



Book	Policy Manual
Section	4000 Support Staff
Title	CREATING A POSITION
Code	po4111
Status	Active
Adopted	April 12, 2005

4111 - CREATING A POSITION

The School Board recognizes the need to establish positions which, when filled by competent, qualified support staff, will assist the Corporation in achieving the education goals set by the Board. The Corporation employs only U.S. Citizens and others lawfully authorized to work in the United States.

The Superintendent shall verify all new employees' and substitutes right to work in the United States according to the Federal Immigration Reform and Control Act of 1986.

The Board reserves the right to:

- A. fix the compensation and prescribe the duties to be performed by all support staff;
- B. create new positions;
- C. specify the number of persons within each job category.

In the exercise of its authority to create new positions, the Board shall give primary consideration to:

- A. the number of students enrolled;
- B. the special needs of the Corporation;
- C. the special needs of the students;
- D. the operational services of the Corporation.

The Board may create a new position or increase the number of support staff in an existing position.

The Board shall seek the advice of its administrative staff in creating a new support position or increasing the number of support staff in an existing position, but the Board reserves the right to act unilaterally.

Legal	I.C. 20-26-5-4, 20-23-16-41
	Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a



Book	Policy Manual
Section	4000 Support Staff
Title	BOARD-STAFF COMMUNICATIONS
Code	po4112
Status	Active
Adopted	January 9, 2001

4112 - **BOARD-STAFF COMMUNICATIONS**

The School Board of Education desires to maintain open channels of communication between itself and the staff. The basic line of communication, will, however, be through the Superintendent.

A. Staff Communications to the Board

All official communications from staff members to the Board or its committees shall be submitted through the Superintendent. This procedure is not intended to deny any staff member the right to appeal to the Board on important matters through established procedures.

B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will be communicated through the Superintendent, who shall also keep staff members fully informed of the Board's problems, concerns, and actions.



Book	Policy Manual
Section	4000 Support Staff
Title	CONFLICT OF INTEREST
Code	po4113
Status	Active
Adopted	November 10, 2015
Last Revised	April 12, 2016

4113 - CONFLICT OF INTEREST

- A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by School Corporation employees, officers (that is, all members of the School Board), and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the Corporation.

To accomplish this, the School Board has adopted the following guidelines which apply to all Corporation employees, officers (that is, all members of the Board), and agents, to assure that conflicts of interest do not occur. These guidelines are not intended to be all inclusive; nor are they intended to substitute for good judgment.

An employee, officer (that is, any member of the Board), or agent of the Corporation making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1-1-4.

1. No employee, officer (that is, any member of the Board), or agent shall engage in or have a financial or other interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his/her Corporation responsibilities.
2. Employees, officers (that is, all members of the Board), and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the Corporation.

Included, by way of illustration rather than limitation are the following:

- a. the provision of any private lessons or services for a fee
- b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or professional relationship with the Corporation through his/her access to Corporation records
- c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
- d. the requirement of students or clients to purchase any private goods or services provided by an employee, officer (that is, any member of the Board), or agent or any business or professional practitioner with whom any employee, officer (that is, any member of the Board), or agent has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations

3. Employees, officers (that is, all members of the Board), and agents shall not make use of materials, equipment, or facilities of the Corporation in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
 4. Employees, officers (that is, all members of the Board), and agents shall not solicit gifts, travel packages, and other incentives from prospective contractors.
 5. Employees, officers (that is, all members of the Board), and agents shall not participate in the selection, award and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit or in which a dependent of the employee, officer (that is, any member of the Board), or agent has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild or adopted child under the age of eighteen (18); or individual for whom the employee, officer (that is, any member of the Board), or agent provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee, officer (that is, any member of the Board), or agent or the employee's, officer's (that is, any member of the Board), or agent's dependent who is under the direct or indirect administrative control of the employee, officer (that is, any member of the Board), or agent or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee, officer (that is, any member of the Board), or agent.
- B. No conflict of interest will be deemed to be present if the Corporation employee's, officer's (that is, any member of the Board), or agent's interest in the contract or purchase and all other contracts and purchases made by the Corporation during the twelve (12) months before the date of the contract or purchase was \$250 or less.
- C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the Corporation, all such exceptions will be made known to the employee's supervisor, or to the School Board if there is no supervisor, and will be disclosed to the Superintendent **before** entering into any private relationship.
- D. To the extent that the Corporation has a parent, affiliate or subsidiary organization that is not a State, local government or Indian tribe, the Corporation may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the Corporation is unable, or appears to be unable, to be impartial.
- E. Employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the Corporation. Upon discovery of any potential conflict of interest, the Corporation will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.
- The Corporation also will disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.
- F. Employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action up to and including termination, as permitted by applicable Board policy.

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Legal

I.C. 20-26-3-4

I.C. 20-26-5-4

I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5

2 C.F.R. 200.112, 200.113, 200.318

7 C.F.R. 3016.36(b)(3) and 3019.42



Book	Policy Manual
Section	4000 Support Staff
Title	EMPLOYMENT OF SUPPORT STAFF
Code	po4120
Status	Active
Adopted	January 9, 2001
Last Revised	November 9, 2021

4120 - EMPLOYMENT OF SUPPORT STAFF

The School Board recognizes that it is vital to the successful operation of the School Corporation that positions created by the Board be filled with qualified and competent staff.

The Board shall approve the employment and establish the term of employment for each support staff member employed by this Corporation.

All support staff employees not covered by the terms of a negotiated agreement are "at-will" employees. Their employment can be terminated with or without cause at any time. No other representative of the Corporation has the authority to enter into any agreement for employment for any specified period of time with a support staff employee.

Individuals employed in the following categories shall be considered members of the support staff:

- A. food service personnel
- B. custodial personnel
- C. transportation personnel
- D. buildings and ground personnel
- E. clerical personnel

All applications for employment shall be referred to the Central Office.

Anti-Nepotism

"Relatives" include: children, stepchildren, siblings, half-siblings, step-siblings, spouse, domestic partner, parents, stepparents, in-laws, or bona fide dependents/living in the same residence of a staff member.

Relatives of staff members may be employed by the Corporation, provided the relative being employed is not placed in a position in which the relative would be supervised by the staff member.

Non-Fraternization:

If Corporation employees in a supervisor-subordinate relationship choose to date, engage in a romantic relationship, or have sexual relations, the employees must notify the Corporation's administration and accept the Corporation's decision to transfer one or both of the employees so that they no longer have a supervisor-subordinate relationship. Anyone employed in a managerial or supervisory role needs to heed the fact that personal relationships with employees who report to them may be perceived as favoritism, misuse of authority, or potentially sexual harassment, and, consequently, are unacceptable.

Corporation employees may date and develop friendships and relationships with other employees—both inside and outside of the workplace—as long as the relationships do not have a negative impact on their work or the work of others.

Any relationship that interferes with the Corporation culture of teamwork, the harmonious work environment, or the productivity of employees, will be subject to discipline, up to and including termination.

Adverse workplace behavior - or behavior that affects the workplace that arises because of personal relationships - will not be tolerated. Corporation employees who disregard this policy will be subject to discipline, up to and including termination.

Any support staff member's intentional misstatement of fact material to his/her qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

When appropriate, no candidate for employment as a support staff member shall receive recommendation for such employment without having proffered visual evidence of his/her certification or pending application for certification.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all support staff.

VOLUNTEER FIREFIGHTERS

If a staff member is a volunteer firefighter and has notified the Corporation in writing that s/he is a volunteer firefighter, the Corporation may not discipline the staff member for:

- A. being absent from duty by reason of responding to a fire or emergency call that was received prior to the time the staff member was to report to duty;
- B. leaving his/her duty station to respond to a fire or an emergency call if s/he has prior authorization from his/her supervisor to leave duty in response to a call received after s/he has reported to work;

However, when an emergency call is received while the staff member is on duty, the staff member should notify the principal before leaving so coverage for his/her class can be arranged.

- C. an injury or being absent from work because of an injury that occurs while the staff member is engaged in emergency firefighting or other emergency response, provided the staff member's absence from work due to each instance of emergency firefighting activity or other emergency response does not exceed six (6) months from the date of injury.

The Corporation shall require that the staff member present a written statement from the officer in charge of the volunteer fire department at the time of the absence indicating the staff member was engaged in an emergency call at the time of his/her absence.

The Corporation shall require that the staff member who was injured while engaged in emergency firefighting or other emergency response provide evidence from a physician or other medical authority showing treatment for the injury at the time of his/her absence and a connection between the injury and the employee's emergency response activities. Any such evidence shall be retained in a separate medical file created for the staff member and treated as a confidential medical record.

REQUIREMENTS FOR TITLE I PARAPROFESSIONALS

Newly hired paraprofessionals – All paraprofessionals hired for a Title I supported program must have a secondary school diploma or its recognized equivalent and one of the following:

- A. Completed two (2) years study at an institution of higher education; or
- B. Obtained at least an associates degree; or
- C. Met a rigorous standard of quality and demonstrate through formal State or local academic assessment:
 - 1. knowledge of and the ability to assist in instructing, reading, writing, and mathematics; or
 - 2. knowledge of and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Existing paraprofessionals - All current paraprofessionals working for a Title I supported program must:

- A. have a secondary school diploma or its recognized equivalent;
- B. not later than January 8, 2006, meet the requirements for newly hired paraprofessionals as described above.

Exceptions – These requirements do not apply to a paraprofessional:

- A. who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or
- B. whose duties consist solely of conducting parental involvement activities.

Paraprofessional duties – Paraprofessionals working for a Title I supported program may be assigned to:

- A. provide one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;
- B. assist with classroom management, such as organizing instructional and other materials;
- C. provide assistance in a computer laboratory;
- D. provide support in a library or media center;
- E. conduct parental involvement activities;
- F. act as a translator;
- G. provide instructional services to students, if working under the direct supervision of a teacher;
- H. perform limited duties beyond classroom instruction or that do not benefit program participants, so long as those duties are also assigned to non-Title I paraprofessionals. Title I paraprofessionals may not be assigned to more of these duties, proportional to their total work time, than the amount assigned to similar non-Title I paraprofessionals in the same school.

Revised 7/03

Revised 4/12/05

Revised 4/14/15

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Legal	I.C. 20-26-5-4
	I.C. 35-44.1-1-4
	I.C. 36-8-12-10.5



Book	Policy Manual
Section	4000 Support Staff
Title	EMPLOYMENT OF SUBSTITUTES
Code	po4120.04
Status	Active
Adopted	January 9, 2001

4120.04 - **EMPLOYMENT OF SUBSTITUTES**

The School Board recognizes its responsibility to procure the services of substitute support staff in order to prevent the interruption of the operation of the schools.

The names of potential substitute staff and the positions in which they may substitute shall be maintained by the Superintendent.

Relatives of Board members may be employed by the Board, provided the member of the Board involved does not participate in any way in the discussion or vote.

Legal	I.C. 20-27-5-20
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Book	Policy Manual
Section	4000 Support Staff
Title	EMPLOYMENT OF PERSONNEL FOR EXTRACURRICULAR ACTIVITIES
Code	po4120.08
Status	Active
Adopted	April 14, 2015
Last Revised	May 12, 2020

4120.08 - **EMPLOYMENT OF PERSONNEL FOR EXTRACURRICULAR ACTIVITIES**

The School Board may find it necessary to employ on a part-time basis, coaches or activity sponsors who are not members of the professional staff. Such part-time employees may be members of the Corporation's classified staff/support staff or individuals from the community or nearby areas.

The Board authorizes the Superintendent to recommend candidates for employment by the Board.

All part-time employees selected as coaches or activity sponsors who are not members of the professional staff are "at-will" employees. Their employment can be terminated with or without cause at any time. No other representative of the Corporation has the authority to enter into any agreement for employment for any specified period of time with such an employee.

The Board requires that:

A. Prior to coaching football to students who are less than twenty (20) years of age, all head and assistant football coaches shall complete a certified coaching education course approved by the Indiana Department of Education not less than once during a two (2)-year period that:

1. is sport specific;
2. contains player safety content, including content on:
 - a. concussion awareness;
 - b. equipment fitting;
 - c. heat emergency preparedness; and
 - d. proper technique;
3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the School Corporation that new information has been added to the course before the end of the two (2)- year period, the coach must complete instruction and successfully complete a test concerning the new information.

B. After June 30, 2017, prior to coaching students in grades 5 - 12, all head and assistant coaches of interscholastic sports other than football, including cheerleading, shall complete a certified coaching education course approved by the Indiana

Department of Education at least once during a two (2)-year period that:

1. contains player safety content on concussion awareness;
2. after December 31, 2018, includes content for prevention of or response to heat-related medical issues that may arise from a student athlete's training;
3. requires a coach to complete a test demonstrating comprehension of the content of the course; and
4. awards a certificate of completion to a coach who successfully completes the course.

If the coach receives notice from the Corporation that new information has been added to the course before the end of the two (2)-year period, the coach must complete instruction and successfully complete a test concerning the new information.

- C. A head or assistant coach of an intramural sport other than football who is coaching students in grades 5 - 12 may elect to complete the above- referenced certified coaching education course. If compliance with I.C. 20- 34-7 is required by the coaching certification requirements for the intramural sport that the head or assistant coach is coaching, the coach shall complete the above-referenced certified coaching education course.

Additionally, the Board requires that:

- A. All coaches and athletic activity sponsors of interscholastic or intramural sports for students of any age shall receive training about concussions, sudden cardiac arrest, and heat-related medical issues at least once during a two (2) year period.
- B. All coaches and athletic activity sponsors, other than football coaches, shall be required to complete a coaching education course that contains player safety content on concussion awareness, equipment fitting, heat emergency preparedness, and proper technique. The course must be completed prior to coaching or serving as an athletic activity sponsor. Each coach must complete a course not less than once during a two (2)-year period.

The Superintendent shall require that each person employed as a coach or athletic activity sponsor is qualified, has cleared a background check required by State law and Policy 4121 or Policy 8120, and has received the training required by State law and this policy. Additionally, before the Corporation hires or allows an individual to coach an Indiana High School Athletic Association recognized sport, the Corporation must take the following steps:

A. ask him/her:

1. whether s/he is or has been accredited by the association; and
2. if s/he is or has been accredited by the association, whether his/her accreditation has ever been suspended or revoked;

B. request references from him/her;

C. contact the references that s/he provides to the Corporation; and

D. contact the association to determine whether his/her accreditation has ever been suspended or revoked.

The Corporation shall make a report to the Department of Child Services if a nonteaching coach has engaged in suspected child abuse or neglect.

The Corporation shall report to the association when a nonteaching coach accredited by the association has been convicted of an offense described in I.C. 20-28-5-8(c) or of a known comparable offense in another state. These offenses include:

- A. Kidnapping (I.C. 35-42-3-2).
- B. Criminal Confinement (I.C. 35-42-3-3).
- C. Rape (I.C. 35-42-4-1).
- D. Criminal deviate conduct (I.C. 35-42-4-2) (before its repeal).
- E. Child molesting (I.C. 35-42-4-3).

- F. Child exploitation (I.C. 35-42-4-4(b) or I.C. 35-42-4-4(c)).
- G. Vicarious sexual gratification (I.C.35-42-4-5).
- H. Child solicitation (I.C. 35-42-4-6).
- I. Child seduction (I.C. 35-42-4-5).
- J. Sexual misconduct with a minor (I.C. 35-42-4-9).
- K. Incest (I.C. 35-46-1-3).
- L. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).
- M. Dealing in methamphetamine (I.C. 35-48-4-1.1).
- N. Manufacturing methamphetamine (I.C. 35-48-4-1.2).
- O. Dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2).
- P. Dealing in a schedule IV controlled substance (I.C. 35-48-4-3).
- Q. Dealing in a schedule V controlled substance (I.C. 35-48-4-4).
- R. Dealing in a counterfeit substance (I.C. 35-48-4-5).

The Corporation shall report suspected misconduct by a nonteaching coach that may constitute a crime to local law enforcement.

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Legal I.C. 20-26-14-8
 I.C. 20-26-14-9
 I.C. 20-34-7
 I.C. 20-34-8



Book	Policy Manual
Section	4000 Support Staff
Title	VOLUNTEERS
Code	po4120.09
Status	Active
Adopted	January 9, 2001

4120.09 - **VOLUNTEERS**

The School Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the professional staff responsible for the conduct of those programs and activities.

The Superintendent shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. S/He shall not be obligated to make use of volunteers whose abilities are not in accord with Corporation needs.

The Superintendent is to inform each volunteer that s/he:

- A. shall agree to abide by all Board policies and Corporation guidelines while on duty as a volunteer; and that
- B. the Corporation shall not provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the person eligible for workers' compensation.

The Superintendent shall also ensure that each volunteer is properly informed of the Corporation's appreciation for his/her time and efforts in assisting the operation of the schools.



Book	Policy Manual
Section	4000 Support Staff
Title	JOB SHARING
Code	po4120.10
Status	Active
Adopted	April 1, 2001
Last Revised	April 12, 2005

4120.10 - **JOB SHARING**

The School Board recognizes the value to the Corporation to obtain the services of quality staff members who may not be available on a full-time basis but wish to offer their knowledge and skills part-time through a job-sharing process.

The Board will consider job share requests only if the cost (including benefits) of employing two (2) staff members on a half-time basis does not exceed the cost of employing one full-time staff member.

Half-time positions may be approved in which two (2) currently employed staff members will be allowed to share one (1) full-time position. Each staff member will be given credit for one (1) full year of seniority for this half-time job assignment.

The Board authorizes the Superintendent to create a job-sharing program provided it does not adversely affect the Corporation or any of its current staff members.



Book	Policy Manual
Section	4000 Support Staff
Title	NON-CONTRACT HOURS OF EMPLOYMENT
Code	po4120.11
Status	Active
Adopted	April 10, 2018

4120.11 - **NON-CONTRACT HOURS OF EMPLOYMENT**

Employees have the right to be employed outside the hours they work at the Nineveh-Hensley-Jackson United School Corporation. Overworked or chronically exhausted employees, however, can pose a real danger to students, families of students, other employees and property. Furthermore, the Nineveh-Hensley-Jackson United School Corporation needs to be assured that the outside employment does not involve a conflict of interest. For example, the Nineveh-Hensley-Jackson United School Corporation would not want an employee working at an outside job that is incompatible with the mission of the school and that would reflect negatively on the school system. Employees may hold outside jobs so long as they meet the performance standards of their job with the school district. All employees will be held to the same performance standards and will be subject to the district's scheduling demands, regardless of any existing outside work requirements. If the Nineveh-Hensley-Jackson United School Corporation determines that an employee's outside work interferes with performance or the ability to meet the requirements of the school corporation as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the school corporation.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside of the Nineveh-Hensley-Jackson United School Corporation for materials produced or services rendered while performing their jobs.

Any employee who is engaged in or is planning to engage in outside employment shall request clearance as to whether such current and planned activities are prohibited. Each employee shall request this clearance from his/her direct supervisor. The following information shall be presented for review:

- A. submit the request in writing at the beginning of the school year;
- B. include a description of duties, approximate hours, and nature of employment.

There must be no conflict between the hours of expected attendance at school and those of secondary employment. In the event of any conflicts in scheduling or duties, one's first responsibility is to the School Corporation. It shall remain a prerogative of the employee's direct supervisor to judge whether the outside work is detracting from the employee's ability to perform in a superior manner for the School Corporation.



Book	Policy Manual
Section	4000 Support Staff
Title	PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING OF CONVICTIONS AND SUBSTANTIATED CHILD ABUSE AND ARRESTS
Code	po4121
Status	Active
Adopted	January 9, 2001
Last Revised	April 9, 2019

4121 - PERSONAL BACKGROUND CHECKS, REFERENCES, AND MANDATORY REPORTING OF CONVICTIONS AND SUBSTANTIATED CHILD ABUSE AND ARRESTS

To protect students and staff members, the School Board requires an inquiry into the personal background of each applicant the Superintendent recommends for employment on the School Corporation's support staff.

Such an inquiry shall also be made for substitutes.

The Superintendent shall establish the necessary procedures for obtaining personal background information on each applicant recommended for employment on the Corporation's support staff which shall include the following:

- A. an Indiana expanded criminal history check as defined by I.C. 20 26 2 1.5
- B. an expanded child protection index check as defined by I.C. 20 26 2 1.3
- C. a search of the national sex offender registry maintained by the United States Department of Justice
- D. beginning July 1, 2017, a search of the State child abuse registry
- E. telephone inquiry with a former employer(s)
- F. explanations of any employment gaps to ensure the candidate has not omitted an employer where an offense occurred
- G. verification of the applicant's eligibility to work using the E-Verify database maintained by the Federal government as required by I.C. 12-32-1
- H. a detailed background history including all prior employment and volunteer positions
- I. an Indiana Bureau of Motor Vehicles driver history if the position involves driving

The Board requires that an expanded criminal history check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of his/her employment before or not later than thirty (30) days after the start of the applicant's employment by the Corporation.

The Board requires that an Indiana expanded child protection index check be conducted for each applicant for employment who is likely to have direct, ongoing contact with children within the scope of his/her employment before or not later than sixty (60) days after the start of the applicant's employment by the Corporation.

The Board requires that all references and, if applicable, the most recent employer provided by an applicant be contacted before the Corporation may hire the applicant.

The Board shall deny employment to a person who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c) unless the conviction has been reversed, vacated, or set aside on appeal.

The Board may deny employment to an applicant who is the subject of a substantiated report of abuse or neglect.

Each applicant shall certify under penalty of perjury his/her eligibility to be employed by the Board as a United States citizen or a qualified alien.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may provide for a substitute or employ the applicant as a substitute.

The procedures shall provide that information and records obtained from pre-employment inquiries under this policy are confidential and shall not be released except as necessary to implement this policy, defend a decision made pursuant to this policy, or comply with I.C. 20-26-5-11.5 when responding to a request for an employment reference from another school for a current or former employee.

Any costs associated with obtaining the expanded criminal history check and the expanded child protection index check are to be borne by the applicant.

The Board requires that an expanded criminal history check be conducted for each Corporation employee who is likely to have direct, ongoing contact with children within the scope of the employee's employment every five (5) years.

In implementing this requirement, the Corporation shall conduct the updated expanded criminal history checks for Corporation employees over a period not to exceed five (5) years by annually conducting updated expanded criminal history checks for at least twenty percent (20%) of employees who are employed by the Corporation on July 1, 2017.

Any costs associated with obtaining the expanded criminal history check are to be borne by the employee unless otherwise agreed upon through an agreement reached following negotiations with the exclusive representative of the employees.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the applicant or employee:

A. is the subject of a substantiated report of child abuse or neglect or

B. has been charged with or convicted of one (1) of the following crimes:

1. Murder (I.C. 35-42-1-1).
2. Causing suicide (I.C. 35-42-1-2).
3. Assisting suicide (I.C. 35-42-1-2.5).
4. Voluntary manslaughter (I.C. 35-42-1-3).
5. Reckless homicide (I.C. 35-42-1-5).
6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
7. Aggravated battery (I.C. 35-42-2-1.5).
8. Kidnapping (I.C. 35-42-3-2).
9. Criminal confinement (I.C. 35-42-3-3).
10. A sex offense under I.C. 35-42-4.
11. Carjacking (I.C. 35-42-5-2) (before its repeal).
12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
13. Incest (I.C. 35-46-1-3).

14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
15. Child selling (I.C. 35-46-1-4(d)).
16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.
22. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

During the course of his/her employment with the Corporation, each support staff employee shall be required to report the arrest or the filing of criminal charges against the employee; conviction of the employee for a crime; and substantiated report of child abuse or neglect of which the employee is the subject to the Superintendent within two (2) business days of the occurrence. The Superintendent shall obtain a review of each reported conviction or substantiated a report of child abuse or neglect and shall recommend appropriate action to the Board considering the risk to members of the school community presented by the continued employment of the employee who was convicted or the subject of a substantiated report of child abuse or neglect.

Revised 7/03

Revised 6/10/08

Revised 8/14/12

Revised 4/12/16

Revised 4/11/17

Revised 4/10/18

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Legal	I.C. 5-2-22
	I.C. 10-13-3
	I.C. 20-26-2-1.3, 20-26-2-1.5
	I.C. 20-26-5-10, -10.5, -11 and -11.5
	I.C. 20-28-5-8



Book	Policy Manual
Section	4000 Support Staff
Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po4122
Status	Active
Adopted	January 9, 2001
Last Revised	November 9, 2021

4122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

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.

Notice of the Board's policy on nondiscrimination and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges or is alleged to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who is alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Corporation community means students, Corporation employees (i.e., administrators, and professional and support staff), and Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include but are not limited to guests and/or visitors on Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the Corporation community at school-related events/activities (whether on or off Corporation property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Corporation office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Military status: refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis, in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Indiana organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Corporation Compliance Officer(s)

The Board designates the following individuals to serve as the Corporation's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Assistant Superintendent
802 S. Indian Creek Dr.
Trafalgar, IN 46181
317-878-2100

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and on each individual school's website.

The COs are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are required to report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other Corporation-level official so that the Board may address the conduct. Any administrator, supervisor, or other Corporation-level official who receives such a report shall provide it to the CO within two (2) days.

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her gender status, sexual orientation, and gender identity.

Any questions concerning whether alleged conduct might violate this prohibition should be brought to the CO's attention promptly.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the Corporation community or a Third Party and such reports that initially are made to an administrator, supervisor, or other Corporation-level official. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and initiate either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation) or designate a specific individual to conduct such a process.

The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the Corporation community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Corporation employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Corporation employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct unless circumstances make such an intervention dangerous, in which case the employee should notify immediately other Corporation employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the Complainant within two (2) business days to advise the Complainant of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedures (See Form 4122 F2)

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process, and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community and a student will be investigated formally.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the Complainant should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to approach the Respondent directly about the inappropriate conduct may file an informal or a formal complaint.

In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to one (1) of the COs; or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one (1) of the COs, who either will facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of the Complainant's concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve but is not limited to one (1) or more of the following:

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of Policy 4122 - Nondiscrimination and Equal Employment Opportunity to the individuals in the school building or office where the Respondent works/attends school.
- 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.

If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, the Complainant elects to file a formal complaint from the outset, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

A Complainant may file a formal complaint, either orally or in writing, with a Principal, the CO, the Superintendent, or other Corporation official.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, Individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs. 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.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

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 individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are 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 4122 - Nondiscrimination and Equal Employment Opportunity. The Respondent also must be informed of the opportunity to submit a written response to the 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.

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

The decision of the Superintendent shall 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, EEOC or ICRC, 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.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination or other appropriate action.

The Board may appoint an individual, who may be a Corporation employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

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, 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 or this policy, or exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws 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.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy and shall provide training for Corporation students and staff where appropriate. All training and information provided regarding the Board's policy and discrimination in general will be age and content appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Corporation's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant or the Respondent, including no-contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and procedures/guidelines used by the Corporation to conduct the investigation and any documents used by the Corporation at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to Corporation personnel related to this policy, including but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy;

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years and longer if required by the Corporation's records retention schedule.

Revised 4/12/05

Revised 9/13/05

Revised 8/14/12

Revised 6/11/13

Revised 4/12/16

Revised 10/9/18

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Legal

I.C. 5-14-3 (Access to Public Records Act)

I.C. 20-28-10-12

I.C. 20-28-10-13

I.C. 20-33-1-6

I.C. 22-9-10, Employment Opportunities for Veterans and Indiana National Guard and Reserve Members

Fourteenth Amendment, U.S. Constitution

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended

38 U.S.C. et seq., Uniformed Services Employment Employment and Reemployment Rights Act

42 U.S.C. 2000 et seq., Civil Rights Act of 1964

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 2008

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635, The GINA Regulations

34 C.F.R. Part 110, The Age Discrimination Act Regulations



Book	Policy Manual
Section	4000 Support Staff
Title	DRUG-FREE WORKPLACE
Code	po4122.01
Status	Active
Adopted	January 9, 2001
Last Revised	April 14, 2015

4122.01 - **DRUG-FREE WORKPLACE**

The Board of School Trustees believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is free from the use of any controlled substance and alcohol.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance and alcohol, and any drug paraphernalia, by any member of the Corporation's support staff at any time while on Corporation property or while involved in any Corporation related activity or event. An employee who reports for duty or attends a Corporation-sponsored function after using a controlled substance or consuming alcohol is in violation of this prohibition. Any staff member who violates this policy shall be subject to disciplinary action in accordance with Corporation guidelines and the terms of any collective bargaining agreement, if applicable.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each staff member is given a copy of the standards regarding unlawful manufacture, possession, use, distribution, or dispensing of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions, if and when needed, which comply with the terms of any negotiated agreement, if applicable, and with other related Corporation policies.

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Legal	41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988
	20 U.S.C. 3224a, The Safe and Drug-Free Schools and Communities Act
	34 C.F.R. Part 86
	I.C. 34-2-1 et seq.



Book	Policy Manual
Section	4000 Support Staff
Title	NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po4122.02
Status	Active
Adopted	December 14, 2010
Last Revised	November 9, 2021

4122.02 - **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

The School Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information also is prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.

The identity of the Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) shall be posted throughout the School Corporation and published in any Corporation statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and on the Corporation website.

In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq. and 29 C.F.R. 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide genetic information, including that individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the Corporation's application for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a Corporation employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the Corporation.

The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits Corporation employees and agents, including commercial background investigation agents, from searching these sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall be redacted immediately and not shared beyond the point of first receipt.

As used in this policy, "genetic information," means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (family medical history); (d) an individual's request for or receipt of genetic services or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the Corporation's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

The Corporation's Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) is responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to insure the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the Corporation. The Compliance Officer also shall verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members and that all requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) are accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The written warning shall contain the information in the following sample notice:

Genetic Information Nondiscrimination Act of 2008 (GINA) Disclosure Requirement

The Genetic Information Nondiscrimination Act of 2008 or "GINA" prohibits employers and other entities covered by the law, including the Nineveh - Hensley - Jackson United School Corporation, from requesting or requiring genetic information about an employee or applicant or family member of an employee or applicant, except as specifically allowed by law. To comply with GINA, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions concerning compliance with the requirements of GINA may be directed to the Compliance Officer at 317-878-2100.

The Board offers health services, including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Corporation and no applicant or employee shall be identified or identifiable from the reported information.

The grievance procedure for complaints of discrimination in Policy 1422 applies to complaints of discrimination, including harassment, or retaliation prohibited by GINA and may be utilized if a Corporation employee alleges discrimination or harassment on the basis of genetic information or retaliation for identifying, objecting to, or filing a complaint concerning a violation of GINA or this policy.

Revised 8/4/12

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Legal

42 U.S.C. 2000ff et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008

29 C.F.R. Part 1635



Book	Policy Manual
Section	4000 Support Staff
Title	SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po4123
Status	Active
Adopted	August 14, 2012
Last Revised	November 9, 2021

4123 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The School Board prohibits discrimination against any employee or applicant based upon disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School Corporation's Compliance Officer(s) (see below) will be published on the Corporation's website, posted throughout the Corporation, and included in the Corporation's recruitment statements or general information publications.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges or is alleged to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who is alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

Corporation community means students, Corporation employees (i.e., administrators, and professional and support staff), and Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include but are not limited to guests and/or visitors on Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the Corporation community at school-related events/activities (whether on or off Corporation property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Corporation office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

An individual with a disability means a person who has, has a record of, or is regarded as having a physical or mental impairment that substantially limits one (1) or more major life activities.

Major Life Activities

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including but not limited to functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Impairment That Substantially Limits a Major Life Activity

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

Qualified Individual with a Disability

A qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position the individual holds or desires and can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Facilities

No qualified person with a disability will be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies because the Corporation's facilities are inaccessible to or unusable by persons with disabilities.

For facilities constructed or altered after June 3, 1977, the Corporation will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Corporation is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Compliance Officer

The Board designates the following individual(s) to serve as the Corporation's Compliance Officers (also known as Section 504 Compliance Officers/ADA Coordinators) (hereinafter referred to as the "COs").

Assistant Superintendent
802 S. Indian Creek Dr.
Trafalgar, IN 46181
317-878-2100

The names, titles, and contact information of these individuals will be published annually on the Corporation's website and on each individual school's website.

The COs are responsible for coordinating the Corporation's efforts to comply with applicable Federal and State laws and regulations, including the Corporation's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Investigation and Complaint Procedures (See Form 4123 F2)

Any employee who alleges to have been subjected to unlawful discrimination or retaliation on the basis of disability may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Indiana Civil Rights Commission ("ICRC") or the Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior promptly and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is available only when the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee or any other adult member of the Corporation community and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the Complainant should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint.

In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: 1) to a building administrator; 2) directly to one (1) of the COs; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one (1) of the COs, who either will facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of the Complainant's concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve but is not limited to one (1) or more of the following:

- A. Advising the Complainant about how to communicate concerns to the Respondent.
- B. Distributing a copy of Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment to the individuals in the school building or office where the Respondent works/attends school.
- 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.

If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, the Complainant elects to file a formal complaint from the outset, or

the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

A Complainant may file a formal complaint, either orally or in writing, with a principal, the CO, the Superintendent, or other Corporation official.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs. 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.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

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 individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are 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 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment. The Respondent also must be informed of the opportunity to submit a written response to the 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 either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final written 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.

The decision of the Superintendent shall 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, EEOC or ICRC, 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.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination or other appropriate action.

The Board may appoint an individual, who may be a Corporation employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

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, 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 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.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy and shall provide training for Corporation students and staff where appropriate. All training and information provided regarding the Board's policy and discrimination in general will be age and content appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Corporation's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and procedures/guidelines used by the Corporation to conduct the investigation, and any documents used by the Corporation at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

- N. documentation of any training provided to Corporation personnel related to this policy including, but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy;

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State (e.g., I.C. 5-14-3-4) law, such as student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years and longer if required by the Corporation's records retention schedule.

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29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1630

34 C.F.R. Part 104



Book	Policy Manual
Section	4000 Support Staff
Title	TERMINATION AND RESIGNATION
Code	po4140
Status	Active
Adopted	April 14, 2015
Last Revised	November 10, 2015

4140 - **TERMINATION AND RESIGNATION**

TERMINATION

A support staff member may be suspended or terminated, upon a majority vote of the School Board, for violation of the policies of the Board or for any reasons not otherwise prohibited by law. In such cases, the Board shall provide the employee any required procedural due process.

RESIGNATION

Pursuant to State law, following submission of a resignation to the Superintendent, the employee may not withdraw or otherwise rescind that resignation. A notice of retirement is functionally equivalent to a resignation and thus falls within the meaning of the word "resignation" for purposes of this policy. The Superintendent shall inform the Board of the submission of that resignation at its next meeting. The Board may choose to accept that resignation, deny that resignation, or take any other appropriate action relating to the termination or suspension of employment of the support staff member submitting the resignation. A resignation, once submitted, may not then be rescinded unless the Board agrees.

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Legal	I.C. 5-8-4-1
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Book	Policy Manual
Section	4000 Support Staff
Title	DISCIPLINARY ACTIONS
Code	po4150
Status	Active
Adopted	April 12, 2005

4150 - **DISCIPLINARY ACTIONS**

In the event of an infraction of Corporation rules by a support staff member, it shall be the policy of the School Board to apply the statutes of the State, these policies, and the guidelines of the Corporation with equal consideration to each support staff member.

The Board reserves the right, within law, to impose penalties for disciplinary reasons. However, where a support staff member fails or refuses to perform work without acceptable reason, the Superintendent may deduct, without further authorization, wages reasonably related to the time not worked.



Book	Policy Manual
Section	4000 Support Staff
Title	FITNESS FOR DUTY EXAMINATION
Code	po4160
Status	Active
Adopted	January 9, 2001
Last Revised	August 14, 2012

4160 - **FITNESS FOR DUTY EXAMINATION**

The Board reserves the right to require a current employee or applicant for employment (after a conditional offer of employment), to submit to a fitness for duty examination by a qualified healthcare provider to determine the employee or applicant's ability to meet the qualification standards and perform the essential functions of a position an application is being considered for or an employee is performing ("FFD exam"). A FFD examination shall be done in accordance with the Superintendent's guidelines and the examiner shall be provided with specific essential functions of the position in question.

Reports of all FFD examinations shall be delivered to the Superintendent or a named designee, who shall protect the confidentiality of the FFD exam report and its contents. In agreeing to perform the FFD exam, the healthcare provider and the examinee shall agree that no treatment relationship or privileged communication shall occur between the FFD examiner and the applicant or employee. The report of the examiner may be shared with the employee or candidate and made a part of a personnel record on the examinee maintained by the Board. However, the report shall be filed separately from an applicant/employee's other personnel documents so that the report and related documents are accessible only to the Superintendent and specific designees. Failure to protect the confidentiality of a FFD exam report and related documents shall be a basis for discipline of an employee permitting the disclosure.

In the event of a report of a condition that could adversely impact the examinee's performance of an essential function of the position occupied or applied for, the Superintendent shall base a recommendation to the Board on the examinee's employment on the assessment of the healthcare provider who conducted the FFD exam as to whether the examinee will be able to meet the qualification standards and perform or continue to perform the essential functions of the position in question.

Employees and applicants referred for a FFD exam will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the results of the healthcare provider's FFD exam to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the FFD examination if clarification is needed (see Form 4160 F2).

In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 4122.02, a FFD examiner shall be advised not to seek, collect, or report genetic information, including the candidate's family medical history.

The cost of a FFD exam shall be paid for by the Board. An employee shall be paid for the time required for the FFD exam and for travel at the per mile rate established by the Board. A candidate for employment shall not [end of options] be eligible for mileage reimbursement.

The report of the healthcare provider performing the FFD exam shall be the property of the Board and shall be exempt from disclosure pursuant to the Indiana Access to Public Records Act (I.C. 5-14-3). A FFD exam report and related documents will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended, and the Genetic Information Nondiscrimination Act (GINA).

Revised 12/14/10

Legal

- 29 C.F.R. Part 1630
- 29 C.F.R. Part 1635
- 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008
- 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act



Book	Policy Manual
Section	4000 Support Staff
Title	UNREQUESTED LEAVES OF ABSENCE
Code	po4161
Status	Active
Adopted	January 9, 2001
Last Revised	August 14, 2012

4161 - UNREQUESTED LEAVES OF ABSENCE

It is the policy of the School Board to protect students and employees from the support staff members who are unable to perform essential job functions with or without accommodation.

The Board may place a support staff member on unrequested leave of absence when the staff member is unable to perform assigned duties in conformance with statute and the negotiated, collectively-bargained agreement with or without accommodation.

If the Superintendent believes the staff member is unable to perform essential job functions, the support staff member will be offered the opportunity for a meeting to discuss these issues.

If a support staff member refuses to attend the meeting, the Board may order the support staff member to submit to an appropriate examination by a physician or institution of the support staff member's choice provided such physician or institution has been approved by the Board.

The staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 4122.02, the Superintendent shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the Corporation inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the support staff member is found to be unable to perform assigned duties with or without accommodation, the support staff member may be placed on leave of absence for a reasonable time to heal or until the staff member is able to perform the essential job function, but only for a period not to exceed one (1) year.

Should a support staff member refuse to submit to the examination requested by the Board and the support staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the support staff member to disciplinary action.

Legal

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1630



Book	Policy Manual
Section	4000 Support Staff
Title	DRUG AND ALCOHOL TESTING OF CDL HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS
Code	po4162
Status	Active
Adopted	January 9, 2001
Last Revised	October 9, 2018

4162 - DRUG AND ALCOHOL TESTING OF CDL HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS

The School Board entrusts the safety of students being transported to and from school and school activities on school buses to the drivers of those buses. To be worthy of the Board's continuing trust, each school bus driver must be mentally and physically alert at all times while on duty. The Board therefore establishes this policy and directs the Superintendent to promulgate administrative guidelines as needed to fully implement Department of Transportation requirements for drug and alcohol testing of these employees of the Board.

The Board requires all Commercial Driver's License ("CDL") holders, including school bus drivers, to comply with Board Policy 4122.01 on Drug Free Workplace which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times. To implement this requirement, it is the policy of the Board that all CDL holders and employees who perform safety-sensitive functions are to be free of any impairment from the use of alcohol or controlled substances while on duty.

The Board directs the Superintendent to establish a drug and alcohol testing program pursuant to Federal regulations and the School Corporation's administrative guideline that requires each employee who is employed as a regular or substitute bus driver or performs safety sensitive functions on school buses such as bus mechanics, and contractors who drive school buses pursuant to a transportation contract, to be subject to testing for the presence of alcohol in his/her system as well as for the presence of the following:

- A. Marijuana metabolites
- B. Cocaine metabolites
- C. Opioids
- D. Amphetamines
- E. Phencyclidine (PCP)

Tests are to be conducted pursuant to this policy and Federal regulations:

- A. prior to employment (for controlled substances only);
- B. based upon reasonable suspicion;
- C. upon an employee's or contractor's return to duty after any alcohol or drug rehabilitation;
- D. after an accident under circumstances described in the Superintendent's administrative guideline;

E. on a random basis; and

F. on a follow-up basis.

Employees who are subject to this policy shall comply with the testing procedures required by the Federal regulations and the Department of Transportation ("DOT"), especially with regard to adulterated tests, substituted tests, refusals to test, dilute tests, and other procedures as described in AG 4162A.

Any individual who tests positive on a test described above shall be prohibited from driving a school bus or performing a safety sensitive function on a school bus. An employee who tests positive on a test described above also shall be subject to discipline, up to and including discharge. A contract driver shall be prohibited from driving on the same basis as a driver who is an employee of the Corporation.

In addition, the Superintendent shall require that individuals who test positive, but who are not discharged, be evaluated by a substance abuse professional and complete a counseling/educational program before they may return to driving or performing safety- sensitive functions for the School Corporation, consistent with AG 4162A.

Employees who are removed from driving or performing safety-sensitive functions as a result of this policy must take and pass a return-to-duty test before returning to driving or performing safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming driving or performing safety-sensitive duties.

Background checks also are to be conducted on all potential employees who will serve as drivers or perform safety-sensitive functions, or all current employees who desire to transition to serve as drivers or perform safety-sensitive functions, regarding history of drug and alcohol usage and tests during prior employment for DOT-regulated employers consistent with AG 4162A.

The Board directs the Superintendent to comply with DOT/Federal regulations requiring that the Board provide educational materials that explain the requirements of drug and alcohol testing according to Federal regulations and the Board's policies and procedures for compliance with those regulations to school bus drivers and employees who perform safety-sensitive functions and any organization of these employees. After the initial distribution of materials to each driver and employee who performs safety-sensitive functions employed at the time of the distribution, the Superintendent or a designee shall see that each employee subsequently hired or transferred into one of these positions receives the materials required by this policy.

The materials to be provided to drivers and other employees who perform safety-sensitive functions pursuant to this policy shall include a detailed discussion of the following:

- A. the identity of the person designated by the Superintendent to answer employee questions about the materials
- B. the categories of drivers and employees who perform safety-sensitive functions who are subject to drug and alcohol testing
- C. sufficient information about the safety-sensitive functions performed by those employees to make clear what period of the employee's work day the employee is subject to this policy
- D. specific information concerning employee conduct that is prohibited by this policy
- E. the circumstances under which an employee will be tested for alcohol and/or controlled substances, including post-accident testing
- F. the procedures that will be used to test for the presence of alcohol and controlled substances, protect the employee and the integrity of the testing process, safeguard the validity of the test results, and ensure that test procedures are attributed to the correct person, including post-accident information and procedures and instructions required by Federal regulations
- G. the requirement that an employee submit to alcohol and controlled substances tests administered in accordance with Federal regulations
- H. an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the consequences of refusal to submit a sample
- I. the consequences for an employee found to have violated this policy, including the requirement that the driver be removed immediately from driving or performing any safety-sensitive function, and the procedures for seeking the assistance of substance abuse professionals and the return- to-duty process found in 40 C.F.R. 40.281 to 313
- J. the consequences for drivers and employees who perform safety-sensitive functions found to have an alcohol concentration of 0.02 or greater but less than 0.04

- K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to the Superintendent

The Superintendent shall require each driver and employee who performs safety-sensitive functions to sign a statement certifying that he or she has received a copy of these materials described in this policy. The original of the certificate signed by the employee shall be maintained in a file on the employee or contractor. An employee required to sign a certificate certifying that he or she has received a copy of the materials described in this policy who refuses to sign the certificate shall not be permitted to drive or perform any safety sensitive function until the certificate required by this policy is signed.

The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse. In addition, the Corporation shall provide a comprehensive drug-free awareness program as an ongoing educational effort to prevent and eliminate illegal drug use and controlled substance abuse.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide services for implementation of the Department of Transportation rules including the following services:

- A. testing of all first and second test urine samples
- B. clear and consistent communication with the Corporation's Medical Review Officer (MRO)
- C. methodology and procedures for conducting random tests for controlled substances and alcohol
- D. preparation and submission of all required reports

The Superintendent also shall propose that the Board select the agency or persons who will conduct the alcohol tests, provide the Corporation's MRO, and the drug collection site(s) in accordance with the requirements of the law.

Revised 6/10/08

Revised 6/11/13

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Legal	I.C. 20-27-5 (driver qualifications – transportation contracts)
	I.C. 20-27-8 (driver standards)
	49 C.F.R. Part 40 (drug and alcohol testing)
	49 C.F.R. 40.85 (drugs to be tested for)
	49 C.F.R. 382.107 (safety sensitive function defined)
	49 C.F.R. 382.301 (pre-employment testing)
	49 C.F.R. 382.303 (post-accident testing)
	49 C.F.R. 382.305 (random testing)
	49 C.F.R. 382.307 (reasonable suspicion testing)
	49 C.F.R. 382.601 (employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances)



Book	Policy Manual
Section	4000 Support Staff
Title	SUBSTANCE ABUSE
Code	po4170
Status	Active
Adopted	January 9, 2001
Last Revised	July 1, 2003

4170 - **SUBSTANCE ABUSE**

The School Board recognizes alcoholism and drug abuse as treatable illnesses.

A support staff member having an illness or other problem relating to the use/abuse of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to support staff having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a substance abuse problem rests with the support staff member. Failure to do so, for whatever reason, will result in appropriate corrective or disciplinary action as determined by the Board.

No support staff member will have his/her job security or promotion opportunities jeopardized solely on the basis of his/her request for counseling or referral assistance.

Support staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

This policy applies to all support staff.

Legal	I.C. 20-5-2-2 (7)
	Rehabilitation Act of 1973, 29 U.S.C 794



Book	Policy Manual
Section	4000 Support Staff
Title	REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS
Code	po4211
Status	Active
Adopted	June 10, 2008
Last Revised	April 12, 2016

4211 - REQUIRED REPORTS AND PROTECTION OF WHISTLEBLOWERS

The School Board recognizes that its employees teach its students by example and serve as a role model for students. It therefore requires that they exemplify high standards of honesty and integrity and comply with Indiana and Federal law and Board policies and administrative guidelines in their words and actions. To implement these expectations, the Board requires its employees to report possible violations of these Board standards to their immediate supervisor.

An employee who is aware of words or acts of a Board member or employee that may violate Federal or Indiana law, Board policy, or administrative guidelines shall bring the words or actions to the attention of the employee's immediate supervisor. If the immediate supervisor does not respond within a reasonable time, or the immediate supervisor is the officer or employee whose words or actions are in question, the employee shall make the report required by this policy to the Superintendent. If the words or acts that violate this policy are the Superintendent's words or acts, the report shall be made to the Board president. An employee also may report suspected malfeasance, misfeasance or nonfeasance by a public officer to the State Board of Accounts.

Employees are subject to disciplinary action, up to and including termination for knowingly or recklessly making a false report under this policy or failing to make a report required by this policy.

After a verbal report of a violation of this policy is made, the immediate supervisor will direct the reporting employee to put the report in writing. If a reporting employee requires assistance in making a written report, the immediate supervisor shall assist the reporting employee.

An employee making a report required by this policy shall be protected from discipline, retaliation, or reprisal for making a report required by this policy as long as the employee had a good faith belief in the truth and accuracy of the information reported at the time of the report. A report in compliance with this policy is not required if the employee confirms that another employee has reported the same words or actions.

Revised 8/14/12

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Legal	I.C. 5-11-1-9.5
	I.C. 36-1-8-8



Book	Policy Manual
Section	4000 Support Staff
Title	STUDENT SUPERVISION AND WELFARE
Code	po4213
Status	Active
Adopted	January 9, 2001
Last Revised	August 14, 2012

4213 - STUDENT SUPERVISION AND WELFARE

Support staff members shall maintain a standard of care for the supervision, control, and protection of students commensurate with assigned duties and responsibilities and are expected to establish and maintain professional staff/student boundaries that are consistent with their legal, professional and ethical duty of care for students.

The Superintendent shall maintain and enforce the following standards:

- A. Each support staff member shall report immediately to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects.
- B. Each support staff member shall immediately report to a building administrator any knowledge of threats of violence by students.
- C. A support staff member shall not send students on any personal errands.
- D. A support staff member shall not associate or fraternize with students at any time in a manner that may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity that could be considered abusive or sexually suggestive or involve harmful substances such as illegal drugs, alcohol or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment.
- E. A support staff member shall not transport students in a private vehicle without the approval of a building administrator.
- F. A student shall not be required to perform work or services that may be detrimental to his/her health.
- G. If a student approaches a support staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the support staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the Corporation or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should a support staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such support staff member inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.
- H. Staff members shall only engage in electronic communication with students via email, texting, social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., when such communication is directly related to curricular matters or co-curricular/extracurricular events or activities with prior approval of the principal.
- I. Staff members are prohibited from electronically transmitting any personally identifiable image of a student(s), including video, photographs, streaming video, etc. via email, text message, or through the use of social media and/or online networking media, such as Facebook, Twitter, YouTube, MySpace, Skype, blogs, etc., unless such transmission has been made

as part of a pre-approved curricular matter or co-curricular/extracurricular event or activity such as a school- sponsored publication or production in accordance with Policy 5722.

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, alleged child abuse, and any other record information.

Pursuant to the laws of the State and Board Policy 8462, each support staff member shall report to the proper legal authorities, immediately, any sign of suspected child abuse or neglect.

Revised 4/12/05

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Book	Policy Manual
Section	4000 Support Staff
Title	STAFF-STUDENT RELATIONS
Code	po4213.01
Status	Active
Adopted	December 13, 2022

4213.01 - **STAFF-STUDENT RELATIONS**

The School Board wants to maintain a safe and healthy educational environment for students attending the School Corporation. The interactions between Corporation employees and its students are of paramount concern. This policy addresses appropriate boundaries between Corporation employees and its students.

Sexual Relationships with Students Prohibited

Sexual conduct with or sexual relationships with students by a Corporation employee are prohibited. Any teacher, administrator, coach, school official, or staff member who engages in sexual conduct with a student may be disciplined, up to and including termination. That person's conduct also may constitute the crime of:

- A. "sexual battery," under I.C. 35-42-4-8; or
- B. "child molesting" under I.C. 35-42-4-3 in the case of a child under fourteen (14) years of age; or
- C. "sexual misconduct with a minor" under I.C. 35-42-4-9 in the case of a child between the ages of fourteen (14) and sixteen (16).

The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any conduct that may constitute a crime shall be reported to local law enforcement.

Any employee accused of sexual conduct or a sexual relationship with a student may be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student, regardless of the age of the student, will initiate the termination process for the employee.

Allegations Constituting Criminal Conduct or Child Abuse/Sexual Misconduct

The Corporation's administrators, including a Compliance Officer or designee, shall report to local law enforcement any conduct that may constitute a crime upon receiving a report of such conduct.

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to report that knowledge or suspicion to the Department of Child Services ("DCS") immediately.

Allegations made during harassment investigations:

If, during the course of a harassment investigation, a Compliance Officer or a designee has reason to believe or suspect that the alleged conduct may constitute abuse or neglect of a child, a report must be made to DCS in accordance with State law and Board Policy.

If, during the course of a harassment investigation, a Compliance Officer or a designee has reason to believe or suspect that the conduct reported may constitute a crime, a report must be made to local law enforcement.

Reports made to DCS or to local law enforcement do not terminate a Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Inappropriate Boundary Invasions by Corporation Employees

The Board prohibits inappropriate boundary invasions by a Corporation employee into a student's personal space and personal life.

Examples of inappropriate boundary invasions include but are not limited to the following:

- A. inappropriate hugging, kissing, or other physical conduct with a student;
- B. telling sexual jokes to students;
- C. engaging in talks containing sexual innuendo or banter with students;
- D. talking about sexual topics that are not related to curriculum;
- E. showing pornography to a student;
- F. taking an undue interest in a student (i.e., having a "special friend" or "special relationship");
- G. initiating or extending contact with students beyond the school day for personal purposes;
- H. using email, text messaging, websites, or other social media services to discuss personal topics or interests with students;
- I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrator approval;
- J. invading a student's privacy (e.g., walking in on the student in the bathroom or locker room or asking about bra sizes or previous sexual experience);
- K. going to a student's home for non-educational purposes;
- L. inviting students to the staff member's home without proper chaperones (i.e., another staff member or the student's parent);
- M. giving gifts or money to a student for no educational purpose;
- N. accepting gifts or money from a student for no legitimate educational purpose (this does not include gifts given at Christmas or at the end of the year as a "thank you" to the staff member);
- O. being overly touchy with students;
- P. pulling a student out of class to visit with the staff member;
- Q. providing advice to or counseling a student regarding a personal problem (e.g., problems related to sexual behavior, substance abuse, mental or physical health, or family relationships) unless properly licensed and authorized to do so;
- R. talking to a student about problems that normally would be discussed with adults (e.g., marital issues);
- S. being alone with a student behind closed doors without a legitimate educational purpose;
- T. telling a student "secrets" and having "secrets" with a student.

Disciplinary action, up to and including termination, may result from the violation of the above-stated boundary invasions.

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

The Superintendent will report to the Indiana Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members convicted of sexual battery and, in accordance with Policy 3121, will suspend such employee from all duties that concern or involve the care, custody, or control of a child during the pendency of any criminal action for which that person has been arrested, summoned and/or indicted in that regard.

Revised 4/12/05

Revised 8/14/12

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Legal

I.C. 31-33-5

I.C. 35-42-4-3

I.C. 35-42-4-8

I.C. 35-42-4-9



Book	Policy Manual
Section	4000 Support Staff
Title	STAFF GIFTS
Code	po4214
Status	Active
Adopted	June 10, 2008
Last Revised	November 10, 2015

4214 - **STAFF GIFTS**

The School Board discourages the presentation of gifts to support staff members by students and their parents because it could embarrass students with limited means and gives the appearance of currying favor.

It is the policy of the Board that no support staff member should expect or accept gifts for carrying out the terms of his/her assignment.

The Board does recognize, though, that gift-giving to support staff members at Christmas fits the spirit of the season and gift-giving at the close of an academic year is a part of tradition. At these times, gifts other than money may be accepted.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of token gifts to retiring members of the staff who have rendered service for a period of time.

Support staff members shall not accept any form of compensation from vendors that might influence their recommendations on or raise a conflict of interest with respect to the eventual purchase of equipment, supplies, or services. See also Board Policy 1130 - Conflict of Interest. Furthermore, support staff members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, support staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the Corporation or a vendor with whom the Corporation is doing business, whereby an individual support staff member receives compensation in any form for services rendered.

Such compensation includes, but is not limited to cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a support staff member receives such compensation, albeit unsolicited, from a vendor, the support staff member shall notify the Superintendent, in writing, that s/he received such compensation and the compensation has been returned to the vendor.

A Corporation employee making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44.1-1-4.

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Legal	I.C. 35-44.1-1-1, 35-44.1-1-2, 35-44.1-1-4, 35-44.1-1-5
	2 C.F.R. 200.318
	7 C.F.R. 3016.36(b)(3) and 3019.42



Book	Policy Manual
Section	4000 Support Staff
Title	USE OF TOBACCO BY SUPPORT STAFF
Code	po4215
Status	Active
Adopted	January 9, 2001
Last Revised	December 9, 2014

4215 - USE OF TOBACCO BY SUPPORT STAFF

The Board recognizes that the use of tobacco presents a health hazard that can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including a cigar, cigarette, pipe, snuff, or any other matter or substance that contains tobacco, as well as electronic, "vapor," or other substitute forms of cigarettes.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone the use of tobacco, the Board prohibits the use of tobacco by support staff members at all times within any facility owned or leased or contracted for by the Board.

Such prohibition also applies on school grounds, in all vehicles owned or operated by the Board, including, but not limited to, school buses, special purpose buses, vans, trucks, and cars and/or at any school-related event.

The Superintendent and building principals shall ask an individual who is smoking in violation of this policy to refrain from smoking and cause to be removed from Corporation property an individual who is smoking in violation of this policy and fails to refrain from smoking after being asked to refrain from smoking.

Revised 8/14/12

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Legal	I.C. 16-41-37 20 U.S.C. 6081 et seq.
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Book	Policy Manual
Section	4000 Support Staff
Title	SUPPORT STAFF DRESS AND GROOMING
Code	po4216
Status	Active
Adopted	January 9, 2001

4216 - SUPPORT STAFF DRESS AND GROOMING

The School Board believes that support staff members are an important and integral part of the Corporation. Also, since the support staff is a highly visible staff to the students, the professional staff and the public, the Board believes the support staff should at all times be well dressed and groomed. Support staff members who understand this precept and adhere to it enlarge the importance of their task, present an image of dignity, and encourage respect.

The Board retains the authority to specify the following dress and grooming guidelines for support staff. All support staff members shall, when assigned to Corporation duty,:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their support responsibilities;
- C. dress in a manner that communicates to others a pride in personal appearance;
- D. dress in a manner that does not cause damage to Corporation property;
- E. be groomed in such a way that their dress or hair style does not disrupt the educational process or cause a health or safety hazard.



Book	Policy Manual
Section	4000 Support Staff
Title	WEAPONS
Code	po4217
Status	Active
Adopted	January 9, 2001
Last Revised	December 9, 2014

4217 - **WEAPONS**

The Board prohibits support staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the Corporation for the purpose of school activities approved and authorized by the Corporation including, but not limited to, property leased, owned, or contracted for by the Corporation, a school-sponsored event, or in a Corporation vehicle; provided, however, that a support staff member is not prohibited from possessing a firearm or ammunition that is locked in the trunk of the support staff member's vehicle, kept in the glove compartment of the support staff member's locked vehicle, or stored out of plain sight in the support staff member's locked vehicle.

Generally, the possession of a firearm in or on school property, in or on property that is being used by a school for a school function, or on a school bus is a felony (I.C. 35-47-9-2) and is prohibited by Board policy. However, State law permits a person who may legally possess a firearm to maintain that firearm if it is locked in the person's trunk, kept in the glove compartment of the person's locked vehicle, or stored out of plain sight in the person's locked vehicle. This exception does not apply to students unless it is a high school student who is a member of a shooting sports team and the principal has approved the student keeping a firearm concealed in the student's motor vehicle on days the student is competing or practicing as a member of a shooting sports team. This exception also does not apply to former students if the person is no longer enrolled in school due to a disciplinary action within the previous twenty- four (24) months.

The term "weapon" means any object which, in the manner in which it is used, intended to be used, or represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health or safety of persons. Weapons include, but are not limited to, firearms, tasers, handguns, stun guns, guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, chemical weapons, metallic knuckles, martial arts weapons, ammunition, and destructive devices (bombs, incendiary, grenade, Molotov cocktail, rocket with a propellant charge of more than four (4) ounces, etc.). A "knife" is defined as "an instrument that: 1) consists of a sharp edge or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and 2) is intended to be used as a weapon." I.C. 35-47-5-2.5(a)

The Superintendent will report an employee who violates this policy to law enforcement officials. The staff member also will be subject to disciplinary action, up to and including termination for violation of this policy.

This prohibition does not apply to weapons under the control of law enforcement personnel, as well as a School Resource Officer or other school security personnel who is not a law enforcement officer, but who may legally possess a firearm.

Exceptions to this policy include:

- A. items approved by a principal as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.)
- B. theatrical props used in appropriate settings;
- C. starter pistols used in appropriate school related sporting events.

Staff members must report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

Revised 7/03

Revised 8/14/12

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Legal	I.C. 20-33-9-1 et seq.
	I.C. 34-28-7-2
	I.C. 35-47-5-2.5
	I.C. 35-47-9



Book	Policy Manual
Section	4000 Support Staff
Title	EVALUATION OF SUPPORT STAFF
Code	po4220
Status	Active
Adopted	January 9, 2001
Last Revised	August 14, 2012

4220 - EVALUATION OF SUPPORT STAFF

The Board recognizes the importance of a program of continuous support staff evaluation and growth. To carry out this responsibility, it delegates to the Superintendent the responsibility of defining the traits and skills that result in optimum job performance and recognizing and encouraging the development of these traits and skills in the support staff.

The Superintendent is directed to propose and continuously improve a program of evaluation of support staff that:

- A. recognizes the skills and traits that contribute to optimum job performance;
- B. addresses any areas of deficiency in essential skills and traits;

Each support staff member shall be given a written evaluation of his/her performance of the essential functions of their position at least once each school year or as needed to reward optimum job performance and/or address deficiencies.

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Book	Policy Manual
Section	4000 Support Staff
Title	OUTSIDE ACTIVITIES OF SUPPORT STAFF
Code	po4231
Status	Active
Adopted	January 9, 2001

4231 - **OUTSIDE ACTIVITIES OF SUPPORT STAFF**

The School Board directs the Superintendent to promulgate the following guidelines so that support staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the Corporation. If nonschool activities threaten an employee's effectiveness within the School Corporation, the Board reserves the right to evaluate the impact of such activity upon the employee's responsibility to the Corporation.

- A. Support staff members should not give school time to outside activities when there is not valid reason to be excused from assigned duties.
- B. Support staff members shall not use school property or school time to solicit or accept customers for private enterprises.
- C. Support staff members shall not campaign on school property during school time in behalf of any political issue or candidate for local, State, or National office except on election day at election polls on school property.
- D. Support staff members should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.
- E. Support staff members should refrain from actions that would disrupt harmony among their co-workers or interfere with the maintenance of discipline by school officials.



Book	Policy Manual
Section	4000 Support Staff
Title	ANTI-HARASSMENT
Code	po4362
Status	Active
Adopted	January 9, 2001
Last Revised	November 9, 2021

4362 - **ANTI-HARASSMENT**

General Policy Statement

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

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and gender identity), disability, age, religion, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as "unlawful harassment"), and encourages those within the Corporation community as well as Third Parties who feel aggrieved to seek assistance to rectify such problems.

The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

Other Violations of the Anti-Harassment Policy

The Corporation also will take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

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

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

Corporation community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on Corporation property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the Corporation community at school-related events/activities (whether on or off Corporation property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Bullying

Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees, and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyber stalking;
- F. cyber bullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such 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 a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or opposite gender.

Sexual Harassment covered by Policy 2266/AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266/AG 2266 - Nondiscrimination on the

Basis of Sex in Education Programs or Activities.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. Unwanted physical and/or sexual contact;
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;
- D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals;
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities;
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship;
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;
- K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- L. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;
- M. Inappropriate boundary invasions by a Corporation employee or other adult member of the Corporation community into a student's personal space and personal life;
- N. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's 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 a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's 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 a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry 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 a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's 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 a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individuals serve as the Corporation's Anti-Harassment Compliance Officer(s) (hereinafter, the "Compliance Officer(s)").

Assistant Superintendent
802 S. Indian Creek Dr.
Trafalgar, IN 46181
317-878-2100

The names, titles, and contact information of these individuals will be published annually on the School Corporation's web site.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the Corporation community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers accept reports of unlawful harassment directly from any member of the School Corporation community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other Corporation-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant or the nature of the alleged harassment), or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee.

All employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Members of the Corporation community along with Third Parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other Corporation official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other Corporation official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the Corporation community and Third Parties who believe they have been unlawfully harassed by another member of the Corporation community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 1662 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure (See Form 4362 F1)

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any employee or other member of the Corporation community or Third Party (e.g., visitor to the Corporation) who believes that they have been subjected to unlawful harassment or retaliation may seek resolution of the complaint through either the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights, the Indiana Civil Rights Commission (ICRC) or Equal Employment Opportunity Commission (EEOC).

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the Corporation community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a Corporation employee, any other adult member of the Corporation community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the allegedly inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one (1) of the Compliance Officers; and/or 3) to the Superintendent or other Corporation-level employee.

All informal complaints must be reported to one (1) of the Compliance Officers who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The Corporation's informal complaint procedure is designed to provide employees, other members of the Corporation community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one (1) or more of the following:

A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.

C. If both parties agree, the Compliance Officer 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 Compliance Officers/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the results of the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Superintendent, or other Corporation official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other Corporation official, either orally or in writing, about any complaint of harassment or retaliation, the employee must report such information to the Compliance Officer within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

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 Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer 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 Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment 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 Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer/designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer 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 the Board's Anti-Harassment Policy. The Respondent must also 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 Compliance Officer/designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint.

The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably 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 witnesses that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer/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 harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer/designee, the Superintendent must either issue a written decision regarding whether the complaint of harassment has 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.

The decision of the Superintendent shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the Corporation community or Third Party alleging the unlawful harassment/retaliation 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 meetings/hearings.

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 Office for Civil Rights, 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.

Privacy/Confidentiality

The Corporation will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Corporation's legal obligations to investigate, take appropriate action, and to conform with any discovery or disclosure obligations.

All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer or designee will instruct all members of the Corporation community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s).

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the Corporation community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

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.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the Department of Child Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

State law defines certain contact between a teacher and a student as "sexual battery." If the Compliance Officer or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined in Indiana's Criminal Code, such knowledge should be reported immediately to local law enforcement.

Any reports made to Child Protective Services or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the Corporation community related to the implementation of this policy and shall provide training for Corporation students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by Corporation personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the Corporation's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;

- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no-contact orders issued to both parties, the dates the no-contact orders were issued, and the dates the parties acknowledged receipt of the no-contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the Corporation to conduct the investigation, and any documents used by the Corporation at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to Corporation personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all Corporation personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy;

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., I.C. 5-14-3-4), such as, student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the Corporation's records retention schedule.

Notice

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the Compliance Officers will be posted throughout the Corporation, and published in any Corporation statement regarding the availability of employment, in any staff handbooks, and in general information publications of the Corporation as required by Federal and State law and this policy.

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Revised 12/14/10

Revised 9/9/14

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Legal

I.C. 35-42-4-3

I.C. 35-42-4-8

I.C. 35-42-4-9

20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

20 U.S.C. 1681 et seq., Title IX of the Education Amendments Act of 1972

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

29 C.F.R. Part 1635

National School Boards Association Inquiry and Analysis - May 2008



Book	Policy Manual
Section	4000 Support Staff
Title	THREATENING AND/OR INTIMIDATING BEHAVIOR TOWARD STAFF MEMBERS
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Last Revised	July 1, 2003

4362.01 - THREATENING AND/OR INTIMIDATING BEHAVIOR TOWARD STAFF MEMBERS

The School Board believes that a staff member should be able to work in an environment free of threatening or intimidating speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning his/her physical well-being is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline and reported to the principal. The principal shall immediately make an oral report to the local law enforcement agency.

The Superintendent shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

Legal	I.C. 20-8-12.5, 34-30-2-85.1, 35-45-2-1
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Book	Policy Manual
Section	4000 Support Staff
Title	OVERTIME
Code	po4413
Status	Active
Adopted	January 9, 2001

4413 - OVERTIME

It is the intention of the School Board to compensate support staff members for overtime work when such is previously approved and properly performed.

No overtime shall be worked without the prior approval of the staff member's supervisor and no overtime will be paid without the prior approval of the Superintendent.

Legal	Fair Labor Standards Act of 1938, 29 U.S.C. 701 et seq.
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Book	Policy Manual
Section	4000 Support Staff
Title	GROUP HEALTH PLANS
Code	po4419
Status	Active
Adopted	April 12, 2005
Last Revised	April 11, 2017

4419 - **GROUP HEALTH PLANS**

The School Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. Group health plans, as the term is used in this policy, may include, but would not be limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefits to employees and eligible dependents as permitted by law.

The Board has elected to provide major medical coverage that provides minimum value coverage under the Affordable Care Act for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

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Legal	The Patient Protection and Affordable Care Act, 42 U.S.C. 18001 et seq.
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Book	Policy Manual
Section	4000 Support Staff
Title	PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS
Code	po4419.01
Status	Active
Adopted	April 11, 2017

4419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The School Board provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Superintendent to serve as the Privacy Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement after adoption policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.

The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Deputy Treasurer to serve as the Security Official of the group health plans.

The Security Official is responsible for monitoring Federal law pertaining to HIPAA and recommending any revisions to the policies and procedures that are needed to comply with Federal law. The Security Official is responsible for conducting a risk analysis and developing, proposing to the Board, and implementing policies and procedures adopted by the Board for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official is responsible for monitoring Federal law pertaining to HIPAA and recommending any revisions needed to comply with Federal law.

The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the HIPAA administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals.

Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability imposed is the result of intentional misconduct or gross negligence, as defined by law.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

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Legal	29 U.S.C. 1181 et seq.
	42 U.S.C. 300gg
	42 U.S.C. 300jj et seq.
	42 U.S.C. 1320d et seq.
	42 U.S.C. 17901 et seq.
	45 C.F.R. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)
	45 C.F.R. 164.308
	45 C.F.R. 164.530



Book	Policy Manual
Section	4000 Support Staff
Title	PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS
Code	po4419.02
Status	Active
Adopted	December 14, 2010
Last Revised	September 9, 2014

4419.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The School Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Deputy Treasurer to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to perform a risk analysis and to develop risk management procedures, if necessary.

The Security Official shall review the insurer's internal policies and procedures implementing various security measures required by the HIPAA Security Rule with respect to electronic Protected Health Information. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule. The Security Official may elect to adopt the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information, as appropriate.

The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.
- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.

- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one (1) of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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Legal 29 C.F.R. Part 1635
 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
 45 C.F.R. 160.102(a), 164.530(g), 164.530(h), 164.530(j), 164.530(k), 164.404
 45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)



Book	Policy Manual
Section	4000 Support Staff
Title	PATIENT PROTECTION AND AFFORDABLE CARE ACT
Code	po4419.03
Status	Active
Adopted	April 11, 2017

4419.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The School Board acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the School Corporation. Such obligations may include the following:

- A. The Corporation shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the Corporation have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the Corporation enrolls in the Health Insurance Marketplace and receives a subsidy, then the Corporation may be liable for a penalty.

In the event that the Corporation concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the Corporation shall incur the potential penalty.

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Legal	29 U.S.C. 218B
	26 U.S.C. 4980H



Book	Policy Manual
Section	4000 Support Staff
Title	HEALTH INSURANCE MODIFICATION
Code	po4420
Status	Active
Adopted	October 8, 2002

4420 - HEALTH INSURANCE MODIFICATION

Beginning January 1, 2003, any newly hired employee who has a spouse already employed by the Corporation will be subject to the current contribution towards health insurance monthly premiums as all other employees who are eligible for health insurance through the Corporation. If a married couple should be hired by the Corporation at the same time they would fall under this policy. For members of the bargaining unit, this would be the amount specified in the collective bargaining agreement. For all other employees, it would be the amount set by the School Board of Trustees.

If two (2) current employees become married after January 1, 2003, they would fall under the above policy for newly hired employees. This policy is for all employees throughout the Corporation.

Any married couples hired prior to January 1, 2003, will continue to pay only \$1.00 for their health insurance.



Book	Policy Manual
Section	4000 Support Staff
Title	BENEFITS
Code	po4421
Status	Active
Adopted	April 12, 2005

4421 - **BENEFITS**

The School Board realizes the concern of its support staff for the availability of those protective and personally advantageous benefits beyond an individual's basic salary. It is the Board's desire to make available or provide, within the limits of law and sound fiscal management, those which are beneficial to the support staff member and the Corporation.



Book	Policy Manual
Section	4000 Support Staff
Title	NURSING MOTHERS
Code	po4425
Status	Active
Adopted	November 9, 2021

4425 - **NURSING MOTHERS**

The School Board shall support the decision of support staff members to breastfeed their infants by providing additional unpaid break time, as necessary, for lactating employees to express breast milk for their infants on Corporation premises.

Prior to returning to work from maternity leave, it shall be the employee's responsibility to notify her supervisor of her intent to continue breastfeeding her infant(s), and of her need to express milk during work hours. Further, it shall be the responsibility of the employee to keep her supervisor informed of her needs in this regard throughout the period of lactation.

The building administrator shall designate a private area, other than a restroom, where an employee can express breast milk. The designated area shall be a space where intrusion from coworkers, students, and the public can be prevented and an employee using this area can be shielded from view.

An employee can express milk during regularly scheduled break periods. The Principal or employee's supervisor shall make an accommodation if the time of regular breaks needs to be adjusted or if additional and/or longer breaks are needed. In the event that more breaks are needed or the break(s) need to be longer than legally required, the additional time required shall be unpaid, and the employee's work schedule or work day shall, therefore, be modified accordingly. The Principal, or the employee's supervisor, shall work with the employee to make these necessary modifications.

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Legal	29 U.S.C. 207(r)
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Book	Policy Manual
Section	4000 Support Staff
Title	LEAVES OF ABSENCE
Code	po4430
Status	Active
Adopted	January 9, 2001
Last Revised	November 9, 2021

4430 - LEAVES OF ABSENCE

The School Board delegates to the Superintendent the responsibility to determine whether to grant a leave of absence of up to one (1) year's time. Any request for a leave of absence of one (1) year or more shall be submitted to the Board.

Leaves of Absence for Members of National Guard or Reserve:

The Board shall grant a leave of absence in addition to a regular vacation period without loss of pay or time to any staff member who is a member of the Indiana National Guard, a reserve component of the U.S. forces, or a retired member of the naval, air, or ground forces of the United States and is on training duty for the State by order of the Governor or under the order of the reserve-component authority for consecutive or nonconsecutive periods not to exceed a total of fifteen (15) days in any calendar year. The staff member's vacation benefits, if any, will not be affected by this type of leave.

Leave of Absence for Active Duty Family Member:

A staff member who has been employed for at least twelve (12) months and is the spouse, parent, grandparent, or sibling of a person who is ordered to active duty is entitled to an unpaid leave of absence during one (1) or more of the following periods.

A. during the thirty (30) days before active duty orders are in effect;

B. during a period in which the person ordered to active duty is on leave while active duty orders are in effect; or

C. during the thirty (30) days after the active duty orders are terminated.

The staff member must have worked at least 1,500 hours during the twelve (12) month period immediately preceding the day the leave begins.

The leave of absence allowed each year may not exceed a total of ten (10) working days.

The Board shall require the staff member to substitute any of his/her earned vacation, personal leave, or other paid leave except for paid medical or sick leave available for leave for any part of the ten (10) day period.

After a staff member takes a leave of absence, the staff member shall be restored to:

A. the position the staff member held before the leave, or

B. a position equivalent to the position that the staff member held before the leave with equivalent benefits and terms of the negotiated agreement.

The Board shall permit the staff member to continue his/her health care benefits during the leave at the staff member's expense.

Revised 6/10/08

Revised 4/9/19

T.C. 11/9/21

Legal

I.C. 22-2-13

I.C. 10-16-7-1 et seq.

38 U.S.C. 4301 et seq. (Uniformed Services Employment and Reemployment Rights Act)



Book	Policy Manual
Section	4000 Support Staff
Title	FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")
Code	po4430.01
Status	Active
Adopted	January 9, 2001
Last Revised	September 9, 2014

4430.01 - **FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")**

In accordance with Federal law, the School Board shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible support staff members for the following reasons:

- A-1. the birth of a child and/or the care of a newborn child within one (1) year of the child's birth;
- B-1. the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival;
- C-1. the staff member is needed to care for a spouse, son, daughter, or parent if such individual has a serious health condition; or
- D-1. the staff member's own serious health condition prevents him/her from performing the functions of his/her position;

Employee Entitlement to Service Member FMLA

Leave Entitlement

Service member FMLA provides eligible employees unpaid leave for one, or for a combination, of the following reasons:

A-2. A "qualifying exigency" arising out of a covered family member's (spouse, son, daughter, or parent) covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves. Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

B-2. To care for a covered family member, including next of kin as provided in the statute, who has incurred an injury or illness or aggravation of a pre-existing illness or injury while in the line of duty while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of fifty percent (50%) or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a

gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers.

Duration of Service Member FMLA

- A. When leave is due to a "qualifying exigency": An eligible employee may take up to twelve (12) work weeks of leave during any twelve (12) month period. Such leave shall be counted with regular FMLA leave time in calculating the twelve (12) weeks of allowable leave.
- B. When leave is to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. This is a one time benefit per service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.
- C. Service Member FMLA runs concurrent with other leave entitlements provided under Federal, State, and local law.

General Provisions

Staff members are "eligible" if they have worked for the Board for at least twelve (12) months and for at least 1,250 hours over the twelve (12) months prior to the leave request. Months and hours that reservists or National Guard members would have worked if they had not been called up for military service count towards the staff member's eligibility for FMLA leave/Service Member Family Leave. Employment service time may be aggregated when the break in employment service is less than seven (7) years, is for fulfillment of military obligations, or if the employee is subject to recall under a written agreement (NOTE: this includes a collective bargaining agreement). All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

Twelve (12) month period is defined as a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the "leave year" is specific to each individual staff member).

For Service Member Family Leave, the use of the twenty-six (26) weeks will be measured forward from the first date on which the employee takes leave.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- A. inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
- B. continuing treatment by a healthcare provider, including:
 - 1. a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves either in-person treatment two (2) or more times by a healthcare provider within thirty (30) days of the first date of incapacity, absent extenuating circumstances beyond the employee's control, or in-person treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of a healthcare provider;
 - The first visit to the healthcare provider must occur within seven (7) days of the first date of incapacity.
 - 2. any incapacity due to pregnancy or for prenatal care;
 - 3. any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
 - 4. a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
 - 5. any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three (3) consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
- C. conditions for which cosmetic treatment are administered are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet this definition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently or on a reduced schedule for the birth, adoption, or foster care placement of a child (see A-1 or B-1 on page one). A staff member may take FMLA leave on an intermittent or reduced-leave schedule when medically necessary for his/her own serious health condition or to care for a spouse, parents, or dependent child with a serious health condition (see C-1 and D-1 on page one). Service Member Family Leave may also be taken on an intermittent or reduced-leave schedule when medically necessary.

The taking of such leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken.

If the intermittent or reduced-leave schedule is foreseeable based on planned medical treatment or the staff member is taking Service Member Family Leave, the Superintendent may require the staff member to transfer temporarily to an available alternative position which better accommodates recurring periods of leave. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties.

Staff Member Notice Requirement

Whenever the leave is foreseeable, the staff member shall provide the Superintendent with thirty (30) days notice. If there is insufficient time to provide such notice because of unforeseeable events, the staff member shall provide such notice as soon as possible and practical, generally not later than the next business day after the employee realizes the need for leave. Failure to follow the leave notice requirements may result in delay of obtaining the leave. Employees will still be required to comply with the absence reporting procedures at their buildings.

When planning medical treatment or taking leave pursuant to Service Member Family Leave, the staff member must consult with the Superintendent and make a reasonable effort to schedule the leave so as not to unduly disrupt the regular operation of the Corporation, subject to the approval of the healthcare provider.

Substitution of Paid Leave

The staff member may request to substitute (i.e. run concurrently) any of his/her earned or accrued paid leave (e.g. sick leave, personal leave) for unpaid FMLA leave (see A-1, B-1, and A-2).

The staff member may request to substitute any of his/her earned or accrued paid vacation, personal leave or sick leave (per the applicable collective bargaining agreement) for unpaid FMLA leave provided for either reason (C-1) or (D-1) on page one and B-2 on page two.

The staff member may request to substitute any of his/her earned or accrued paid vacation, personal leave, family leave or sick leave (per the applicable collective bargaining agreement) for unpaid Service Member Family Leave.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) week period of FMLA leave or twenty-six (26) week period of Service Member Family Leave, the additional weeks of leave to obtain the twelve (12) weeks of FMLA leave or twenty-six (26) weeks of Service Member Family Leave, the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Service Member Family Leave, such leave counts toward the twelve week/twenty-six (26) week maximum leave allowance provided by this policy.

Corporation Notice Requirement

The Superintendent will notify the staff member when the Corporation intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing and should be given within five (5) business days of the request. When verbal notice is given, it will be followed by written notice within five (5) business days. In the case of intermittent or reduced schedule leave, only one (1) such notice is required unless the circumstances regarding the leave have changed. If the Superintendent does not have sufficient information about the reason for the staff member's use of paid leave, the Superintendent may inquire further to ascertain whether the paid leave is FMLA-qualifying. Once the Superintendent learns that a paid leave is for an FMLA leave-qualifying reason, the Superintendent will notify the staff member within five (5) business days that the paid leave will count toward the staff member's twelve (12) week FMLA-leave entitlement. The notification will indicate whether the employee is required to provide a fitness-for-duty certification to return to work.

Limits

In cases in which the Board employs both spouses, the total amount of FMLA leave is twelve (12) weeks for the couple, except when the leave is due to the serious health condition of either spouse or a child. Additionally, the aggregate number of work weeks of leave to which both the husband and wife may be entitled pursuant to this policy is limited to twenty-six (26) work weeks during the single twelve (12) month period provided for in the Service Member Family Leave provision if the leave is taken pursuant to Service Member Family Leave or a combination of general FMLA leave and Service Member Family Leave.

Certification

When FMLA leave is taken for the staff member's own serious health condition or to care for a spouse, parents, or dependent child with a serious health condition (see C-1 and D-1 on page one), or Service Member Family Leave is taken, the staff member must provide medical certification from the healthcare provider of the eligible staff member, his/her immediate family member, or the next of kin of the individual. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

The staff member either:

- A. submit the medical certification to the Superintendent; or
- B. direct the healthcare provider to transfer the medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with an HIPAA-compliant authorization.

Staff members are not eligible for leave pursuant to this policy if they work elsewhere during leave pursuant to this policy.

In the event the staff member fails to provide medical certification, any leave taken by the employee is not FMLA leave/Service Member Family Leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days' notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

Any dispute over eligibility for FMLA leave shall be discussed between the employee and Superintendent. The Corporation shall be responsible for maintaining a record of those communications.

The Board reserves the right to obtain, at its expense, the opinion of a second healthcare provider and, in the event of conflict, the opinion of a third healthcare provider whose decision shall be binding and final. The staff member may either:

- A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent; or
- B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the staff member is not FMLA leave.

A staff member who takes leave for reason (D-1) on page one, prior to returning to work, must provide the Superintendent with a statement from his/her healthcare provider that s/he is able to resume work.

A staff member seeking to take leave pursuant to reason (A-2 or B-2) above must submit, in a timely manner to the Superintendent, an appropriate certification as described by Federal regulations.

Return from Leave

Upon return from any FMLA leave, the Board will restore the staff member to his/her former position or to a position with equivalent employment benefits, pay and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C-1) or (D-1) above or Service Member Family Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any guidelines that are appropriate for this policy and ensure that the policy is posted properly.

In any areas where discretion is allowed in the implementation of this policy or its guidelines for implementation, such discretion shall be exercised in a non-discriminatory manner. Similarly situated persons shall be treated similarly.

The Superintendent shall provide a copy of the policy to all staff members, and retain a record of how and when the policy was distributed. A notice of Rights and Obligations shall also be provided each time an employee requests FMLA leave or the Corporation has sufficient information to believe that the employee may qualify for FMLA leave.

The approval, denial and administration of leave under this policy will be governed by the Family Medical Leave Act of 1993, as amended, and its published regulations, as applied and interpreted by the Superintendent.

Revised 7/03

Revised 6/10/08

Revised 12/14/10

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Legal

29 U.S.C. 2601 et seq.

29 C.F.R. Part 825

P.L. 110-181, Sec. 585 – National Defense Authorization Act (January 28, 2008)

P.L. 111-84, Sec. 565 - National Defense Authorization Act (October 28, 2009)



Book	Policy Manual
Section	4000 Support Staff
Title	MILITARY SERVICE
Code	po4437
Status	Active
Adopted	December 14, 2010

4437 - **MILITARY SERVICE**

The School Board recognizes that military service by support staff members is a service benefiting the entire school community and the Board is committed to supporting this service by providing military leave to eligible support staff members. The Board reserves the right to establish conditions for leaves of absence for military service and reemployment in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) as amended and Indiana law.

As used in this policy, "military service" means the performance of duty on a voluntary or involuntary basis in a uniformed service of the United States, including:

- A. Federal active duty including Reserve and Guard members who have been called up;
- B. Federal active duty for training;
- C. initial Federal active duty for training;
- D. inactive duty drills and annual training;
- E. State active duty for the Indiana National Guard;
- F. absence from work for an examination to determine a person's fitness for Federal or State duty; and
- G. funeral honors duty.

A support staff member on leave for military service shall receive compensation in accordance with applicable law during the period of leave and shall continue to accrue seniority subject to any applicable collectively bargained agreement during the period of leave for military service. Staff members on leave for military service are entitled to continued health insurance coverage as if they were not on leave during absences for drills and absences for annual training. During leave for drills and annual training of not more than fifteen (15) consecutive or non-consecutive days per calendar year the staff member shall be entitled to continue to receive their pay from the School Corporation and retain their military pay.

For other absences for military service, a staff member may elect to continue health insurance coverage for the staff member and dependents under the following conditions. For periods of up to thirty (30) days of military training or service, the staff member shall be required to pay only the normal staff member share of the premium for this continued coverage. For longer periods of military service, the staff member shall have the option to continue health insurance coverage by paying 102 percent of the full employer and employee premium. If the staff member elects to take this coverage, the right to that coverage ends on the earlier of the day after the deadline for the staff member to apply for reemployment or twenty-four (24) months after the absence for military leave began. A support staff member on leave for military service is entitled to all additional rights provided to support staff members for non-military leaves of absence.

A support staff member's right to re-employment under USERRA is subject to a cumulative five (5) year total for all Federal active duty except where the staff member's military obligation is involuntarily extended. Annual training and drills for reserve component and National Guard members are not included in computing the service for purposes of the five (5) year cap.

Where a support staff member has options as to when to take military leave, the staff member shall make every effort to schedule the leave to minimize the absence from their duties for the School Corporation. Support staff members shall include a copy of any applicable military orders in their application for leave for military service. The staff member shall submit notice of the need for this leave to the Superintendent or a designee as soon as the staff member learns of the need for the leave unless giving advance notice is impossible, unreasonable, or precluded by military necessity as determined by the Department of Defense.

Credit for periods of leave for military service by support staff members for purposes of the Public Employees' Retirement Fund shall be governed by the statutes applicable to that retirement fund and the rules adopted by the Fund. See I.C. 5-10.4-4-8(b).

Legal

I.C. 10-16-7

I.C. 10-17-4

USERRA 38 U.S.C. 4301 et seq.



Book	Policy Manual
Section	4000 Support Staff
Title	JOB-RELATED EXPENSES
Code	po4440
Status	Active
Adopted	April 12, 2005

4440 - **JOB-RELATED EXPENSES**

The School Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any support staff member incurred in the course of performing authorized services for the Corporation, whether within or outside the premises and in accordance with the Superintendent's administrative guidelines.

The validity of payments for such expenses shall be determined by the Superintendent and verified with detailed receipts.



Book	Policy Manual
Section	4000 Support Staff
Title	WORK STOPPAGE
Code	po4531
Status	Active
Adopted	January 9, 2001

4531 - **WORK STOPPAGE**

The School Board is obligated and committed to provide certain basic services to students residing in the School Corporations under its jurisdiction and as contracted. Therefore, if the schools are open and students are in attendance, those basic services will be provided.

Support staff members are required at all times to perform their normal duties as assigned by the Superintendent of Schools. Support staff members who fail to perform their duties when so required will be subject to loss of pay and disciplinary measures in accordance with the policies of this Board, the laws of the State, and may be subject to the loss of benefits as well.