

III. Human Resources

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.

1. Harassment/Bullying/Cyberbullying

Harassment and bullying are against federal, state, and local policies, and are not tolerated by the School Committee. The Committee is committed to providing all employees with a safe and civil environment in which all members are treated with dignity and respect. To that end, the board has in place policies, procedures, and practices that are designed to eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of school employees will not be tolerated in the school or school district.

The School Committee prohibits harassment, bullying, hazing, or any other victimization of employees based on any of the following actual or perceived traits or characteristics: age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

Harassment and bullying means any electronic, written, verbal, or physical act or conduct toward an employee which is based on any actual or perceived trait or characteristics of another which creates an objectively hostile work environment that meets one or more of the following conditions:

- Places the employee in reasonable fear of harm to person or property;
- Has a substantially detrimental effect on the employee's physical or mental health;
- Has the effect of substantially interfering with the employee's work performance; or
- Has the effect of substantially interfering with the employee's ability to participate in the workplace.

“Electronic” means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. “Electronic” includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, electronic text messaging, or similar technologies.

Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

- Verbal, nonverbal, physical or written harassment, bullying, hazing, or other victimization that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;

- Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Implied or explicit threats that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Demeaning jokes, stories, or activities directed at a person that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim; and/or
- Unreasonable interference with an employee's performance, or creation of an intimidating, offensive, or hostile work environment.

This policy is in effect while employees are on property within the jurisdiction of the board; while on school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school or school district. In addition, staff will refrain from using personal communication devices or district property to harass or stalk others.

COMPLAINTS/ALLEGATIONS of VIOLATIONS

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.

The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The Superintendent of Schools or designee will be responsible for handling all complaints by employees alleging bullying or harassment. (Refer to Grievance Procedures)

Any person who promptly, reasonably, and in good faith reports an incident of bullying or harassment under this policy to a school official, shall be immune from civil or criminal liability relating to such report and to the person's participation in any administrative, judicial, or other proceeding relating to the report. Individuals who knowingly file a false complaint may be subject to appropriate disciplinary action.

If, after an investigation, a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures up to and including termination. If after an investigation a school volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures up to and including exclusion from school grounds.

“Volunteer” means an individual who has regular, significant involvement in our schools.

Retaliation against any person because the person has filed a bullying or harassment complaint, or assisted or participated in a harassment investigation or proceeding, is also prohibited. Individuals who knowingly file false harassment complaints and any person who gives false statements in an investigation shall be subject to discipline by appropriate measures, as shall any person who is found to have retaliated against another in violation of this policy. Any employee found to have retaliated in violation of this policy shall be subject to measures up to and

including termination of employment. Any school volunteer found to have retaliated in violation of this policy shall be subject to measures up to and including exclusion from school grounds.

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 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.

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 "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.

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 appropriate Coordinator for purposes of Title IX, Title VI, Title II ADA, and Section 504. 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, appropriate Coordinator for purposes of Title IX, Title VI, Title II ADA, and Section 504 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 appropriate Coordinator for purposes of Title IX, Title VI, Title II ADA, and Section 504. 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.

1st Reading: September 19, 2007

Adopted: October 17, 2007

Revised:

1st Reading: May 18, 2016

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Narragansett School System

Narragansett, Rhode Island