

HARASSMENT POLICY

I. Philosophy and Policy

The Bristol Warren Regional School District recognizes the right of each individual to work in a professional atmosphere which prohibits harassment or discriminatory practices of any type. In particular, harassment on the basis of sex, race, age, religion or disability of our employees by anyone affiliated with the District, whether in the classroom, office, on work assignments outside the school, at District-sponsored social functions or elsewhere, or retaliation against anyone who complains about discrimination or harassment, will not be tolerated. The Bristol Warren Regional School District considers harassment, whether verbal or physical, to be unacceptable and intolerable. Such activity will be subject to sanction.

It shall be a violation of this policy for any member of the School Department, agent or employee to harass any employee or student through conduct or communications. It shall also be a violation of this policy for students, employees or agents of the School Department to harass other students through conduct or communication.

II. Harassment Defined

For the purpose of this policy, harassment is defined as follows:

A. Employment Discrimination.

Discrimination by any employee or staff member in any employment practice or the creation of a hostile environment predicated upon race, gender, age, national origin or religion (as well as any protected category as defined or developed from time to time by applicable state or federal law).

B. Other Forms of Harassment or Discrimination

Verbal or physical conduct or communication which creates a hostile environment predicated upon race, gender, age, national origin, religion, or disability. Such practice applies to interaction between and among students, employees, or staff members.

III. Procedures For Reporting A Complaint

The School Department **encourages** individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome. However, the School Department also recognizes that status

disparities between an alleged harasser and a target may make such a confrontation difficult or impossible. In the event that informal, direct communication between individuals is either ineffective or difficult, the following steps should be followed in reporting a harassment complaint:

A. Notification of Appropriate Staff

Individuals who believe they have been subjected to harassment should report the incident to their immediate supervisor or to a district level administrator.

If the supervisor successfully resolves the complaint in an informal manner, the supervisor shall file a confidential report to the Superintendent of Schools, with copies to the involved parties, detailing the factual basis of the complaint and resolution so the School Department will be aware of any pattern of harassment by a particular individual.

If the complaint is not resolved at this level, or if the individual believes that resolution at the supervisory level would be ineffective, he or she may file a complaint with the officer designated by the Superintendent of Schools. If the individual believes that filing such complaint with the designated officer would be ineffective, he or she may file the complaint with the Superintendent of Schools.

A parent or guardian shall be present when the complaint is filed and during any discussion, questioning or investigation of any situation of alleged harassment involving a minor.

B. Description of Misconduct

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of harassment. Therefore, verbal reports of harassment must be reduced to writing by either the complainant or the individual(s) designated to receive complaints. The complainant shall sign the complaint under oath. Individuals who believe they have been or currently are being harassed should maintain a record and/or diary of objectionable conduct in order to effectively prepare and corroborate their allegations.

While the School Department encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, the School Department hereby notifies all employees that, in the event that a lawsuit develops from a reported incident, the writings of the complainant or alleged harasser may not be considered privileged information and, therefore, may not be kept confidential in the context of litigation.

C. Time Frame For Reporting Complaint

The School Department encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct

may have on the individual, no limited time frame will be instituted for reporting harassment complaints. Late reporting of complaints will not of itself preclude this School Department from taking remedial action.

D. Protection Against Retaliation

The School Department will not allow any administrator, supervisor or employee to retaliate against an individual who makes a report of harassment. Retaliation is a serious violation and should be reported immediately. Retaliation can take many forms. Any action considered to be retaliatory should be reported immediately to the Director of Administration and Finance, Oliver Administration Offices, 401-253-4000 ext. 228. Retaliation against any person for reporting harassment will be treated with the same discipline as harassment itself. Each offense will be investigated and sanctioned separately.

E. Form of Complaint

The officer designated by the Superintendent shall have available appropriate complaint and resolution forms for filing complaints. The forms shall also be available from various supervisory personnel and union representatives.

IV. Investigating the Formal Complaint

A. Confidentiality

Any allegation of harassment brought to the attention of the Superintendent or his designee shall be promptly investigated in a confidential manner so as to protect the privacy of all parties involved. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

B. Identification of Investigators

Complaints which are not informally resolved shall be investigated and resolved by the Superintendent or his designee.

C. Investigation Process

In pursuing the investigation, the investigator will consider the wishes of the complainant under consideration, but should thoroughly investigate the matter as he/she sees fit, keeping the complainant informed as to the status of the investigation. The District reserves the right to take any actions it deems appropriate in response to any acts of harassment, whether reported or observed. The District reserves the right, as it must in order to comply with state and Federal laws, to institute an investigation of any serious complaint and/or take any other actions necessary to address harassment in the workplace, regardless of the complainant's wishes. Managers and supervisors have a responsibility to monitor behavior that can be construed as harassment and for initiating all actions needed

to eliminate such behavior, including but not limited to, directing that the conduct cease or reporting the conduct to the appropriate persons within the District.

Steps to be taken in the investigation include but are not limited to:

- ◆ Confirm name and position of complainant.
- ◆ Identify the alleged harasser by name and position.
- ◆ Thoroughly ascertain all facts that explain what happened.
- ◆ Questions should be asked in a non-judgmental manner.
- ◆ Determine frequency/type of alleged harassment and, if possible, the dates and locations where the alleged harassment occurred.
- ◆ Ask the individual how he/she responded to the alleged harassment.
- ◆ Determine whether the harassed individual consulted anyone else about the alleged harassment and take note of who else knows and their response to the disclosure.
- ◆ Develop a thorough understanding of the professional relationship, degree of control and amount of interaction between the alleged harasser and complainant. (Does the person control compensation, terms of employment or evaluations? Do these individuals work in close proximity to one another and/or in the same school, department, work area or classroom?)
- ◆ Determine whether the alleged harasser has carried out any threats or promises directed at the complainant.
- ◆ Does the complainant know of or suspect that there are individuals who have been harassed by the alleged harasser?
- ◆ Has the complainant informed other supervisors or employees of the situation? What response, if any, did the complainant receive from these individuals?
- ◆ When first interviewing the alleged harasser, remind him/her of the School Department's policy against retaliation for making a complaint of harassment and provide a copy of the policy.

V. Resolving the Complaint

Upon completing the investigation of a harassment complaint, the School Department will communicate its findings and intended actions to the complainant and the alleged harasser.

If the investigator, together with any appropriate reviewing authority, finds that harassment occurred, the harasser will be subject to appropriate disciplinary action and appropriate information communicated to the complainant.

If the investigator, together with reviewing authority, determines that no harassment has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

In the event that no resolution satisfactory to both parties can be reached based on the investigation, the matter shall be referred to the School Committee for further appropriate action.

A. Sanctions

Individuals found to have engaged in misconduct constituting harassment will be appropriately disciplined, which may include discharge of the employee or student suspension. Appropriate sanctions will be determined by the Superintendent or the School Committee (as appropriate), in accordance with the provisions of applicable statutes, collective bargaining agreements, employment contracts and the School Department policy and School Committee's by-laws and student discipline codes. In certain instances, an investigation may uncover conduct which does not result in harassment predicated on a protected category, but is nonetheless inappropriate conduct. The results of an investigation may be used by the Superintendent or School Committee to discipline the individual(s) who has(have) participated in said conduct.

In addressing adjudicated incidents of harassment, the School Department's response at a minimum shall include a written reprimand. Additional action may include: referral or recommendation of referral to counseling, reassignment, temporary suspension without pay, financial penalties or termination of employment.

Although the School Department's ability to discipline a non-employee harasser is limited by the degree of control, any employee, staff member or student who has been subjected to harassment should file a complaint and be assured that action will be taken.

B. False Accusations

If an investigation results in a finding that the complainant intentionally and falsely accused an individual of harassment or filed a false complaint in a knowing

or malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination or student suspension.

C. Appeals Process

If either party directly involved in a harassment investigation is dissatisfied with the outcome or resolution, that individual may appeal the decision. The dissatisfied party should submit his/her written appeal in a timely manner, in accordance with the provisions of any applicable collective bargaining agreement, if applicable, or to the School Committee within 30 days of receipt of notice of decision. Either party may take such additional action as authorized by law or contract.

VI. Maintaining a Written Record of the Complaint

The School Department shall maintain a complete record of each complaint and the manner in which it was investigated and resolved. Written records shall be maintained in a confidential manner in the office of the Superintendent of Schools.

Written records will be maintained for three years from the date of the resolution unless circumstances dictate that the file should be kept for a longer period of time.

Adopted: March 22, 2004

Bristol Warren Regional School District, Bristol, Rhode Island