

NON-DISCRIMINATION & ANTI-HARASSMENT

The Mill Creek Community School Corporation does not discriminate or tolerate harassment on the basis of a protected class including but not limited to race, color, creed, religion, sex, gender, gender identity, national origin, cultural or economic or disability in the programs or activities which it operates or the employment therein or admission thereto. This commitment applies to all School Corporation operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school grounds immediately before, during, or immediately after school hours; in any school program or activity taking place in school facilities, on school transportation, or at other off-campus locations, such as at school-sponsored field trips or a training program; or using property or equipment provided by the school, including school-owned computers and the school's computer network.

The School Corporation has designated several staff members as coordinators of non-discrimination and anti-harassment. The identity and contact information for these staff members are listed below. The coordinators are responsible for monitoring and ensuring compliance with all non-discrimination and anti-harassment law. The coordinators shall document all reports of discrimination or harassment and establish a protocol for recordkeeping. Nothing in this procedure shall supersede or substitute an employee's other mandatory reporting obligations including, but not limited to, reporting suspected child abuse and neglect and bullying.

Title VI Coordinator

(Race, color, national origin)

Assistant Superintendent

6631 S CR-200 W Clayton, IN 46118
317-539-9217
TitleIX@mccsc.k12.in.us

Title IX Coordinator

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

Assistant Superintendent

6631 S CR-200 W Clayton, IN 46118
317-539-9217
TitleIX@mccsc.k12.in.us

Section 504 Coordinator/Nurse

(Disability)

Assistant Superintendent

6631 S CR-200 W Clayton, IN
46118
317-539-9217
TitleIX@mccsc.k12.in.us

Non-discrimination Coordinator

(All other forms)

Assistant Superintendent

6631 S CR-200 W Clayton, IN 46118
317-539-9217
TitleIX@mccsc.k12.in.us

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

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

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

Harassment, hazing and discrimination may take many forms, including: verbal acts and name-calling; graphic and written statements; sexual violence or unwanted sexual contact; or other conduct that may be harmful, humiliating, or physically threatening. Harassment and discrimination do not have to include intent to harm, be directed at a specific target, or involve repeated incidents, but may be present in peer-to-peer, staff-to-staff, staff-to-student, or student-to-staff interactions. Harassment and discrimination may be any act, speech, or gesture sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability to participate in or benefit from the services, activities, or opportunities provided by the Corporation. These procedures will be used to investigate and address complaints of discrimination and harassment alleging discrimination by students, employees, or third parties.

“Hazing” as used in this Policy means causing a person to perform or submit to an act of initiation or rite of passage into a class, group, team, or organization if the act or series of acts is demeaning, or results in a risk of mental, emotional, or physical harm. Consent, or assumption of risk by a target, shall not be considered in determining if hazing has occurred. See also I.C. 35-42-2-2.5.

The goal of these procedures is to ensure they adequately address and provide sufficient options for prompt and effective responses to incidents of discrimination and harassment. The Corporation’s response will be reasonably calculated to end harassment and discrimination, eliminate hostile environments, prevent recurrence, and provide for a free appropriate public education (“FAPE”). The Corporation will ensure that its policy and procedures against discrimination and harassment are widely distributed and readily available to students, parents of students, and employees. The Corporation will take appropriate steps to educate employees, students, and parents regarding its non-discrimination and anti-harassment policies and reporting procedures. This may include: presentations during employee training; seminars, workshops, or speakers; or signs, posters, or demonstrations emphasizing important parts of the policy. Policies and reporting procedures will be made available to the school community through hardcopy and via the Corporation’s website.

Anyone who believes that a student, staff member or member of a school community has possibly been the target of discrimination or harassment is encouraged to immediately report the situation to an appropriate staff member such as a teacher, counselor, administrator, or coordinator based on the form of harassment or discrimination. Any employee who observes, suspects, or is notified of discrimination, hazing or harassment must report the behavior to his/her building level leader.

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The reporter need not be the target of the discrimination or harassment. Complaints against a staff member should not be reported to the accused staff. Instead, complaints against a staff member should be reported to that staff member's supervisor or appropriate coordinator based on the form of harassment or discrimination. For example, harassment based upon disability should be reported to the Section 504 Coordinator.

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

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

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

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

Informal Process

Complaints need not be in formal written format. Reporters may informally and verbally report discrimination and harassment to an appropriate staff member. The appropriate coordinators shall be included in the informal complaint to ensure compliance. Resolution of an informal complaint may include: an opportunity for the complainant to explain to the alleged offender that his or her conduct is unwelcome or offensive, either in writing or face-to-face; a warning to the alleged offender that the alleged conduct is not appropriate and could lead to discipline; mediation with individuals involved in the complaint; or any of the responses available in an formal complaint. Mediation will not be permitted for complaints of sexual violence. All complaints involving a

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Corporation employee or any other adult member of the Corporation community harassing or discriminating against a student will be formally investigated. At any time during the informal process any of the parties may end the informal process and initiate the formal process.

Formal Process

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

Written notice of the outcome of the investigation will be provided to parties involved in the complaint to the extent permitted by law. A formal investigation outcome may be appealed by any party in writing to the corporation coordinator within ten (10) days receipt of the outcome of the formal investigation. The written appeal should identify the reasons why the coordinator should reconsider the outcome of the investigation. The coordinator should respond to the appealing party within ten (10) days of receipt of the written appeal indicating any reconsideration of the investigation outcome based on the appeal. A reconsideration of the formal investigation outcome may be appealed by any party in writing to the Corporation's governing body within ten (10) days of receipt of the coordinator's reconsideration. The governing body or their designee should respond to the appealing party within forty-five (45) days of receipt of the written appeal indicating the final outcome of the investigation. Written notice of the final outcome of the investigation will be provided to parties involved in the complaint to the extent permitted by law.

Responses to Substantiated Harassment or Discrimination

In response to a complaint investigation, if the Corporation determines that harassment or discrimination has occurred, the Corporation will take prompt and effective steps reasonably calculated to stop the harassment or discrimination, remedy the harassment or discrimination, and prevent the harassment or discrimination from recurring. Steps may include: separating the harasser/discriminator and the target, providing counseling for the target and/or harasser/discriminator, taking prompt disciplinary action against the harasser/discriminator, or identifying the discriminatory or harassing incident and reaffirming the school's non-discrimination and anti-harassment policy. These steps should not penalize the target of the harassment or discrimination.

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

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

Incidents of harassment or discrimination may be referred to appropriate law enforcement officials. If an incident is referred to law enforcement or another outside agency, including the Department of Child Services, the Corporation will proceed with an internal investigation of discrimination or harassment simultaneously designed not to interfere with the law enforcement investigation. In the course of discrimination and harassment investigations, the Corporation will assess whether the nature of the conduct has civil rights implications. If the harassing or discriminatory behavior is on the basis of a protected class, the Corporation will respond in accordance with the applicable federal civil rights statutes and regulations. The Corporation shall follow the then-current legal standards for non-discrimination and anti-harassment including the standard of whether a hostile environment or disparate treatment exists.

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

PROHIBITION AGAINST RETALIATION

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

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Questions

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

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

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I.C. 35-42-4-3, 35-42-4-8, 35-42-4-9
20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
20 U.S.C. 1681 et seq., Title IX of the Education Amendments Act of 1972
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973, as amended
29 U.S.C. 6101, The Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000d et seq., Titles VI and VII of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq.
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 1983
29 C.F.R. Part 1635
34 CFR Part 106
20 USC § 1092, Clery Act
34 USC § 12291, Violence Against Women Act (VAWA)

Mill Creek Community School Corporation

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