

SEXUAL HARASSMENT POLICY

I. GENERAL STATEMENT OF POLICY

Sexual harassment is a form a sex discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., and Rhode Island Statutes.

It is the policy of the Bristol Warren Regional School District to maintain a learning and working environment that is free from sexual harassment. The District prohibits any form of sexual harassment.

It shall be a violation of this policy for any student or employee of the Bristol Warren Regional School District to harass any student or employee through conduct or communication of a sexual nature as defined by this policy.

The District will act to investigate all complaints, either formal or informal, verbal or written, of sexual harrassment and to discipline any student or employee who sexually harasses a student or employee of the District.

II. SEXUAL HARASSMENT DEFINED

A. Sexual harassment consists of unwelcome sexual advances, reuests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitlyly or implicitly, of obtaining or retaining employment or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.

Any sexual harassment as defined when perpetrated on any student or employee by any student or employee will be treated as sexual harassment under this policy.

B. Sexual harassment may include, but is not limited to:

1. verbal harassment or abuse;
2. subtle pressure for sexual activity;
3. inappropriate patting or pinching;
4. intentional brushing against a student's or employee's body;
5. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
6. demanding sexual favors accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or educational status; or
7. any sexually motivated unwelcome touching.

III. REPORTING PROCEDURES

Any person who believes he or she has been the victim of sexual harassment by a student or employee of the District, or any third person with knowledge or belief of the conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate School District official as designated in this policy. The District encourages the reporting party or complainant to use the report form available from the District Central Office. The contingent upon a written report.

- A. *In Each School Building* the building principal is the person responsible for receiving oral and written reports of sexual harassment at the building level. Upon receipt of a report, the principal must notify the District Human Rights Officer immediately without screening or investigating the report. The written report will be forwarded immediately to the District Human Rights Officer. If the report was given verbally, the principal shall reduce it to written form within 24 hours and forward it to the District Human Rights Officer. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the District Human Rights Officer.
- B. *District-Wide*. The School Committee hereby designates the Director of Administration as the Bristol Warren Regional School District's Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals as outlined above. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Superintendent. The District will conspicuously post the name of the

Human Rights Officer, including a mailing address and telephone number.

- C. Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or working assignment.
- D. Use of formal reporting forms is not mandatory.

The Bristol Warren Regional School district will respect the confidentiality of the complainant and the individual (s) against whom the complaint is filed as much as possible, consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

IV. INVESTIGATION AND RECOMMENDATION

By authority of the Bristol Warren Regional School District, the Human Rights Officer, upon receipt of a report or complaint alleging sexual harassment, shall immediately authorize an investigation. This investigation may be conducted by the School District officials or by a third party designated by the School District. The investigating party shall provide a written report of the status of the investigation within 10 working days to the Superintendent of Schools and the Human Rights Officer.

In determining whether alleged conduct constitutes sexual harassment, the School District should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the School District may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment.

The School District Human Rights Officer shall make a report to the Superintendent upon completion of the investigation.

V. SCHOOL DISTRICT ACTION

- A. Upon receipt of a recommendation that the complaint is valid, the School District will take such action as appropriate based on the results of the investigation.

- B. The result of the investigation of each complaint filed under these procedures will be reported in writing of the complainant by the School District. The report will document any disciplinary action taken as a result of the complaint.

VI. REPRISAL

The Bristol Warren Regional School District will discipline any individual who retaliates against any person who reports alleged sexual harassment of who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. NON-HARRASSMENT

The Bristol Warren Regional School District recognizes that not every advance or Comment of a sexual nature constitutes harrassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment or educational effect requires a determination based on all the facts and surrounding circumstances. It is recongnized that false accusations of sexual harassment can have a serious detrimental effect on innocent parties.

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Rhode Island Commission on Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

IX. SEXUAL HARASSMENT AS SEXUAL ABUSE

Under certain circumstances, sexual harassment may constitute abuse under Rhode Island statute. In such situations, the Bristol Warren Regional School District will comply with all applicable state laws governing the maltreatment of minors.

X. DISCIPLINE

Any School District action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements, Rhode Island statutes and Bristol Warren Regional School District policies. The School District will take such disciplinary action it deems necessary and appropriate, including warning, suspension or immediate discharge to end sexual harassment and prevent its recurrence.

Adopted: August 16, 1993

Bristol Warren Regional School District, Bristol, Rhode Island