

III. Human Resources

(#4113.1 & #4200.1)

I. Complaint Resolution Procedure

The Narragansett School System has adopted this formal Resolution Procedure (grievance procedure) to provide for prompt and equitable resolution of complaints alleging discrimination or discriminatory harassment in violation of Section 504 of the Rehabilitation Act, 34 C.F.R. § 104; Title IX of the Education Amendments of 1972, 34 C.F.R. § 106; Title II of the Americans with Disabilities Act, 28 C.F.R. § 35.107. See also Title IV of the Civil Rights Act of 1964, 34 C.F.R. § 100 and CHAPTER 42-87 Civil Rights of People with Disabilities 42-87-1.

For a description of the formal Resolution Procedure (Grievance Procedure); refer to Grievance Procedures outlined under specific headings)

Complaint Resolution Procedure—General

The Narragansett School System affirms its commitment to ensuring an environment for all students and employees which is fair, humane, and respectful; an environment which supports and rewards students and employees on the basis of relevant considerations, and which is free from discriminatory conduct. As an organization dedicated to fostering and upholding higher order values of human dignity and respect for the individual, the Narragansett School System expects standards of professional behavior which exceed those minimally prescribed by law.

In an instance of perceived violation of the School System's policies concerned with nondiscrimination, any Narragansett School System employee or student may file a complaint. In pursuing a complaint, the individual may be accompanied and otherwise assisted by an advisor/advocate from within the school community. The advisor shall not act as an attorney. Should any of the parties retain legal counsel, counsel may not be present at any level of the hearings called for by these procedures¹. School Department employees governed by collective bargaining agreements may choose to pursue violations of these collective bargaining agreements according to grievance procedures set forth in their contracts.

Confidentiality and privacy of those involved will be respected during all complaint procedures to the degree the procedure and the law will allow. However, if an employee or student wishes to bring a complaint and remain anonymous, the School System's ability to respond may be limited. Nevertheless, any person who believes he or she has been the victim of or witness to discrimination is encouraged to discuss the matter with the Title II ADA Coordinator or any other administrator with whom he or she feels comfortable. Consultations will be confidential to the full extent permitted by law.

1. In accordance with 34 C.F.R. § 104.36, counsel may represent a parent or guardian in a step 3 grievance hearing concerned with an alleged violation of Section 504 of the Rehabilitation Act of 1974. Inasmuch as the R.I. Department of Education and the U.S. Department of Education take the position that no RIASC department employee can "impartially" hear a Section 504 complaint, students and their parents may wish to bring a formal complaint directly to the Commissioner of Elementary and Secondary Education in lieu of a Step 3 hearing.

Policy Advising

Individuals seeking information regarding the process of complaint resolution may consult with any of the following offices or individuals for advice and assistance.

Guidance, Pier School
High School Principal
Elementary School Principal

Guidance, High School
Pier School Principal
NEA/Narragansett NEARI Union
NESP NEARI Union President

Informal Resolution Procedure

Members of the school community are encouraged to seek informal resolution of their complaints. This informal procedure is intended to encourage communication between the parties involved, either directly or through an intermediary, in order to facilitate a mutual understanding of what may be different perspectives of the offensive behavior, and to prevent a recurrence of such behavior. Absent extraordinary circumstances, an employee's immediate supervisor will be responsible for the informal resolution procedure. When a student is the complainant, the academic department head or school principal shall be responsible for the informal resolution procedure. For good cause, the complainant may seek assistance from any other school department administrator. The person responsible for attempting an informal resolution of the complaint may obtain guidance and assistance from the Title II ADA Coordinator. If the informal process does not result in the resolution of the complaint to the satisfaction of the complainant, the complainant may utilize the formal complaint procedure. Absent extraordinary circumstances, for monitoring purposes, a record of the complaint shall be reported to the Title II ADA Coordinator.

Formal Resolution Procedure—Complaints

Unless otherwise provided for under “Grievance Procedure” in these policies, the following will apply:

Any Narragansett School System employee or student may submit a formal complaint alleging a violation of the School System's nondiscrimination policy to the appropriate administrator at any time except where time constraints are stipulated by contract or law.

A formal complaint shall be in writing and shall set forth a statement of the facts, the school system's policy(ies) or practice(s) violated and the specific remedy sought.

The complaint normally shall be filed as follows:

With the Title II ADA Coordinator, Narragansett School System, 25 Fifth Avenue, Narragansett, Rhode Island, or

If the person complained about is a student, the complaint shall be filed with the school principal wherein the student is enrolled.

For good cause, the complaint may also be filed with any other administrator of the rank.

The persons receiving the complaint(s) shall forward the complaint to the appropriate school principal or administrative supervisor for the Step 1 resolution outlined below. They shall also continue to monitor and coordinate its resolution.

If the complaint is against a school principal or other administrative supervisor of similar rank, Step 1 of the complaint procedure shall be by-passed and the grievance shall be filed with the administrator responsible for the person about whom the complaint has been made.

If the complaint is against the Superintendent, Step 1, Step 2, and Step 3 of the complaint procedure shall be by-passed and the complaint shall be filed with the School Committee, which shall consider the complaint through an ad hoc procedure.

Unless otherwise provided for under “Grievance Procedure” in these policies, the following will apply:

Hearings

Step 1

Absent extraordinary circumstances, the official to whom the complaint was forwarded shall, within five (5) business days, conduct a formal conference with the complainant, permitting him or her to provide any necessary information relevant to the complaint. The official shall also meet with the respondent and conduct such additional investigation as he or she deems necessary. Parties shall be afforded the opportunity to present witnesses and additional evidence. Absent extraordinary circumstances, a written recommendation shall be rendered within five (5) business days of the formal conference unless an extension is mutually agreed to by the parties. The recommendation shall be sent to the complainant and respondent. The written recommendation shall state the background information, the rationale for the recommendation, and the recommended remedy (if any). No transcript or recording of the conference shall be made by either party. For monitoring purposes, a copy of the report shall be sent to the school official who received the initial complaint.

Step 2

If the complaint is not resolved at Step 1, the complainant or respondent may, within ten (10) business days of receipt of the Step 1 recommendation, appeal to the Administrator responsible for the respondent.

Absent extraordinary circumstances, the Administrator shall hold a hearing within fifteen (15) business days of receipt of the appeal or complaint. Absent extraordinary circumstances, a written recommendation shall be rendered within ten (10) business days of such hearing. The complainant and the respondent shall be afforded the opportunity to testify, to call witnesses and to introduce documentary evidence. No transcript or recording shall be made of the hearing. For monitoring purposes a copy of the report shall be sent to the official who received the initial complaint.

Step 3

In the event that the complaint is not resolved at Step 2, the complainant or respondent may file an appeal with the Superintendent within ten (10) business days of the receipt of the Step 2 recommendation.

Absent extraordinary circumstances, the Superintendent shall, within five (5) business days, refer the complainant or respondent to the Complaint Hearing Panel (CHP). The CHP shall consist of three (3) persons, one of whom shall be designated chair, chosen from a standing panel appointed annually by the Superintendent. The standing panel shall consist of twelve (12) Narragansett School System employees and students representing administrators, faculty, staff and students. The Committee shall be formed to hear the complaint (from the CHP) as follows: one person shall be appointed by the Superintendent and designated chair, one person shall be appointed by the complainant, and one person shall be appointed by the respondent. Any member of the panel whose term of appointment expires during the course of the hearing shall continue to serve until completion of the hearing and rendering of a recommendation. The Step 3 hearing shall be held as soon as practicable and normally within twenty (20) business days of referral of the complaint to the CHP by the Superintendent. The complainant and the respondent shall have the right to call witnesses, to testify and to present relevant documentary evidence. The complainant and the respondent shall have the right to cross-examine all witnesses. A tape recording of the proceeding shall be made and a copy shall be provided, at cost, to the complainant and to the respondent. Following the hearing, the Panel shall, absent extraordinary circumstances, render a report and recommendation to the Superintendent within twenty (20) business days following the hearing. The report shall contain specific findings of fact and recommendations.

Upon consideration of the report and recommendation, the Superintendent shall render a decision in writing and communicate the same to the complainant, the respondent, and to the Title II ADA Coordinator. Subject to state and federal law, the Superintendent's decision shall be final.

RI Commission for Human Rights
10 Abbott Park Place
Providence, RI 02903
(401)277-2661

Equal Employment Opportunity Commission (EEOC)
One Congress Street
Boston, MA 02114
(617) 565-3200

Office of Civil Rights
United States Department of
Education
140 Federal Street
Boston, MA 02110
(617) 223-6397

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Narragansett School System
Narragansett, Rhode Island
