

NON-DISCRIMINATION & ANTI-HARASSMENT PROCEDURE

This policy pertains to discrimination and harassment by Indiana Academy students against Indiana Academy students. Indiana Academy employees are subject to Ball State University's non-discrimination and anti-harassment policy found here: <https://www.bsu.edu/about/administrativeoffices/general-counsel/policies-and-legal-information/equal-opportunity-and-affirmative-action-policy>

The Indiana Academy for Science, Mathematics and Humanities (the "School") does not discriminate or tolerate harassment on the basis of a protected class including but not limited to race, color, national origin, gender, gender identity/gender expression, sexual orientation, age, religion, genetic information or disability in the programs or activities which it operates or admission thereto. This commitment applies to all School operations, programs, and activities, including all such operations, programs and activities occurring in the residential setting. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of prohibited harassment or discrimination. This policy applies to conduct occurring on school grounds immediately before, during, or immediately after school hours; in any school program or activity taking place in school facilities, residential 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 has designated a faculty member as Coordinator of non-discrimination and anti-harassment. The identity and contact information of this faculty member is listed below. The Coordinator is responsible for monitoring and ensuring compliance with all non-discrimination and anti-harassment law. The Coordinator 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, neglect, and bullying.

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Non-discrimination/Anti-harassment Procedures

Harassment or discrimination of students and School guests is prohibited at all academic, residential, 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, residential facilities, on school transportation, or any off campus conduct that has a continuing effect on campus or in a school program or activity. The School prohibits discrimination and harassment through a computer, computer system, or computer network. Notwithstanding any other prohibition, the School will not take action to regulate expression protected by the United States and Indiana Constitutions.

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-student, student-to-staff, or interactions involving guests or third parties. 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 School. These procedures will be used to investigate and address complaints of discrimination and harassment alleging discrimination by students, or third parties.*

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 School'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 School will ensure that its policy and procedures against discrimination and harassment are distributed and readily available to students, parents of students, and employees. The School 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 via the School's website and through hardcopy upon request.

Anyone who believes that a student or guest of the school 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 to a Coordinator designated herein.

Any employee who observes, suspects, or is notified of discrimination or harassment by or against a student must promptly report the behavior to his/her immediate supervisor. Supervisors must promptly report the behavior to a Coordinator designated herein.

The reporter need not be the target of the discrimination or harassment.

If a report of discrimination or harassment is received by the School, the School will inform the Complainant (and family members if appropriate) of the options for formal and informal complaint processes and the School's responsibility to investigate the harassment or discrimination. Upon notice of alleged harassment or discrimination, the coordinator will provide appropriate supportive 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 School will take all reasonable steps to investigate and respond to the complaint in a manner consistent with a request for confidentiality from the Complainant. If the Complainant insists that his or her name not be disclosed to the Respondent, the School's ability to respond may be limited. The School, however, will endeavor to provide a safe, nondiscriminatory, and harassment-free environment for students.

The School will address both formal and informal complaints of discrimination and harassment. Complaints of discrimination and harassment should be received as soon as possible to help ensure a timely and complete investigation. Regardless of the time frame for a complaint, the School will provide support and assistance following the receipt of a complaint and will respond consistent with the procedural options available at the time of the report. Additionally, depending upon the specific circumstances of a complaint, the School may implement reasonable supportive measures during the pendency of the complaint. These measures can include, but are not limited to: class or other academic accommodations and/or modifications, residential accommodation or relocation, no-contact instructions, and any other measure to achieve the goal of this policy.

Preliminary Assessment to Determine Applicability of Title IX

When the School receives a report of discrimination or harassment, the Coordinator will perform a preliminary assessment to determine the nature of the alleged conduct. If the Title IX Coordinator determines that the alleged conduct is within the scope of Title IX and its definition of sexual harassment, the situation will be processed under the [Interim Title IX Sexual Harassment Policy and Procedures](#). If the situation is not covered by Title IX, it will be processed using the procedures described in this document.

Informal Process

Complaints under this general non-discrimination and anti-harassment policy need not be in formal written format. Complainants may informally and verbally report discrimination and harassment to an appropriate staff member. A Coordinator 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 Respondent that his or her conduct is unwelcome or offensive, either in writing or face-to-face; a warning to the Respondent 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 alleged sexual misconduct. At any time during the informal process any of the parties may end the informal process and initiate the formal process.

Formal Process

A formal complaint may be filed with the Coordinator listed above in person, by mail, or by electronic mail using the contact information provided. All investigations into formal harassment or discrimination complaints will be prompt, thorough, and impartial. In the absence of a formal complaint, the Coordinator will assess all available information and consider the school's obligation to provide a safe and non-discriminatory environment. The Coordinator may pursue an investigation or other course of action designed to end harassment, address its effects, and prevent its recurrence. Investigations will generally be completed within 60 days unless there is cause for a longer timeline. The means of investigating harassment include: Complainant, Respondent, and witness interviews; opportunity for the parties to present evidence and witnesses; requests for written witness statements from the parties; and assessment of whether harassment or discrimination occurred pursuant to the preponderance of the evidence. The School 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 Executive Director within ten (10) days of receipt of the outcome of the formal investigation. The written appeal should identify the reasons why the Executive Director should reconsider the outcome of the investigation and/or the applied sanction. The Executive Director 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 Superintendent of University Schools ("Superintendent") within ten (10) days of receipt of the Executive Director's reconsideration. The Superintendent, or his/her designee, should respond to the appealing party within fifteen (15) 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. The determination of the Superintendent shall be final.

Responses to Substantiated Harassment or Discrimination

In response to a complaint investigation, if the School determines that harassment or discrimination has occurred, the School 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 Complainant and the Respondent, providing counseling for the Complainant and the Respondent, taking prompt disciplinary action against the Respondent, or identifying the discriminatory or harassing incident and reaffirming the school's non-discrimination and anti-harassment policy. These steps should not penalize any target of harassment or discrimination.

Disciplinary actions against a Respondent may include but are not limited to: suspension and expulsion for students; exclusion for parents, guests, volunteers, and contractors.

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

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 School 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 School 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 School will respond in accordance with the applicable federal civil rights statutes and regulations. The School 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 School's process will provide for prompt and equitable resolution of complaints of discrimination and harassment.

Prohibition Against Retaliation & Intentionally False Accusations

The School prohibits retaliation against persons who report discrimination or harassment or participate in related proceedings. The School will notify the person reporting the discrimination or harassment and all individuals participating in the investigation of the School's policy prohibiting retaliation. The School will make all possible efforts to prevent retaliation against individuals reporting discrimination or harassment or participating in related proceedings. The School will respond promptly and appropriately to address continuing or new problems. Any person may report suspected retaliation to a Coordinator.

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.

Questions

Individuals with questions regarding non-discrimination laws may contact the 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

* Employees seeking information and procedures regarding the filing of a complaint of unlawful discrimination may visit: <https://www.bsu.edu/about/administrativeoffices/general-counsel>