

Lafayette School Corporation
Sexual Harassment Policy

I. The Policy

- A. It is the policy of the Lafayette School Corporation to maintain a learning and working environment that is free from sexual harassment.
- B. It shall be a violation of this policy for any employee of the Lafayette School Corporation to harass another employee or student through conduct or communications of a sexual nature as defined in Section II. It shall be a violation of this policy for students or employees to harass other students or employees through conduct or communication of a sexual nature as defined in Section II.
- C. The school corporation shall inform all employees and students within the school corporation their rights and responsibilities under this policy.

II. Definitions of Harassment

A. Types of Sexual Harassment

Sexual harassment shall consist of unwelcome sexual advances, unwelcome requests for sexual favors, and other inappropriate unwelcome verbal or physical conduct of a sexual nature when made by any employee to a student, when made by any employee to another employee, or when made by any student to another student or when made by any student to an employee when:

- 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
- 2. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;
- 3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or educational environment;
- 4. An employee is denied an employment opportunity because another employee has submitted to unwelcome requests for sexual favors made by an employee or supervisor which results in favorable treatment for the employee who submitted to the requests for sexual favors.
- 5. A student is denied an educational opportunity because another student has submitted to unwelcome requests for sexual favors made by an employee which results in favorable treatment for the student who submitted to the requests for sexual favors.

B. Unwelcome Conduct of a Sexual Nature

1. Conduct of a sexual nature may include unwelcome verbal or physical sexual advances and/or unwelcome comments regarding physical or personality characteristics of a sexual nature.
2. Verbal or physical conduct of a sexual nature constitutes sexual harassment when the allegedly harassed employee has indicated, by his or her conduct or verbal objection, that it is unwelcome.
3. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

C. Examples of Sexual Harassment

Sexual harassment, as set forth in Section II.A. may include but is not limited to the following:

1. Verbal harassment or abuse of a sexual nature.
2. Repeated remarks with sexual or demeaning implications.
3. Unwelcome touching of a sexual nature.
4. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, promotion, and/or salary increase.
5. Telling sexually suggestive jokes or displaying sexually suggestive photographs or other materials in the presence of one who finds them offensive and the person who finds these actions offensive has communicated that fact to the individual telling the sexually suggestive jokes or displaying the sexually suggestive photographs or other materials.

D. Specific Prohibitions

1. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates and students.
2. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to disciplinary actions, as described below.
3. It is sexual harassment for a non-administrative and nonsupervisory employee to

subject another such employee or student to any unwelcome conduct of a sexual nature.

Employees who engage in such conduct shall be subject to disciplinary actions as described below.

III. Complaint Procedures

A. Informal Adjustment

Any employee who alleges sexual harassment can initially request that the matter be treated under this section regarding informal adjustment. The alleged sexual harassment shall be brought to the attention of the principal, assistant principal, superintendent or the superintendent's designee. The principal, assistant principal, superintendent or superintendent's designee shall investigate and attempt to resolve the matter informally. If the matter is resolved informally to the satisfaction of the complainant, then the only documentation regarding the complaint and resolution shall be kept in a separate file, which is not part of an employee's personnel file, at the superintendent's office. Said file shall not be open to public inspection and shall only be available in the event the Lafayette School Corporation is involved in litigation or threat of litigation wherein the records are relevant. The informal adjustment procedure can only be designated on one occasion when the allegation involves the same complainant and alleged perpetrator.

B. Formal Procedure

1. Any person who alleges sexual harassment by any employee or student in the school corporation may file a complaint as set out below. If the alleged sexual harassment involves the immediate supervisor or principal, the complainant may request a meeting with the Superintendent or a designated administrator. Filing a complaint or otherwise reporting sexual harassment will not reflect upon the complainant's status nor will it affect future employment, grades, or work assignments.
2. All complaints of sexual harassment shall be handled in the following manner:
 - (a) All complaints of sexual harassment shall be investigated by the building principal, assistant principal, superintendent or immediate supervisor, or other designated administrator as may be appropriate.
 - (b) Except as provided in (a) above, complaints must be in writing on forms supplied by the Corporation.
 - (c) Complaints must name the person(s) charged with sexual harassment and state the facts.
 - (d) Complaints must be presented to the building principal where the alleged conduct took place. The building principal shall inform the superintendent, or his/her designated administrator, of all filed complaints.
 - (e) The building principal, assistant principal, superintendent, or immediate supervisor who receives a complaint shall investigate the alleged sexual harassment. The person making the complaint is entitled to have an advocate of

his or her choice present at the meeting(s). The person being accused of an alleged sexual harassment is entitled to have an advocate of his or her choice present at the meeting(s).

- (f) The complaint and the results of the investigation will be presented to the superintendent or his/her designated administrator within ten (10) days of the completed investigation.
- (g) Upon completion of the investigation a written report shall be made that indicates that the complaint was founded, unfounded or inconclusive.
- (h) the superintendent or his/her designee shall take appropriate action consistent with due process, state law and the collective bargaining agreement.
- (i) If the person who normally receives complaints is the alleged perpetrator, there shall be another administrator designated to receive the complaint and investigate.
- (j) No person shall be subjected to any adverse treatment for having made a complaint of sexual harassment.
- (k) All documents related to complaints of sexual harassment which are determined to be groundless or inconclusive shall be kept in the superintendent's office in a separate file and shall not be a part of the employee's personnel record. Said file shall not be open to public inspection and shall only be available in the event the Lafayette School Corporation is involved in litigation or threat of litigation wherein the records are relevant.
- (l) If a student reports an incident of sexual harassment to a teacher, counselor, media specialist, school nurse or another employee, that employee shall immediately report that incident to the building principal or assistant principal.

C. Notification

Anytime alleged sexual harassment is brought to the attention of an administrator of the school corporation the administrator shall notify the superintendent of the allegation as soon as reasonably practical.

IV. Sanctions for Misconduct

- A. A substantiated charge against an employee in the school corporation shall subject such employee to disciplinary action including but not limited to warning, reassignment, suspension and/or discharge. The discipline shall comply with state law, and the collective bargaining agreement.
- B. A substantiated charge against a student in the school corporation shall subject that student to disciplinary action including suspension and/or expulsion consistent with P.L. 218.

V. False Reporting

Any person who knowingly or recklessly files false charges against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to

disciplinary action consistent with school policy and P.L. 218, State law, and the collective bargaining agreement.

VI. Notification of this Policy

Notice of the policy will be circulated to all schools and departments of the Lafayette School Corporation and incorporated in each employee and student handbook.

VII. Appropriate Intervention

The age and maturity of the students involved may be considered in enforcing this policy. In the event of a particularly egregious act or pattern of conduct this policy may be used for elementary and/or severely or moderately handicapped students. The policy would be followed in all other cases. When in the judgment of the administrator to whom the referral is made the age and/or maturity of the student requires some discretion in the application of the policy, the administrator may elect to handle the matter through an informal procedure or may refer the matter to Child Protective Services.

Board Adopted: August 9, 1993

Revised: July 10, 2000; June 9, 2008