

RACIAL HARASSMENT POLICY

It is the policy of the Lafayette School Corporation to maintain a learning and working environment that is free from racial harassment.

It shall be a violation of this policy for any employee of the Lafayette School Corporation to harass another employee or student through unwelcome conduct or communications of a racial nature as defined in this policy. It shall also be a violation of this policy for students to harass other students through unwelcome conduct or communication of a racial nature as defined in this policy. The use of the term "employee" also includes non-employees and volunteers who work subject to the control of school authorities. The terms "race" or "racial" as used in this policy refer to all forms of discrimination prohibited by Title VI of the Civil Rights Act of 1964, i.e., race, color, and national origin.

Types of Racial Harassment

Racial harassment consists of unwelcome racial comments, and other inappropriate verbal or physical conduct of a racial nature when made by any employee to a student, when made by any employee to another employee, when made by any student to another student, or student to employee including but not limited to, situations where:

1. 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;
2. An employee or a student engages in racial harassment against another employee or student respectively, and denial of an employment or educational opportunity occurs as a result of the racial harassment.
3. Such conduct is engaged in by volunteers and/or non-employees over which the school corporation has some degree of control of their behavior while on school property.

Examples of Racial Harassment

1. Remarks or abuse with demeaning racial implications directed to an individual or a group, or
2. Implied or explicit threats concerning one's grades, job, promotion, and/or salary increase based on race.

Administrators and supervisors who either engage in racial harassment either directly or indirectly, or tolerate such conduct by other employees shall be subject to disciplinary actions subject to this policy and to state law due process requirements.

Employees who engage in racial harassment shall be subject to disciplinary actions as defined in this policy, state law, due process requirements and the collective bargaining agreement.

COMPLAINT PROCEDURES

A. Informal Adjustment

Alleged racial harassment shall be brought to the attention of the principal, assistant principal, superintendent or the superintendent's designee who shall investigate and attempt to resolve the matter informally. Any employee or student who alleges racial harassment can initially request the matter be treated under this section regarding informal adjustment. If a complaint against a student is resolved informally to the satisfaction of the complainant, the only documentation regarding the complaint and resolution shall be kept in a separate file which is not part of a student's personal file in the principal's office. If a complaint is leveled against an employee and the matter is resolved informally to the satisfaction of the complainant, the only documentation regarding the complaint and resolution shall be kept in a separate file at the superintendent's office which is not part of an employee's personnel file. Said file shall not be open to public inspection and shall only be 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. Any person who alleges racial harassment by any employee or student in the school corporation may use the complaint procedure explained below or may complain directly to his or her immediate supervisor, building principal, or the Title VI complaint designee of the school corporation. Filing of a complaint or otherwise reporting racial harassment will not reflect upon the individual's status nor will it affect future employment, grades, or work assignments.

C. The right of confidentiality, both of the complainant and of the accused, will be respected consistent with the school corporation's legal obligations and the necessity to investigate allegations of racial misconduct and to take corrective action when this conduct has occurred.

D. Reporting Racial Harassment

All reports of racial harassment shall be handled in the following manner:

- (a) Reports must be in writing on forms supplied by the Lafayette School Corporation (if a verbal complaint is made, the school official must file a written report);
- (b) Reports must name the person(s) charged with racial harassment and state the facts;
- (c) Reports must be presented to the building principal where the alleged conduct took place. The building principal shall inform the superintendent of schools, or his/her designee, of all filed reports within three working days;
- (d) If the building principal is the alleged perpetrator, the report shall be submitted to the superintendent of schools or his/her designee'.
- (e) The building principal who receives a report shall investigate the alleged racial harassment;
- (f) The report and the results of the investigation will be presented to the superintendent of schools within ten working days of the date the report was filed.

- (g) Within seven working days of receiving the results of the investigation the superintendent of schools shall take whatever action is deemed appropriate. The alleged victim's name will not be released to the public unless required by law.
- (h) All documents related to complaints of racial 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.

Alternates:

- (e) The report and the results of the investigation will be presented to the superintendent of schools. The superintendent of schools shall review the report and make a recommendation to the Board of School Trustees of any action he/she deems appropriate.
- (f) The Board of School Trustees may consider the report and the superintendent's recommendation in executive session. The board may take any action it deems appropriate. The alleged victim's name will not be released to the public unless required by law.

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, 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 state law.

FALSE REPORTING

Any person who knowingly files false charges against an employee or a student under this policy shall be subject to disciplinary action consistent with school policy, state law and the collective bargaining agreement.

NOTIFICATION

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.

LEGAL REFERENCE: 42 U.S.C. 2000d et seq.

Date Adopted: August 14, 1995

Date Revised: July 7, 1997; January 12, 2009