

## NON-DISCRIMINATION & NON-HARASSMENT STATEMENT

It is the policy of the Paramount Schools of Excellence not to discriminate on the basis of race, color, religion, sex, national origin, age, or disability in its educational programs or employment policies as required by the Indiana Civil Rights Act (IC 22-9-1), (IC 20-33-1), Titles VI and VII of the Civil Rights Act of 1964, the Equal Pay Act of 1973, Title IX (1972 educational amendment), and Section 504 of the Rehabilitation Act of 1973.

### Non-Discrimination & Anti-Harassment Procedure

PSOE has designated and authorized several staff members as coordinators of non-discrimination and anti-harassment. The identity and contact information for these staff members are listed below. The coordinators are responsible for monitoring and ensuring compliance with all non-discrimination and anti-harassment laws. The coordinators shall document all reports of discrimination or harassment and establish a protocol for recordkeeping. Inquiries regarding the application of Title VI, Title IX, or Section 504 and their regulations to PSOE may be referred to the designated coordinator below. Nothing in this procedure shall supersede or substitute any other mandatory reporting obligations, including, but not limited to, reporting suspected child abuse/neglect and bullying.

#### Title VI Coordinator (Race, Color, National Origin)

Tiffany Palacios  
Director of Human Resources  
(317) 519-4588  
[tpalacios@paramountindy.org](mailto:tpalacios@paramountindy.org)  
1203 E. St. Clair Street  
Indianapolis, IN 46202

#### Title IX Coordinator (Sex, including sexual harassment/sexual assault, gender discrimination)

Tiffany Palacios  
Director of Human Resources  
(317) 519-4588  
[tpalacios@paramountindy.org](mailto:tpalacios@paramountindy.org)  
1203 E. St. Clair Street  
Indianapolis, IN 46202

#### Section 504 Coordinator (Disability)

Stefanie Hanes  
Director of Special Education  
(317) 519-4588  
[shanes@paramountindy.org](mailto:shanes@paramountindy.org)  
1203 E. St. Clair Street  
Indianapolis, IN 46202

#### Non-Discrimination Coordinator (All Other Forms)

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Tiffany Palacios  
Director of Human Resources  
(317) 519-4588  
[tpalacios@paramountindy.org](mailto:tpalacios@paramountindy.org)  
1203 E. St. Clair Street  
Indianapolis, IN 46202

In addition, each school building shall have a designated building-level coordinator who will work in conjunction with the appropriate coordinator listed above to respond to allegations of discrimination.

Harassment or discrimination of students, staff members, and guests is prohibited at all academic, 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, on school transportation, or any circumstance in which PSOE exhibits substantial control over both the alleged harasser and the context in which the harassment occurred. PSOE prohibits discrimination and harassment through a computer, computer system, or computer network. Notwithstanding any other prohibition, PSOE will not take action to regulate expression protected by the United States and Indiana Constitutions. PSOE is particularly devoted to preventing and diligently addressing discrimination and harassment based on a protected class, including but not limited to race, color, national origin, age, religion, disability, or sex. PSOE does not discriminate on the basis of sex in any educational programs or activities operated by PSOE, including employment, and is required by Title IX and its regulations not to discriminate in such a manner.

Harassment and discrimination may take many forms, including verbal acts and name-calling; graphic and written statements; sexual assault, dating violence, stalking, or unwanted sexual contact; or other conduct that may be harmful, humiliating, or physically threatening. Sexual harassment is any of the following conduct on the basis of sex:

1. A School employee conditioning the provision of aid, benefit, or service of PSOE on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity offered by PSOE or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Harassment and discrimination do not have to include intent to harm, be directed at a specific person, or involve repeated incidents, but may be present in peer-to-peer, staff-to-staff, staff-to-student, or student-to-staff interactions. Harassment and discrimination may be any unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity offered by PSOE.

These procedures will be used to investigate and address complaints of discrimination and harassment alleging discrimination by students, employees, 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. PSOE's response will be reasonably calculated to end harassment and discrimination, eliminate hostile environments, prevent a recurrence, and provide for free appropriate public education ("FAPE"). PSOE will ensure that its policy and procedures against discrimination and harassment are widely distributed and readily available to the following groups: applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with PSOE. PSOE 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

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demonstrations emphasizing important parts of the policy. Policies and reporting procedures will be made available to the school community through hardcopy and via PSOE's website.

**Anyone who believes that a student or staff member 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 coordinator, based on the form of harassment or discrimination. Such a report may be made at any time, including non-business hours, in person, by mail, by telephone, or by email, using the contact information for the appropriate coordinator, or by any other means that results in the appropriate coordinator receiving the report. Any employee who observes, suspects, or is notified of discrimination or harassment must report the behavior to his/her building-level leader.** The reporter need not be the target of the discrimination or harassment. Complaints against a staff member should not be reported to the accused staff. Instead, complaints against a staff member should be reported to that staff member's supervisor or appropriate coordinator based on the form of harassment or discrimination. For example, harassment based on disability should be reported to the Section 504 Coordinator.

Sexual conduct/relationships with students by school employees or any other adult member of PSOE community is prohibited, and any adult who engages in sexual conduct with a student will be disciplined up to and including termination and may also be in violation of criminal statutes. Any employee accused of sexual relations with a student will be prohibited from communicating with students until at least PSOE's investigation is completed. Proven sexual relationships with a student, regardless of the age of the student, will lead to a recommendation of employment termination.

If a report of discrimination or harassment is received by PSOE, PSOE will inform the reporter or complainant (alleged target) on whose behalf the report was made (and family members if appropriate) of the options for formal and informal complaint processes and PSOE's responsibility to investigate the harassment or discrimination. Upon notice of alleged harassment or discrimination, both building and district-level coordinators will provide appropriate interim 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, impartial, and conducted by an employee or agent free of conflicts of interest.

PSOE 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, PSOE's ability to respond may be limited. PSOE, however, will endeavor to provide a safe, nondiscriminatory, and harassment-free environment for students and staff.

PSOE will address both formal and informal complaints of discrimination and harassment. Complaints of discrimination and harassment should be received within 30 days of discovering the alleged discrimination or harassment.

## **Formal Process**

### **A. Written Notice**

The formal complaint form should be filed with the appropriate non-discrimination or anti-harassment coordinator. The coordinators shall receive and process formal complaints of discrimination or harassment based on the protected class. For sexual harassment complaints, only the complainant may file a formal complaint with the Title IX Coordinator by mail or email. Upon receipt of a formal complaint, the coordinator must provide written notice to all the parties with sufficient time to give the respondent time to prepare a response before an initial interview. The written notice must include the following:

- a. Notice of the grievance process, including any informal resolution process;
- b. Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response;

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- c. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- d. Notice of the parties' right to have an advisor (who may be, but is not required to be an attorney) and to inspect and review evidence; and
- e. Notice of any provision in the code of conduct that prohibits knowingly making false statements or providing false information in the grievance process.

If, during the course of an investigation, PSOE chooses to investigate allegations about the respondent or complainant that were not included in the original written notice, a notice of the additional allegations must also be provided in writing to the known parties. PSOE may, at its discretion, consolidate formal complaints where the allegations arise out of the same facts.

## B. Investigation

All investigations into formal harassment or discrimination complaints will be prompt, thorough, and objective. Investigations will be completed within 60 days from the date the coordinator receives the complaint unless there is good cause for a longer timeline. During sexual harassment investigations, PSOE is required to:

- a. Ensure that PSOE is responsible for the burden of proof and of gathering evidence rather than the parties, except that certain treatment records cannot be obtained without voluntary, written consent from the party or parent;
- b. Provide each party with an equal opportunity to present witnesses and evidence;
- c. Not restrict either party's ability to discuss the allegations or gather and present evidence;
- d. Provide the parties with the same opportunities to select an advisor of the party's choice, who may be, but need not be, an attorney;
- e. Provide written notice of the date, time, participants, purpose, and location of any investigative interview, hearing, or other meetings with enough time to a party who is invited or expected to attend to allow such party to prepare to participate;
- f. Provide equal opportunity to review all evidence that is directly related to the allegations in the formal complaint, including evidence on which PSOE does not intend to rely and any exculpatory or inculpatory evidence from any source to both parties and their advisors, if any; such evidence must be provided prior to the completion of the final investigation report and in time to provide the parties at least 10 days to prepare a written response, which the investigator must consider prior to completing the investigation report; and
- g. Prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to the parties and their advisors, if any, for their review and written response at least 10 days before a hearing or other determination of responsibility.

The means of investigating harassment include complainant, witness, and respondent (alleged perpetrator) interviews; opportunity for the parties to present evidence and witnesses; requests for written witness statements from the parties; assessment of whether harassment or discrimination occurred pursuant to the preponderance of the evidence. All evidence must be objectively evaluated, both inculpatory and exculpatory. Credibility determinations based on a party's status as complainant, respondent, or witnesses are prohibited. The respondent is presumed not responsible for the alleged conduct until a determination has been reached at the conclusion of the grievance process.

A written investigation report that fairly summarizes the relevant evidence will be provided to the parties and their advisors, if any, for their review and written response at least 10 days before a hearing or other determination of responsibility. PSOE must treat complainants and respondents equitably by offering supportive measures to a complainant and complying with a grievance process before imposing any consequence or sanctions on a respondent. Supportive measures are non-disciplinary, non-punitive, individualized services offered as appropriate and without charge to a complainant or a respondent before or after the filing of a formal complaint or where no complaint has been filed. For example, counseling, course modifications, schedule changes, and increased monitoring supervision. The Title IX Coordinator is required to promptly contact the complainant to discuss such measures, consider the complainant's preference with respect to supportive measures, inform the complainant of the availability of supportive measures with or without filing the complaint,

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and explain the process of filing a formal complaint. PSOE will inform all parties at regular intervals of the status of the investigation. After the completion of the investigative report, each party must be provided the opportunity to submit written, relevant questions that the party wants to be asked of another party or witness, be provided with the answers and be provided limited follow-up questions.

### C. Dismissal

The complaint must be dismissed if allegations would not constitute harassment as outlined above, even if proved, did not occur in PSOE's program or activity, or did not occur against a person in the United States. However, this does not preclude the complainant from taking action under other law or local policies.

The complaint may be dismissed if the complainant notifies the Title IX Coordinator at any time he or she prefers to withdraw the complaint or allegation, if the respondent's enrollment or employment concludes, or if specific circumstances prevent PSOE from gathering evidence sufficient to reach a determination. If a complaint is dismissed, written notice must promptly be provided to both parties simultaneously, including the reasons for mandatory or discretionary dismissal.

### D. Determination of Responsibility

The decision-maker, who cannot serve as the investigator or Title IX Coordinator, must make its determination based on the preponderance of the evidence standard and issue a written determination that:

- a. Identifies the allegations that potentially constitute sexual harassment;
- b. Describes PSOE's procedural steps taken from the receipt of the complaint to the determination;
- c. Includes findings of fact supporting the determination;
- d. Includes conclusions regarding the application of the code of conduct to the facts;
- e. Includes a statement of, and a rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to PSOE's education program or activity will be provided to the complainant; and
- f. Includes procedures and a permissible basis for appeals.

If PSOE determines that harassment or discrimination has occurred, PSOE 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 respondent and the complainant, providing counseling for the complainant and/or respondent, taking prompt disciplinary action against the respondent, or identifying the discriminatory or harassing incident and reaffirming PSOE's nondiscrimination and anti-harassment policy. These steps should not penalize the complainant.

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

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

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, PSOE 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, PSOE 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, PSOE will respond in

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

#### E. Appeal

The complainant and respondent possess the right to appeal a determination of responsibility, and PSOE's dismissal of a complaint or any allegations therein, for the following reasons:

- a. A procedure irregularity that impacted the outcome;
- b. New evidence that was not reasonably available at the time of the determination and could affect the outcome;
- c. Conflict of interest on the part of the Title IX Coordinator, investigator, or decision-maker that affected the outcome.

The appeal may be made by any party in writing to the district coordinator within ten (10) days receipt of the outcome of the formal investigation. The written appeal should identify the reasons why the coordinator should reconsider the outcome of the investigation. PSOE 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. PSOE must ensure that written notice is provided to both parties of the appeal and provide both parties an equal opportunity to submit a written statement in support of, or challenging, the determination. A reconsideration of the formal investigation outcome may be appealed by any party in writing to PSOE's governing body within ten (10) days of receipt of the coordinator's reconsideration. The governing body or their designee should respond to the appealing party within forty-five (45) 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.

#### Informal Process

For sexual harassment complaints, an informal resolution is not permitted unless a formal complaint of sexual harassment is filed. At any point during the formal complaint process, PSOE may offer to facilitate an informal process that does not mandate a full investigation so long as PSOE provides both parties written notice, obtains the parties' written voluntary consent, and does not offer informal resolution in the context of allegations of an employee harassing a student.

Complaints made under an informal resolution are not required to be in formal written format. Reporters may informally and verbally report discrimination and harassment to an appropriate staff member. The appropriate coordinators 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 sexual harassment. All complaints involving a school employee or any other adult member of the PSOEcommunity harassing or discriminating against a student will be formally investigated. At any time prior to agreeing to a resolution, any of the parties may end the informal process and initiate the formal process.

#### Prohibition Against Retaliation

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

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protected class. 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 appropriate 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](mailto:OCR.Chicago@ed.gov)

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