hold notice may result in disciplinary action, up to and including possible termination.

~~The Board recognizes its responsibility, in certain circumstances, to maintain information created, maintained or otherwise stored by the Corporation outside the "Records Retention Schedule". In such situations, a "Litigation Hold" procedure will be utilized to identify and preserve information relevant to a specific matter. "Information" includes both paper documents and electronically stored information ("ESI"). When implementing the "Litigation Hold," the Corporation will identify individuals in possession or custody of paper documents, ESI and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the "Records Retention Schedule". The Corporation will also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a "Litigation Hold," which is under the control of the Corporation, must be preserved in a readily accessible form and cannot be disposed of under the "Records Retention and Disposal" requirements. Failure to comply with a Litigation Hold notice may result in disciplinary action, up to and including possible termination.~~

~~Instances where the Board must maintain information outside the "Records Retention Schedule" include:~~

- ~~A. — when the Board has specific information and/or written notice from an individual, parent or student of an intent to file an appeal of student discipline to State court;~~
- ~~B. — when the Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed in Federal or State court;~~

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

OPERATIONS
8315/page 2 of 5

- ~~C. when the Board is served with litigation, including, but not limited to, notice of a lawsuit in Federal or State court, or notice of a student disciplinary appeal to State court;~~
- ~~D. when the Board receives specific information and/or written notification from an employee, labor union, or other person of an intent to file a claim against the Board, its members, employees or agents at an administrative agency such as the Equal Employment Opportunity Commission, Indiana Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;~~

- ~~E. when the Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Indiana Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;~~
- ~~F. when the Board receives written notification from a third party requesting that the Board maintain information that could be at issue in litigation or potential litigation against that third party;~~
- ~~G. when the Executive Director recommends the termination of an employee to the Board pursuant to a labor contract;~~
- ~~H. when the Board explores, contemplates or initiates litigation.~~

Definitions

"Documents" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.

"ESI" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. It includes, but is not limited to, e-mails, e-mail attachments, instant messages, word processing files, spreadsheets, pictures, application program and data files, databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, TIFF files, PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voice mails, phone logs, faxes, internet histories, caches, cookies or logs of activity on computer systems that may have been used to process or store electronic data.

"Electronic media" includes, but is not limited to, hard drives (including portable hard disk drives "HDD's"), floppy drives, disaster recovery media, and storage media (including DVD's, CD's, floppy discs, Zip discs/drives, Jazz discs/drives, USB memory drives, jump disc/drives, flash discs/drives, keychain discs/drives, thumb discs/drives, smart cards, micro-film, backup tapes, cassette tapes, cartridges, etc.), accessed, used and/or stored on/in/through the following locations: networks and servers; laptop and desktop work computers; home and personal computers; other computer systems; backup computers or servers; archives; ~~personal digital assistants ("PDAs" including Palm, Blackberry, cellular phone, tablet PC, etc.)~~ wireless communication device as defined in Bylaw 0100; pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media shall also include any item containing or maintaining ESI that is obtained by the Corporation for Board member or employee usage or that an employee uses for such purpose (even if privately owned by the Board member or employee) from the date this policy is adopted into the future.

Initiation and Removal of a "Litigation Hold"

The Board or the Executive Director may initiate a "~~Litigation Hold~~ litigation hold" under this policy. If the Executive Director initiates a "~~Litigation Hold~~ litigation hold," s/he or the Board's legal counsel will notify the Board of the reason the ~~Litigation Hold~~ litigation hold was instituted and its scope. When implementing a ~~Litigation Hold~~ litigation hold, the Board or Executive Director may utilize an Electronically Stored Information Team ("ESI Team"). The Board's legal counsel shall be involved in implementation of the "~~Litigation Hold~~ litigation hold ~~Procedure~~ procedure" outlined in AG 8315.

A ~~litigation hold~~ "Litigation Hold" shall remain in place until removed by the Board. A ~~litigation hold~~ "Litigation Hold" may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated. Any information maintained under this policy shall fall back under the "~~Records Retention Schedule~~ records retention schedule once the ~~litigation hold~~ "Litigation Hold" is removed.

The Executive Director shall develop administrative guidelines outlining the procedures to be followed by Board members and employees when initiating and implementing a ~~litigation hold~~ "Litigation Hold". This policy and its related administrative guidelines shall be posted and distributed in the manner described in AG 8315.

**GOVERNING BOARD
CENTRAL NINE CAREER CENTER**

OPERATIONS
8315/page 5 of 5

Adopted 1/14/10

© NEOLA 2018