

**Board of School Trustees  
Metropolitan School District of Decatur Township**

***Students***  
**5517 –ANTI-HARASSMENT**

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**PURPOSE**

It is the School Board’s commitment to provide a safe, positive, productive and nurturing educational environment for all of its students. Harassment is defined as unwelcome conduct directed to a person or group of persons based on actual or perceived race, color, national origin, ancestry, ethnic group identification, sex (including gender, gender identity, gender expression, and nonconformity with gender stereotypes), religion, marital or parental status, disability, sexual orientation, age, or military status (collectively “Protected Classes”) or the association with someone who is, or is perceived to be, a member of one or more of the protected classes, that has the purpose or effect of interfering with the individual’s work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one’s ability to participate in or benefit from the District’s education programs or activities.

Harassment, like other violent or disruptive behavior, is conduct that interferes with students’ ability to learn and teachers’ ability to educate students in a safe environment. It is the School District’s intent to prevent harassment and to take action to investigate, respond, remediate, and discipline those acts of harassment that have not been successfully prevented. Appropriate administrative and staff follow-up will be provided for targets and offenders of harassment. The purpose of this policy is to assist the School District in its goal of preventing and responding to acts of harassment, intimidation, violence, and other similar disruptive behavior.

The Board continually encourages the promotion of positive interpersonal relations between members of the School District community.

**GENERAL POLICY STATEMENT**

It is the policy of the School Board to maintain an education and work environment that is free from all forms of harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of harassment. This policy applies to conduct occurring on school property or at another location if such conduct occurs during an activity sponsored by the School Board.

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The School District will act to promptly investigate all complaints, either formal or informal, verbal or written, of harassment because of gender, race, color, national origin, religion, disability, genetic information, or sexual orientation; to promptly take appropriate action to protect individuals from further harassment; and, if it determines that harassment occurred, to promptly and appropriately discipline any student, teacher, administrator or other school personnel who is found to have violated this policy, and/ or to take other appropriate action reasonably calculated to end the harassment.

## **DEFINITIONS**

1. **School District Community:** includes students, administrators, staff and all other school personnel, including School Board members, agents, volunteers, contractors or other persons subject to the control and supervision of the School Board.
2. **Third Parties:** Include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams parents), vendors doing business with, or speaking to do business with, the School Board, and other individuals who come in contact with members of the School district community at school-related events/activities (whether on or off School District property).
3. **Racial Harassment:** Racial harassment is unwelcome physical, verbal, or nonverbal conduct directed to a person or group of persons based on actual or perceived race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from the District's education programs or activities. Such harassment may occur where conduct relates to the characteristics of a person's race or color, such as racial slurs or epithets, nicknames implying stereotypes, and/or negative references related to customs associated with racial groups.
4. **Religious (Creed) Harassment:** Religious harassment is unwelcome physical, verbal, or nonverbal conduct directed to a person or group of persons based on actual or perceived religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from the District's education programs or activities. Such harassment may occur where conduct relates to or targets characteristics of a person's religious tradition, clothing, or surname, or involves religious slurs or epithets.
5. **National Origin Harassment:** National origin harassment is unwelcome physical, verbal, or nonverbal conduct directed to a person or group of persons based on actual or perceived national origin or ethnicity, and when the conduct has the purpose or

effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from the District's education programs or activities. Such harassment may occur where conduct relates to characteristics of a person's national origin or ethnicity, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs or epithets.

6. **Disability Harassment:** Disability harassment is unwelcome physical, verbal, or nonverbal conduct directed to a person or group of persons based on actual or perceived disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from the District's education programs or activities. Such harassment may occur where conduct relates to the characteristics of a person's disabling condition, such as negative comments about speech patterns; movement; physical impairments, disabilities, or appearances; cognitive, intellectual, developmental, or emotional disabilities; or the like.
7. **Sex-Based Harassment:** Sex-based harassment includes sexual harassment and gender-based harassment:
  - a) **Sexual Harassment:** Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972 and its implementing regulations, "sexual harassment" is unwelcome conduct of a sexual nature which may include sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal, nonverbal or physical conduct or communication of a sexual nature when:
    - a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
    - b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
    - c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or ability to participate in or benefit from the District's education programs or activities, or creating an intimidating, hostile or offensive employment or educational environment.

Sexual harassment includes unwelcome conduct of a sexual nature made against another person of the same or opposite sex in the educational setting. Examples

of types of prohibited conduct that may constitute sexual harassment include, but are not limited to:

- i. Unwelcome leering, sexual flirtations, or propositions;
- ii. Sexual slurs, epithets, threats, verbal abuse, or derogatory comments;
- iii. Unwelcome or offensive comments about an individual's body, sexual jokes, sexually degrading descriptions, or obscene gestures;
- iv. Derogatory posters, notes, stories, cartoons, drawings, pictures, or computer generated images of a sexual nature;
- v. Spreading sexual rumors;
- vi. Disparaging, offensive, or unwelcome sexual remarks about students enrolled in a predominantly single-sex class;
- vii. Unwelcome touching of an individual's body or clothes in a sexual way (including massaging, grabbing, fondling, stroking or brushing the body);
- viii. Impeding or blocking movements or any physical interference with School Board activities when directed at an individual on the basis of sex; and
- ix. Displaying sexually suggestive objects.
- x. Examples of inappropriate conduct by a staff member because they either are of a sexual nature or may give the appearance of being of a sexual nature, include, but are not limited to the following:
  1. initiating or extending contact with students beyond the school day for personal purposes
  2. using e-mail, text-messaging or websites to discuss personal topics or interests with students
  3. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval
  4. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences)
  5. going to a student's home for non-educational purposes
  6. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student)
  7. giving gifts or money to a student for no legitimate educational purpose
  8. accepting gifts or money from a student for no legitimate educational purpose
  9. favoring certain students by inviting them to come to the classroom at non-class times
  10. getting a student out of class to visit with the staff member
  11. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance

- abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so
12. talking to a student about problems that would normally be discussed with adults (i.e. marital issues)
  13. being alone with a student behind closed doors without a legitimate educational purpose
  14. telling a student "secrets" and having "secrets" with a student

b. **Gender Based Harassment:** Gender-based harassment is unwelcome physical, verbal, or nonverbal conduct directed to a person or group of persons based on sex (including gender, gender identity, gender expression, and gender stereotypes) and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from the District's education programs or activities. Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, although they are not necessarily sexual in nature. Harassment based on gender stereotypes includes harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her or his sex, or for nonconformity with stereotypical notions of masculinity and femininity. Examples of types of conduct that are prohibited in the School District and my constitute gender-based harassment include, but are not limited to:

- i. Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of a student's sex, gender expression, or gender identity;
- ii. Disparaging remarks about a student or aggression toward a student because that student displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the student's sex;
- iii. Hostility toward a student because that student pursues an interest or participates in an academic or athletic activity more typically favored by a student of the opposite sex;
- iv. Disparaging remarks about a student because the student socializes with student of the opposite sex, or is predominately friends with students of the opposite sex;
- v. Unwelcome references to the student as being a member of the opposite sex, such as referring to a female student as "him" or referring to a male student as a "girl";
- vi. Ostracizing or refusing to participate in group activities with a student during class projects, physical education classes, or field trips because of that student's sex, gender expression or gender identity.

- vii. Intimidating a student to discourage that student from enrolling in a particular area of study or School District activity because of his or her gender;
- viii. Taunting a student who is struggling with a subject of the curriculum by insisting that students of that gender are bad at that subject area; and
- ix. Teasing or gender-based remarks about students because they are enrolled in a predominately single-sex class.

## **PROHIBITED BEHAVIOR**

A. Conduct constituting sexual harassment may take different forms, including, but not limited to, the following:

1. **Verbal:** The making of offensive written or oral sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward or by a fellow staff member, student, or other person associated with the School District, or third parties.
2. **Nonverbal:** Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the school environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to or by a fellow staff member, student, or other person associated with the School District, or third parties.
3. **Physical Contact:** Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body, or coerced sexual activity with or by a fellow staff member, student, or other person associated with the School District, or third parties. With respect to students, the question of whether or not physical contact is unwanted or consensual is irrelevant where such contact is engaged in by School District employees or other adult members of the School District community.

B. Conduct constituting harassment on the basis of race, color, national origin, ancestry, ethnic group identification, sex (including gender, gender identity, gender expression, and nonconformity with gender stereotypes), religion, marital or parental status, sexual orientation, age, military status (collectively "Protected Classes") or the perception of or association with someone who is or is perceived to be a member of one or more of the Protected Classes, may take different forms, including, but not limited to, the following:

1. **Verbal:** The making of offensive written or oral innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, religious beliefs, disability, or genetic information.

2. **Nonverbal:** Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, religious beliefs, disability, or genetic information
3. **Physical:** Any intimidating or disparaging action such as hitting, pushing, shoving, hissing, or spitting on or by a staff member, fellow student, or other person associated with the School District, or third parties, based upon the person's race, color, national origin, religious beliefs, disability, or genetic information.

### **REPRISAL**

The Board will also take immediate steps to impose appropriate disciplinary action on or use other non-disciplinary interventions or supports for individuals engaging in any of the following prohibited acts.

- a. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation.
- b. Filing a malicious or knowingly false report or complaint of harassment.
- c. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

### **COMPLAINT, INVESTIGATION, AND APPEAL PROCEDURES**

The District will investigate and respond to all incidents or complaints of discrimination, harassment, bullying, hazing, and similar conduct under common complaint, investigation, and appeal procedures, as set forth in **Administrative Guidelines 5517-Anti-Harassment**.

### **REVIEW OF THE POLICY**

This policy and its accompanying administrative guidelines will be reviewed by the School Board or its designee on an annual basis and, if necessary, will be revised to conform to applicable state and Federal law.

### **NOTICE**

The School District will give annual notice of this policy and its accompanying administrative guidelines to students, parents or guardians, and staff, and give notice of this policy in the student handbook. The entire policy can be accessed at <http://www.neola.com/msddecatur-in/>, by clicking on **5000-Students** for a list of the policies.

