

**ANTI-DISCRIMINATION/ANTI-HARASSMENT POLICY  
AND GRIEVANCE PROCEDURE**

The Bristol Warren Regional School District (the "District") is committed to maintaining and promoting an educational environment free from all forms of discrimination, including harassment. The civil rights of all school community members are guaranteed by law, and the protection of those rights is important to the District. Discrimination, including harassment, on the basis of race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, age or disability (hereinafter "membership in a protected class") will not be tolerated. Retaliation against any student or any other individual who has complained of discrimination, including harassment, or individuals who have cooperated with an investigation of such complaint, is also unlawful and will not be tolerated. The District will promptly investigate, remedy any harm, seek to protect students and/or employees, and to prevent recurrence of such conduct. This policy applies to conduct directed toward students and other persons associated with the educational community by all other persons associated with the educational community including, but not limited to, students, District employees, the School Committee, school volunteers, parents and independent contractors. (For a complaint of disability discrimination that is NOT harassment, please refer to the District's Section 504/ADA Prohibition Against Discrimination Based on Disability policy/procedure.)

**I. What is Discrimination, including Harassment?**

- A. Discrimination: Treating persons differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected class.
  
- B. Harassment: Oral, written, graphic, electronic, or physical conduct relating to a person's actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit that person's ability to participate in the District's programs or activities by creating a hostile educational environment.

Harassing conduct based on a person's protected status may include, but is not

limited to:

- Degrading, demeaning, insulting, or abusive verbal or written statements;
  - Taking personal belongings, taunting, teasing, name-calling, or spreading rumors;
  - Drawing or writing graffiti, slogans, visual displays, or symbols on school or another's property;
  - Telling degrading or offensive jokes
  - Unwanted physical contact of any kind;
  - Physical violence, threats of bodily harm, physical intimidation, or stalking;
  - Threatening letter, emails, instant messages, or websites that come within the scope of the District's disciplinary authority;
  - Defacing, damaging, or destroying school or another's property.
- Harassing conduct does not have to be directed towards a particular individual. Other members of the same protected class may be considered the victim of harassment by virtue of being exposed, even indirectly, to the harassing conduct.

## **II. Sample of Conduct Which May Constitute Specific Types of Harassment**

*The following is not intended as an inclusive list of conduct that may violate this policy.*

### **Disability Harassment:**

Unwelcome verbal, written or physical conduct directed at a person based on his/her disability or perceived disability, including damaging or interfering with use of necessary, equipment, intimidating manner of movement, using disability-related slurs, or invading personal space to intimidate.

**National Origin Harassment:**

Unwelcome verbal, written or physical contact directed at a person based on his/her national origin, ancestry, or ethnic background such as negative comments about surnames, customs, language, accents, immigration status or manner of speaking.

**Racial Harassment:**

Unwelcome verbal, written or physical conduct directed at a person based on his/her race or color, including racial slurs or insults based on characteristics of a person's race or color, racial graffiti or symbols, hostile acts based on a race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

**Religious Harassment:**

Unwelcome verbal, written or physical conduct directed at a person based on his/her religion, including derogatory comments about religious beliefs, traditions, practices (includes non-belief), or religious clothing.

**Sexual Orientation Harassment:**

Unwelcome verbal, written or physical conduct, directed at a person based on his/her actual or perceived sexual orientation, such as anti-gay slurs or insults, imitating mannerisms. Taunting, or invading personal space to intimidate.

**Sexual Harassment:**

***Quid pro quo sexual harassment*** occurs when a person in a supervisory position explicitly or implicitly conditions participation in a program or activity or bases a decision concerning another on the other person's submission to unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature, whether or not the other person submits to the conduct. *Quid pro quo* sexual harassment, occurs, for example when a school employee causes a student to believe s(he) must submit to sexual advances to receive a better grade than deserved, or is threatened with a loss of a promised college application

recommendation unless the student dates the employee.

**Hostile environment sexual harassment** occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature by a student, a school employee, or a third party on school property or at a school related activities is sufficiently severe, pervasive or persistent so as to interfere with or limit a person's ability to participate in or benefit from the District's programs or activities by creating a hostile, humiliating, intimidating, or offensive educational environment. A victim may also be someone affected by conduct directed toward another individual.

**Sexual harassment may occur adult to student, student to student, student to adult, adult to adult, male to female, female to male, female to female, and male to male.**

**Depending on the circumstances, sexual harassment may include, but is not limited to:**

- >- ***Verbal forms of sexual harassment***, including repeated unwanted requests for dates, sexual rumors, sexually explicit jokes, howling, whistles, catcalls, soliciting conversation regarding sexual activity and experiences, making unwanted gender-based references to a person's physical characteristics;
- >- ***Written forms of sexual harassment***, including offensive gestures following or stalking another, cornering or blocking a person, leering, pressuring for sexual activities;
- >- ***Nonverbal forms of sexual harassment***, including offensive gestures, following or stalking another, concerning or blocking a person, leering, pressuring for sexual activities;
- >- ***Visual forms of sexual harassment***, including displaying sexually suggestive or sexually provocative photographs, pictures, objects, cartoons, or posters; or
- >- ***Unwelcome physical touching***, including grabbing, groping, squeezing, sexual fondling, kissing, brushing against another's body, body hugs, and other unwelcome contact.

### **III . Responsibilities of all Persons Associated with Educational Community**

Each member of the educational community is personally responsible for ensuring that his/her conduct does not in any way harass or discriminate against any other person that h/she has contact with in the performance of his/her duties or studies or while acting as a member of the school community. In addition, each member of the educational community is required to fully cooperate in any investigation of alleged discrimination, including harassment. Further, District employees are obligated to intervene and stop any discrimination, including harassment that they witness and to immediately report to the building principal instances of discrimination, including harassment that are reported to them, they observe, or of which they otherwise learn.

#### **IV. Designated Officials for Addressing Discrimination and Harassment Complaints**

In each school building, the Principal is responsible for receiving and investigating reports and complaints of violations of this Policy at the school level. Individuals may file a report or complaint of discrimination, including harassment, with the Principal. In the event that the Complaint alleges violations against the principal, the Complaint shall be delivered to the Superintendent, who shall appoint an individual to conduct the investigation.

#### **V. Procedure for Reporting Discrimination and Harassment**

The following complaint procedure has been established to ensure prompt and effective investigation into allegations of discrimination, including harassment. (For a complaint of disability discrimination that is NOT harassment, please refer to the District's Section 504/ADA Prohibition Against Discrimination Based on Disability policy/procedure.)

A person who believes that he or she had been harassed or otherwise discriminated against, is encouraged to report the situation to the Principal immediately. Reports/complaints are to be filed within ninety (90) days after: the discriminatory conduct or the individual reasonably becomes aware of the conduct. (Note: this filing period may be extended for good cause.) The report can be written or oral and should consist of the following:

1. the specific conduct objected to,
2. the date(s) and time(s) such conduct took place,
3. the name(s) of the alleged harasser(s) or person believed to be discriminating against them,
4. the location(s) where the conduct occurred,
5. the name(s) of any witness(es),
6. action sought to remedy the situation, and
7. any other details or information requested by the investigating official.

In addition, the person should provide the Principal with any documentation (emails, notes, pictures, electronic or recorded media, etc.) or other information in support of the allegation of discrimination, including harassment.

## **VI. Investigation of Complaints**

Upon receipt of a report or complaint, the Principal shall facilitate a prompt investigation. The investigation must allow for the complainant, the subject of the complaint, and the alleged harasser to provide information, including the names of witnesses or other evidence, relevant to the investigation of the complaint. The principal will also endeavor to promptly interview and obtain detailed written statements from the complainant, the subject of the complaint, the alleged harasser, as well as any potential witnesses. The principal will also review any other documents or information that he or she believes is relevant to the investigation.

In the event that an investigation reveals that the alleged action or actions do not constitute discrimination or harassment as defined in this policy, but that the underlying conduct may meet the definition of bullying or cyberbullying as set forth in the District's Bullying Policy, then the results of the investigation should be forwarded and/or reviewed in conjunction with the provisions of that policy. If necessary, the investigation may be re-opened under the parameters of that policy

### Conclusion of Investigation

A written determination regarding the complaint and any resolution will be provided by the principal to the complainant and the accused within thirty (30) school/working days of the complaint.

If a violation is found to have occurred, the District will take steps to prevent reoccurrence of the violation and correct its discriminatory effect on the person(s) affected. Such steps may include appropriate disciplinary action (including but not limited to suspension of student(s) and termination of employee(s), counseling, development of a safety plan and other remedies, as appropriate.

### **Appeal Process**

The complainant may request reconsideration of the determination and/or resolution of a complaint by notifying the Superintendent in writing or verbally within seven (7) school/working days of receipt of the written determination of the Principal. The Superintendent or his/her designee will respond to such request within thirty (30) school/working days of receipt of the request for reconsideration; his/her decision is final.

### **VII. Confidentiality**

Investigations of discrimination, including harassment complaints shall be conducted in such a manner as to disclose information only to those who need to know and as necessary to gain information pertinent to the investigation. Please note, some level of disclosure may be necessary in the course of conducting interviews in connection with investigation of any complaint under this policy. The District shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

### **VIII. State and Federal Authorities**

In addition to the process described above, the complainant may, at any time, file a complaint with to the United States Department of Education, Office for Civil Rights, Rhode Island Department of Elementary and Secondary Education, or other appropriate federal or state agency charged with enforcement of state and federal laws prohibiting discrimination, including harassment based on membership in a protected class.

U.S Department of Education, Office for Civil  
Rights John W. McCormack Building  
5 Post Office Square, Suite 900  
Boston, MA 02109  
Telephone: (617) 289-0111  
<http://www.ed.gov>

Rhode Island Department of  
Education 255 Westminster Street  
Providence, RI 02903  
Telephone: (401) 222-4600  
<http://www.ride.ri.com>

**ADOPTED:** February 25, 2019

**CROSS REF:** Bullying Policy (JFCK)  
Section 504/ADA Prohibition Against Discrimination Based On Disability (ACC)