

VIGO COUNTY SCHOOL CORPORATION
TERRE HAUTE, INDIANA

File: JFHA

SEXUAL HARASSMENT

I. POLICY

- A. It is the policy of the Vigo County 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 Vigo County School Corporation to harass another employee or student through unwelcome conduct or communications of a sexual nature as defined in Section II. It shall also be a violation of this policy and policy JF for students to harass other students through unwelcome conduct or communication of a sexual nature as defined in Section II. The use of the term "employee" also includes non-employees and volunteers who work subject to the control of school authorities.

II. DEFINITIONS OF HARASSMENT

A. Types of Sexual Harassment

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or any related school activity;
2. Submission to or rejection of such conduct by an individual is used as a basis for academic, employment, or school related activity decisions affecting that individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic, extracurricular, or professional performance or creating an intimidating, hostile, or offensive employment or educational environment;
4. Denial of an employment, educational, or school related opportunity of others occurs directly because an employee or a student submits to unwelcome requests for sexual favors made by a supervisor or teacher which results favorably for that particular employee or student;

VIGO COUNTY SCHOOL CORPORATION
TERRE HAUTE, INDIANA

File: JFHA

5. 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 or at a school sponsored function or event.

B. Unwelcome Conduct of a Sexual Nature

1. Conduct of a sexual nature may include verbal, written, or physical sexual advances and/or comments regarding physical or personality characteristics of a sexual nature.
2. Verbal, written, or physical conduct of a sexual nature constitutes sexual harassment when the allegedly harassed individual has indicated, by his or her conduct or verbal objection, that it is unwelcome.
3. An individual 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 may include but is not limited to the following:

1. Verbal or written harassment or abuse.
2. Unwelcome physical contact.
3. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, extracurricular activity, job, promotion, and/or salary increase.

D. Specific Prohibitions

1. Administrators and Supervisors

- (a) It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.

VIGO COUNTY SCHOOL CORPORATION
TERRE HAUTE, INDIANA

File: JEHA

- (b) 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.

2. Nonadministrative and Nonsupervisory Employees

- (a) It is sexual harassment for a non-administrative and nonsupervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to disciplinary actions as described below.

II. **COMPLAINT PROCEDURES**

A. Any person who alleges sexual 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 IX complain designee of the school corporation. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status nor will it affect future employment, grades, extracurricular activity, or work assignments.

B. 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 misconduct and to take corrective action when this conduct has occurred.

C. **Reporting Sexual Harassment**

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

- (a) Reports must be in writing on forms supplied by the Corporation (if a verbal complaint is made, the school official must file a written report);
- (b) Reports must name the person(s) charged with sexual harassment and state the facts;
- (c) Reports must be presented to the administrative supervisor where the alleged conduct took place. The administrative supervisor shall inform the superintendent, or his/her designee, of all filed reports;
- (d) The administrative supervisor who receives a report shall thoroughly investigate the alleged sexual harassment;

VIGO COUNTY SCHOOL CORPORATION
TERRE HAUTE, INDIANA

File: JEHA

- (e) The report and the results of the investigation will be presented to the superintendent, and then to the Board of School Trustees in executive session by the superintendent, and
- (f) The Board of School Trustees will take whatever action it deems appropriate. The alleged victim's name will not be released to the public unless required by law.

Alternates:

- (e) The report and the results of the investigation will be presented to the superintendent. The superintendent 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 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.

III. SANCTIONS FOR MISCONDUCT

- A. A substantiated charge against an individual in the school corporation shall subject such individual to disciplinary action including but not limited to reassignment, suspension, or discharge.
- 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 Policy JF, Student Rights and Responsibilities.

IV. FALSE REPORTING

Any person who knowingly 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 Policy JF, Student Rights and Responsibilities.

Adoption Date: April 30, 1992; Revised: April 8, 1996; August 25, 1997

Legal Ref:

Cross Ref: GBCC

VIGO COUNTY SCHOOL CORPORATION
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STUDENT COMPLAINTS AND GRIEVANCES

If a student or his/her parent believes that the student is being improperly denied participation in any educational function in the Vigo County Schools or that the student is being subjected to an illegal rule or standard, the matter should be discussed promptly with the teacher, sponsor, coach, or school official in charge.

If a parent or pupil feels that after such discussion he/she has been deprived or refused some basic right or has been or is being subjected to some injustice, he/she should make a direct appeal to the principal for review of the problem. Indiana Law does not entitle a student or a parent to initiate a hearing involving a grade or grades given the student for courses taken.

If the parent or pupil feels that the principal has not responded to these concerns, the parent or pupil may contact the Assistant Superintendent of Instruction for an appeal.

After a review and discussion at the level of Superintendent, the parent may request in writing to the Superintendent for the opportunity to appear before the Board of School Trustees.

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VIGO COUNTY SCHOOL CORPORATION
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File: **JFHA-E**

REPORT OF SEXUAL HARASSMENT

This form is to be used by any employee or student who has either observed or been subject to sexual harassment. To insure full investigation, it should be completed as accurately as possible. It is not, however, critical to be 100 percent precise. An investigation may require the complainant to be interviewed.

Date: _____

Please Print

Name of complainant making a
charge of sexual harassment:

Address of complainant:

Telephone Number:

Position or Grade:

Names of individuals involved
in the harassment and indicate
whether they are students or
employees:

Please give a description of the sexual harassment in your own words:

Names of any witnesses,
indicating whether they are
employees or students:

Complainant's Signature

Please see the Vigo County School Corporation's policy on Sexual Harassment for more information on the topic. Present this Report to your most immediate supervisor not involved in the harassment.

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