

Nondiscrimination and Anti-Harassment Policy

Foundations & Basic Commitments/Rights and Protections

It is the Policy of the South Kingstown School Committee and its administration to provide an equal employment and educational opportunity for all current and prospective students, employees, students, and contractors. The South Kingstown School Department (“Department”) shall not unlawfully discriminate on the basis of race, color, creed, national or ethnic origin, gender, religion, disability, age, sexual orientation, gender identity or expression, disabled veteran, or citizenship status.

The purpose of this Policy is to ensure that prompt and effective steps will be taken to prevent and/or stop unlawful discrimination, prevent its recurrence, and remedy its effects. This Policy applies to the operation of the Department's educational programs and activities, including athletic and other Department-administered programs. It also applies to the employment of Department personnel and contracting by the Department for goods and services. This Policy does not apply to requests for accommodations by students under Section 504 of the Rehabilitation Act of 1973, which requests are addressed in a separate Policy.

The Policy ensures compliance with Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Executive Order 11246, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans With Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and related Rhode Island General Laws, Executive Orders, and regulations and mandates adopted and issued by the Rhode Island Department of Elementary and Secondary Education.

The Chief Financial Officer is designated as the Department's coordinator for the enforcement of this Policy to ensure compliance with the above-listed laws as they pertain to Students and Employees. He/she shall be known as the Department’s Compliance Officer. His/her phone number is (401) 360-1324 and his/her address is the SK Administration Building at 307 Curtis Corner Road.

Definitions

Harassment is a form of discrimination. It is verbal, non-verbal, or physical conduct that demeans or shows hostility, or aversion, toward an individual because of his/her race, color, religion, gender, national or ethnic origin, age, disability, sexual orientation, gender identity or gender expression, or in retaliation for engaging in protected activity.

Harassment on the basis of a person’s gender is typically known as “sexual harassment.” There are two forms of sexual harassment prohibited under the law.¹ The first is “quid pro quo” harassment. It occurs when a supervisor or educator conditions the receipt of job or educational benefits, respectively, on acceding to that supervisor or educator’s sexual demands, or when that supervisor or educator retaliates against the subordinate employee or student, respectively, for

¹ These definitions are for explanatory purposes only; in any instance in which these definitions conflict with those set forth under the law, the legal definition shall control.

failure to do so. The second form of prohibited sexual harassment is “hostile environment” harassment. It occurs when any employee or student is forced to endure a hostile work or educational environment on the basis of his or her gender, and can be caused by other employees, of whatever rank, or other students, such that the offensive conduct is sufficiently severe, pervasive, or persistent so as to interfere with, limit, or deny an employee’s ability to work, or a student’s ability to participate in or benefit from the services, activities, or opportunities offered by the Department. When that hostile environment harassment is based on another protected characteristic, i.e., race, national origin, it is also hostile environment harassment and unlawful.

Unlawful harassment on the basis of any protected characteristic is not the same as “bullying” although conduct that is “bullying” can constitute unlawful harassment, and vice-versa. The Committee has a separate Policy on bullying. Generally, bullying can but need not be based on the target’s race, color, religion, gender, national or ethnic origin, age, disability, sexual orientation, gender identify or gender expression. It means the use by one or more students of a written, verbal, or electronic expression, or physical act or gesture, or any combination thereof directed at another student that causes physical or emotional harm to the student or damage to the student’s property; places the student in reasonable fear of harm to himself/herself, or of damage to his/her property; creates an intimidating, threatening, hostile, or abusive educational environment for the student; infringes on the rights of the student to participate in school activities; or materially and substantially disrupts the education process or the orderly operation of a school.

“Gender Identity” and “Gender Expression” have the following specific definitions:

- “Gender Identity” is a person’s deeply held sense or psychological knowledge of his or her own gender. One’s gender identity can be the same as or different from the gender assigned at birth.
- “Gender Expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- “Transgender” describes a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.
- “Gender Non-conforming” is a term used to describe people whose gender expression differs from stereotypic expectations. This includes people who identify outside traditional gender categories or identify as both genders. Other terms with similar meanings include “gender variant,” “gender expansive,” or “gender atypical.”

Sexual Orientation” refers to a person’s romantic or sexual attraction to people of same or opposite sex or multiple sexes. Some common sexual orientations are straight, gay, lesbian, bisexual, and pansexual. A transgender or gender non-conforming person can have any sexual orientation.

Complaint Procedure

Any person who believes that he or she has been subjected to a violation of this Policy is encouraged to avail him/ herself of the Department’s resolution procedures, as described below. However, the Department is obligated to respond to any notice of unlawful discrimination, even if that notice is provided outside the complaint procedures described below. Any complainant may elect to bypass the Department’s complaint procedures and file a complaint

directly with one of the agencies listed below. The Department will strive to respect the confidentiality and privacy of those involved to the extent feasible. Retaliation against anyone who makes use of the complaint procedures below, or against anyone who participates in an investigation, is prohibited and will not be tolerated.

Informal Resolution Procedure

Members of the school community are encouraged to seek informal resolution of their complaints. Employees may initiate the informal resolution procedure by notifying their immediate supervisor of their complaint. Students may initiate the informal resolution procedure by notifying the school principal of their complaint. This informal procedure is intended to encourage communication between the parties involved, either directly or through an intermediary, to facilitate a mutual understanding of what may be different perspectives of the offensive behavior, and to prevent a recurrence of such behavior. Any complainant may elect to bypass the informal resolution procedure and initiate the formal resolution procedure below.

Formal Resolution Procedure

Any Department employee, student or third party may submit a formal complaint alleging a violation of the Department's nondiscrimination policy to the Compliance Officer. The Superintendent may exercise his/her discretion and conduct the investigation directly as the Compliance Officer, in which case there shall be no Report but only a Decision (as described below). If the Compliance Officer is the person accused of discrimination, the complaint may be submitted to the Superintendent.

A formal complaint shall be in writing and shall set forth a statement of the facts describing the problem or action alleged to be discriminatory and the specific remedy sought. If needed, the Department will assist complainants in transcribing their oral complaints into written statements.

The Compliance Officer shall conduct a prompt, reliable, impartial and thorough investigation of the complaint. The investigation will afford all interested parties an opportunity to present witnesses and submit other evidence relevant to the complaint. The Compliance Officer will maintain the files and records of the Department relating to all such complaints.

The Compliance Officer shall issue a written report ("Report") within 45 working days after the filing of the complaint. Under certain circumstances, such as delay occasioned by vacation periods or the complexity of the investigation, the Compliance Officer may extend this time frame and will notify parties of the extension.

The Report should include background information, findings if appropriate, a proposed resolution and the rationale for any such resolution.

Within a reasonable time after he or she receives and reviews the Report, the Superintendent shall issue a written decision in which he or she revises (in full or in part), and/or confirms the Report (in full or in part). This written decision by the Superintendent ("Decision") shall be sent to the complainant and respondent.

This procedure constitutes the formal complaint resolution mechanism called for by the regulations implementing the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Title IX (barring sex discrimination), Title VI (barring discrimination on the basis of race, color, or national origin); the Age Discrimination in Employment Act, and Title VII (barring discrimination on the basis of race, color, religion, gender, or national origin). Any inquiries about the above-referenced laws should be directed to the Compliance Officer or the Office for Civil Rights.

Reporting to Outside Agencies

The availability and use of this complaint resolution procedure does not prevent a person from filing a complaint of discrimination with the following agencies:

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903
(401) 222-2661

Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1-800-669-4000

Office for Civil Rights
United States Department of Education
5 Post Office Square
Boston, MA 02109
(617) 289-0111