

# POLICY

13000-01

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## GENERAL COMMITMENTS – NONDISCRIMINATION & ANTI-HARASSMENT

Adoption Date: February 16, 2017  
Legal Ref: Title VI and Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Americans with Disabilities Act of 1990; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; IC 22-9;  
Cross Ref:  
Exhibit To: Section 504 Manual

### Statement of Non-discrimination

Westfield Washington Schools (WWS) does not discriminate on the basis of a protected class including but not limited to race, color, national origin, age, religion, disability, ancestry, or sex, in the programs or activities which it operates or the employment therein or admission thereto. Further, within employment, the WWS does not discriminate on the basis of marital status or veteran's status. WWS strictly adheres to all non-discrimination and anti-harassment laws and does not tolerate acts of harassment.

WWS 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.

<b>Title</b>	<b>Name</b>	<b>Phone</b>	<b>Email</b>	<b>Mailing Address</b>	<b>Forms of Discrimination &amp; Harassment Addressed by the Coordinator</b>
<b>Section 504 Coordinator</b>	Chase Stinson	317-867-8006	stinsonc@ws.k12.in.us	1143 E. 181 <sup>st</sup> St. Westfield, IN	Disability
<b>Title VI Coordinator</b>	Chris Baldwin	317-867-8012	baldwinc@ws.k12.in.us	1143 E. 181 <sup>st</sup> St. Westfield, IN	Race, color, national origin
<b>Title IX Coordinator</b>	Chris Baldwin	317-867-8012	baldwinc@ws.k12.in.us	1143 E. 181 <sup>st</sup> St. Westfield, IN	Sex, including sexual harassment/sexual assault, gender discrimination, and discrimination for sexual stereotype nonconformity
<b>Non-discrimination Coordinator</b>	Chris Baldwin	317-867-8012	baldwinc@ws.k12.in.us	1143 E. 181 <sup>st</sup> St. Westfield, IN	All other forms

## Non-discrimination/Anti-harassment Policy and Procedures

WWS is committed to providing a safe environment in which students can learn. WWS shall maintain a nondiscriminatory environment protecting students from discrimination and harassment.

Harassment or discrimination of students, staff members, and guests is prohibited at all academic, extra-curricular, and school-sponsored activities. Behavior prohibited by this policy also includes conduct in any school program or activity taking place in school facilities, on school transportation, or any off campus conduct that has a continuing effect on campus or in a school program or activity. WWS prohibits discrimination and harassment through a computer, computer system, or computer network. Notwithstanding any other prohibition, WWS will not take action to regulate expression protected by the United States and Indiana Constitutions. WWS is particularly devoted to preventing and diligently addressing discrimination and harassment based on a protected class including but not limited to race, color, national origin, age, religion, disability, or sex.

Harassment 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 WWS.

The goal of these policies and procedures is to ensure they adequately address and provide sufficient options for prompt and effective responses to incidents of discrimination and harassment. WWS'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"). WWS will ensure that its policy and procedures against discrimination and harassment are widely distributed and readily available to students, parents of students, and employees. WWS 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 WWS community through hardcopy and via WWS's website.

**Anyone who believes that a student or staff member 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 appropriate coordinator based on the form of harassment or discrimination. Any employee who observes, suspects, or is notified of discrimination or harassment must report the behavior to his/her immediate superior.** 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 School employees or any other adult member of the WWS 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 WWS'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 WWS, WWS 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 WWS's responsibility to investigate the harassment or discrimination. Upon notice of alleged harassment or discrimination, the appropriate coordinator and/or building principal 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.

WWS 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, WWS's ability to respond may be limited. WWS, however, will endeavor to provide a safe, nondiscriminatory, and harassment-free environment for students and staff.

WWS will address both formal and informal complaints of discrimination and harassment. Complaints of discrimination and harassment should be received within thirty (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, however building principals will be responsible for facilitating the informal complaints involving students. 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 a formal complaint. Mediation will not be permitted for complaints of sexual violence. All complaints involving a School employee or any other adult member of the WWS 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

#### [Racial Harassment Reporting Form](#)

#### [Sexual Harassment Reporting Form](#)

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. Formal complaints involving a student may be investigated by building administration with the appropriate coordinator included to ensure compliance. All investigations into formal harassment or discrimination complaints will be prompt, thorough, and impartial.

Investigations will be completed within sixty (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, WWS will make alternative arrangements to avoid targets being in the same room as the accused during formal proceedings. WWS will inform all parties at regular intervals of the status of the investigation.

Investigations conducted by building administrators will be reviewed by the appropriate coordinator. 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 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 WWS'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 WWS determines that harassment or discrimination has occurred, WWS 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 WWS's non-discrimination and anti-harassment policy. These steps should not penalize the target of the harassment or discrimination.

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; and removal from office for governing body members.

Following a substantiated discrimination or harassment incident, WWS will communicate with the target and all participants of the investigation regarding how to report subsequent problems. WWS 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 WWS will proceed with its internal investigation of discrimination or harassment simultaneously without interfering with the law enforcement investigation.

In the course of discrimination and harassment investigations, WWS 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, WWS will respond in accordance with the applicable federal civil rights statutes and regulations. WWS 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, WWS's process will provide for prompt and equitable resolution of complaints of discrimination and harassment.

### Prohibition Against Retaliation

WWS prohibits retaliation against persons who report discrimination or harassment or participate in related proceedings. WWS will notify the person reporting the discrimination or harassment and all individuals participating in the investigation of WWS's policy prohibiting retaliation. WWS will make all possible efforts to prevent retaliation against individuals reporting discrimination or harassment or participating in related proceedings. WWS 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.