

III. Human Resources (formerly #4191 & \$4291)

C. Illegal Harassment

The Narragansett School System does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to all sponsored programs and activities.

2. Sexual Harassment

1. Policy

It is the policy of the Town of Narragansett School System, as well as state, federal and local law, (including, but not limited to, Title VII of the Civil Rights Act of 1964 As Amended, Title IX of the Education Amendments of 1972, Rhode Island General Law 28-5.1, Fair Employment Practices Act, Rhode Island Public Law Title 16-38-1.1, and the Carl Perkins Act) that sexual harassment of a student, present or prospective employee, or visitor shall not be tolerated. Violation of this policy and of the law, if proven, will result in disciplinary action. Any person who believes that he/she has been the recipient of sexual harassment may seek redress through the Town of Narragansett School System's Sexual Harassment Grievance Procedure. (Refer to Grievance Procedures)

2. Sexual harassment is defined as:

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

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or success as a student;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
- c. Such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance, or creating an intimidating, hostile or offensive working or educational environment.

3. Considerations

By definition, sexual harassment is not limited to prohibited conduct by a male toward a female, by a supervisory employee toward a non-supervisory employee or by a teacher toward a student. The Town of Narragansett School System's view of sexual harassment includes, but is not limited to, the following considerations:

- a. A male, as well as a female, may be the subject/recipient of sexual harassment and a female, as well as a male, may be the harasser.

- b. The harasser does not have to be in a position of authority. He/she may also be an agent of the employer, a supervisory employee who does not supervise the recipient, a non-supervisory employee (co-worker), a non-employee (student, parent, visitor).
- c. The recipient of sexual harassment may be the same or opposite sex as the harasser.
- d. The recipient of the sexual harassment does not have to be the person at whom the unwelcome sexual conduct or remarks are directed. The recipient may also be someone who is affected by such conduct/remarks when it is directed toward another person. For example, inappropriate attempts at humor or the sexual harassment of one female (or male) employee/student may create an intimidating, hostile or offensive working or educational environment for another female (or male) or otherwise unreasonably interfere with an individual's work or educational performance.
- e. Sexual harassment does not depend on the recipient's having suffered concrete job-related injury or educational limitation as a result of the harasser's conduct. For example, improper sexual advances, conduct or remarks which do not result in the loss of promotion by the recipient or the discharge of the recipient may, nonetheless, constitute sexual harassment where they unreasonably interfere with the recipient's work or education, or create a harmful, offensive or hostile work or educational environment.

All personnel will be responsible for implementing, monitoring and enforcing the above policy. All personnel are to strictly adhere to this policy.

4. Sexual Harassment Grievance 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.

A formal grievance may be filed at any time by a student, parent, employee, applicant, or visitor who believes that his/her rights as outlined in the sexual harassment policy have been violated. We encourage each student, faculty member, administrator, or staff member to make every effort to resolve problems fairly and informally as they arise. All members of the Town of Narragansett School System's community are urged to resolve problems fairly and informally as early as possible. If a suitable solution cannot be reached informally, a formal grievance may be initiated. (Refer to Grievance Procedures)

Inquiries Regarding Non-Discrimination Policies and Complaints

The following offices have been designated to handle inquiries regarding the non-discrimination policies:

Title II ADA Coordinator: Human Resource and Payroll Coordinator

25 Fifth Ave.
Narragansett, R.I., 02882
(401) 792-9450
District Website: www.nssk12.org

Title IX Coordinator: Director of Finance and Administration

25 Fifth Ave.
Narragansett, R.I., 02882
(401) 792-9450
District Website: www.nssk12.org

Section 504 Coordinator: Director of Student Services

25 Fifth Ave.
Narragansett, R.I., 02882
(401) 792-9450
District Website: www.nssk12.org

Note: All Inquiries may also be directed to the Office of the Superintendent. 25 Fifth Avenue, Narragansett, R.I., 02882 (401) 792-9450 District Website: www.nssk12.org

For further information on notice of non-discrimination, visit:
<http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>

OCR New England Region - (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

Susan Rhodes, Regional Manager
Office for Civil Rights - U.S. Department of Health and Human Services Government Center
J.F. Kennedy Federal Building - Room 1875
Boston, MA 02203
Customer Response Center: (800) 368-1019
Fax: (202) 619-3818 TDD: (800) 537-7697
Email: ocrmail@hhs.gov

Grievants are not limited to this formal grievance procedure, but may seek relief from other agencies including, but not limited to:

US Equal Employment Opportunity Commission
1 Congress Street, 10th Floor, Room 1001
Boston, MA 02114
Phone: 617-565-3200 TTY: 617-565-3204

Rhode Island Commission for Human Rights
10 Abbott Park Place
Providence, RI 02903
Phone: 401-222-2616 TDD: 401-222-2664

Rhode Island Department of Education
Commissioner of Elementary & Secondary Education
255 Westminster Street
Providence, RI 02903
Phone: 401-222-2031 TTY: 800-745-6575

Grievance Procedures

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 Title IX of the Education Amendments of 1972, 34 C.F.R. §106;

Definition

A "grievance" shall be a complaint which has been filed by an employee, applicant, student, parent or guardian, visitor, on his/her behalf dealing with a violation of the sexual harassment policy as specified by Title IX and other applicable laws.

1) Purpose

The primary purpose of this procedure is to secure, at the earliest level possible, equitable solutions to a claim of a complaint. The proceedings shall be kept confidential at each level of this procedure.

2) Time

A complaint must be filed at level 1 within 30 school days or 60 calendar days from the date of the incident, whichever is sooner. The number of days indicated at each level shall be regarded as a maximum, and every effort shall be made to expedite the process. The time limits may be extended by mutual agreement between complainant and superintendent.

3) Level One

An individual with a complaint shall first (Level One) present it orally and informally to the appropriate supervisor (eg. student to teacher; teacher to principal, etc.). If the complaint is not resolved within 14 calendar days, he/she may informally present the complaint to the Title IX Coordinator.

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.

4) Level Two

At this point, the Title IX will attempt to informally resolve the complaint between the parties involved and reach an equitable solution to the situation.

- a. Such investigation may consist of, but may not be limited to, the following actions:
 1. Interview(s) with the grievant;
 2. Interview(s) with the individual alleged to be the harasser;
 3. Interviews with other employees and witnesses;
 4. Interviews with other individuals at the discretion of the superintendent or Title IX Coordinator;
 5. Review of pertinent records.
 6. Opportunity for the complainant to present witnesses and other evidence.
- b. Any retaliatory action of any kind taken by an employee or student of the Town of Narragansett School System against any other employee or student of the Town of Narragansett School System as a result of that person's seeking redress under these procedures, cooperating in an investigation, or otherwise participating in any proceeding under these procedures is prohibited and shall be regarded as a separate and distinct grievable matter under this procedure.
- c. Any grievance proceedings will, to the greatest possible extent, be held in confidence by all persons directly or indirectly involved in them.
- d. If the Title IX Coordinator cannot informally resolve the complaint within 15 school days or 21 calendar days, the complaint will proceed to Level 3.

5) Level Three

If an equitable solution cannot be reached, the complainant may present a formal claim in writing (including all supporting statements and evidence) to the Title IX Coordinator. Within 20 school days after receiving the formal written complaint, the Title IX Coordinator shall state his/her impartial decision in writing with all supporting reasons and evidence.

6) Level Four

If the complainant deems it desirable to carry the complaint beyond the decision reached at Level Three, he/she may, within 10 school days, file the complaint with the school principal. The school principal shall evaluate the evidence and render his/her impartial decision within 10 school days. Again, such decision should contain all supporting reasons and evidence.

7) Level Five

If the complainant deems it desirable to carry the complaint beyond the decision reached in Level Four, he/she may, within 10 school days, file the complaint with the Narragansett School Superintendent. The superintendent shall evaluate the evidence and render his/her impartial decision within 10 school days after receiving the appeal. Such decision should contain all supporting reasons and evidence.

8) Level Six

If the complainant deems it desirable to carry the complaint beyond the decision in Level Five, he/she may, within 10 school days, file the complaint with the chairperson of the school committee.

9) Upon receiving the complaint, the matter shall be placed on the agenda of the school committee for consideration at the next regular meeting (at which the complaint can be legally acted upon) and a final determination shall be made within 30 calendar days from said meeting. The hearing before the school committee will be in open session unless requested by grievant to be in executive session.

10) Withdrawal

A complaint may be withdrawn by the complainant at any level without prejudice.

11) Hearing and Decisions

At each of the above six levels the complainant shall be given the opportunity to be present and to be heard. The complainant shall have an opportunity to present witnesses and other evidence at the hearing. All decisions at each level (with the exception of Levels One and Two) shall be in writing and shall include supporting reasons. Copies of all decisions and recommendations shall be furnished promptly to all.

12) Reprisals

No reprisal of any kind shall be taken by or against any party of legitimate interest or any legitimate participant in the grievance procedure by reason of such participation.

13) Disclaimer

In the adoption and implementation of this grievance procedure, it shall be understood that, at all levels, strict rules of evidence shall not apply.

14) Nothing in this policy precludes a complainant from contacting an appropriate outside agency.

15) Penalties in Cases of Sexual Harassment

Remedial actions will depend on the severity of the incident(s). Because of the private nature of certain incidents, particularly those involving sexual harassment, and the emotional and moral complexities surrounding such issues, every effort will be made to resolve problems on an informal basis, if possible. When a grievance is resolved informally, only a short summary of the incident will be maintained on file.

An admission of guilt, an acknowledgement of the verbal warning, a promise not to commit such abuse again, and action taken to provide appropriate relief for the grievant may be sufficient resolution. At this informal stage, it is hoped to sensitize the person at fault to the effects of such behavior, to be constructive and not unduly punitive in the disciplinary action. If informal resolutions are not adhered to or if the allegations involve conduct for which informal resolutions are not appropriate, the superintendent may deem it necessary to take appropriate action that can include formal letters of reprimand, suspension, discharge or other disciplinary action.

ACKNOWLEDGMENT AND CERTIFICATION

I hereby acknowledge and certify that I have received a copy of the Narragansett School System's Sexual Harassment Policy. I have read the policy and understand it.

Employee Name

Employee Signature

Date

1st Reading: June 17, 1992
Adopted: September 16, 1992
1st Reading: May 18, 1994
Adopted: June 29, 1994
1st Reading: September 18, 2002
Adopted: November 20, 2002
1st Reading: October 20, 2004
Adopted: November 23, 2004
Revised:
1st Reading: May 18, 2016
2nd Reading: November 16, 2016

Narragansett School System
Narragansett, Rhode Island