

## LAKE STATION COMMUNITY SCHOOLS

### NOTICE OF NONDISCRIMINATION AND COMPLAINT PROCEDURES (INCLUDING TITLE II, TITLE VI, TITLE VII, SECTION 504, AND ADA)

#### **Nondiscrimination**

The School Board does not discriminate on the basis of race, color, national origin, sex (including gender status, sexual orientation and gender identity), disability, age, religion, military status, ancestry, genetic information, or any other legally protected category (collectively, "Protected Classes"), in its programs and activities, including employment opportunities.

#### **Complaint Procedure**

If a School Corporation employee alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation that individual (hereafter, the "Complainant" may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

The following person(s) is/are designated as the Corporation's Compliance Officer(s) (hereafter "CO(s)"):

Name and/or Title: Chief Financial Officer

Address: 2500 Pike Street, Lake Station, IN 46405

Telephone Number: 219-962-1159

E-mail: [discrimination@lakes.k12.in.us](mailto:discrimination@lakes.k12.in.us)

At any time, the Complainant also may contact the Office for Civil Rights (OCR), Chicago Office, John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37<sup>th</sup> Floor, Chicago, Illinois 60604; Telephone: (312) 730-1560; Fax: (312) 730-1576; TDD: 877-521-2172; E-mail: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov); Web: <http://www.ed.gov/ocr>.

#### **Informal Complaint Procedure**

The Complainant may make an informal complaint, either orally or in writing to: 1) a building administrator; 2) one of the COs; and/or 3) the Superintendent or other Corporation-level employee. All informal complaints must be reported to one of the COs who will either facilitate an informal resolution, or appoint another individual to facilitate an informal resolution.

Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve but is not limited to one or more of the following:

- A. Advising the Complainant about how to communicate concerns to the individual who is alleged to have engaged in unlawful discrimination/ retaliation (hereafter, the "Respondent").
- B. Distributing a copy of Policy 3122 - Nondiscrimination and Equal Employment Opportunity to the individuals in the school building or office where the Respondent works.
- C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint.

### **Formal Complaint Procedure**

If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. Furthermore, either party may request that the informal process be terminated at any time to move to the formal complaint process. A Complainant may file a formal complaint, either orally or in writing, with a principal, the CO, the Superintendent or other Corporation official. If a Complainant informs a principal, the Superintendent, or other Corporation official, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the Complainant agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever action is deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the formal complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3122 - Nondiscrimination and Equal Employment Opportunity. The Respondent also must be informed of the opportunity to submit a written response to the formal complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations; and,
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision. The written statement of appeal must be submitted to the Board President.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the Complainant pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the OCR, Equal Employment Opportunity Commission, or the Indiana Civil Rights Commission, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

The CO will provide a copy of the Corporation's complaint procedure to both the Complainant and the Respondent and will investigate all complaints in accordance with this procedure.

### **Prohibition Against Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

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