

Barrington Public Schools for Second Read Policy Prohibiting Harassment and Discrimination, and Sexual Abuse/ Misconduct

It is the policy of the Barrington Public Schools (BPS) to maintain a work environment and an educational environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere and to learn in an educational atmosphere which prohibits discriminatory practices, including practices on the basis of race, color, creed, national or ethnic origin, gender, religion, disability, age, sexual orientation, gender identity or expression, citizenship, or status as a disabled veteran, or past or present honorable military service, or any other protected category with respect to access to, the provision of, or employment in its educational services, programs and activities, including admissions, athletics and other BPS programs, **as required by Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI and VII of the Civil Rights Act of 1965, the Age Discrimination Act of 1975, and other federal and state laws that prohibit discrimination.** It is the policy of the BPS School Committee to maintain an educational and working environment free of unlawful discrimination and harassment in any form. Supervisors, administrators and all other employees, as well as students, are absolutely prohibited from engaging in unlawful discrimination and/or harassment of School Department employees, students, and visitors.

The purposes of this policy against harassment are to educate all of our employees about what may constitute harassment, to notify everyone who works here that BPS will not condone or tolerate harassment, and to establish a procedure which encourages anyone who feels they have been subjected to harassment to report such conduct to representatives of BPS, who will investigate and respond to all reports. This policy also creates a mandatory reporting mechanism for discrimination and harassment affecting students.

Definition of Harassment

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of their race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin, or any other category protected by law, or that of persons with whom the individual associates.

It is the policy of BPS to prohibit behavior which:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work or educational environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work or educational performance; or
3. Otherwise adversely affects an individual's employment or educational opportunities.

This policy incorporates by reference the definitions and protocols set forth in the [Transgender, Gender Nonconforming and Transitioning Students Protocol, available by clicking here.](#)

It is not easy to define exactly what will constitute harassment based on race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin, or any other category protected by law, or that of persons with whom the individual associates. However, regardless of whether any single instance of behavior described below rises to the level of harassment, it is BPS's policy that such behavior is inappropriate and offensive, and it will not be tolerated.

Examples of behavior which violate this policy and may constitute harassing conduct include, but are not limited to:

- epithets, slurs, quips, or negative stereotyping that relate to race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin, or any other category protected by law;
- threatening, intimidating or hostile acts that relate to race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin, or any other category protected by law;
- written or graphic material (including graffiti) that denigrates or shows hostility or aversion toward an individual or group because of race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin, or any other category protected by law and that is placed on walls, bulletin boards, or elsewhere on BPS's premises, or circulated or displayed in the workplace; or
- "jokes", "pranks" or other forms of "humor" that are demeaning or hostile with regard to race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin, or any other category protected by law; and
- sexual harassment including, but not limited to, coerced sexual acts; touching or assaulting an individual's body; express or implied demands for sexual favors; or unwelcome or offensive sexual jokes, sexual language, sexual epithets, sexual gossip, sexual comments or sexual inquiries.

Unlawful harassment on the basis of any protected characteristic is not the same as bullying, although conduct that is bullying can constitute unlawful harassment. [BPS has a separate policy on bullying, available by clicking here.](#)

Harassment and Discrimination Affecting Employees

Any type of harassment, whether engaged in by fellow employees, supervisors or by non-employees with whom the employee comes into contact in the course of employment (e.g., service providers or contractors), is contrary to this policy and will not be tolerated. BPS encourages the reporting of all incidents of harassment, regardless of who the offender may be.

Reporting and Investigating Complaints

BPS encourages employees who believe they are being harassed to firmly and promptly notify the alleged offender that their behavior is offensive or unwelcome. However, whether or not an employee chooses to discuss the incident with the alleged offender, BPS asks individuals who believe they have been subjected to harassment or discrimination to report the incident to any of the following individuals:

Assistant Superintendent, Barrington Public Schools Equal Opportunity Compliance Officer

283 County Road, PO Box 95
Barrington, RI 02806
Phone: 401-245-5000

The applicable school principal:

Barrington High School Principal 220 Lincoln Avenue Barrington, RI 02806 Phone: 401-247-3150	Nayatt School Principal 400 Nayatt Road Barrington, RI 02806 Phone: 401-247-3175
Barrington Middle School Principal 261 Middle Highway Barrington, RI 02806 Phone: 401-247-3160	Primrose Hill School Principal 60 Middle Highway Barrington, RI 02806 Phone: 401-247-3170
Hampden Meadows School Principal 297 New Meadow Road Barrington, RI 02806 Phone: 401-247-3166	Sowams School Principal 364 Sowams Road Barrington, RI 02806 Phone: 401-247-3180

BPS cannot fulfill its obligations, and meet its goal of creating and preserving a workplace free of discrimination and harassment, unless the proper representatives are notified. BPS encourages prompt reporting of complaints so that rapid and appropriate action may be taken. BPS will not retaliate in any way against an individual who makes a report of perceived harassment or for cooperating in an investigation of a complaint of sexual harassment; nor will BPS permit any supervisor or employee to do so.

Retaliation is a serious violation of BPS' harassment policy and anyone who feels they have been subjected to any acts of retaliation should immediately report such conduct. Any person who retaliates against another individual for reporting any perceived acts of harassment or for cooperating in an investigation of a complaint will be subject to disciplinary action up to and including discharge.

BPS also encourages individuals to report perceived acts of harassment by non-employees, such as clients, vendors, contract personnel, other service providers and any other non-employees. Those reports should also be made to any of the persons listed above. All allegations of harassment will be promptly investigated. BPS will endeavor to maintain confidentiality throughout the investigatory process to the extent practicable and appropriate under the circumstances. BPS, however, has a legal obligation to act on all information received if it believes an individual may be engaging in wrongful conduct or violation of the law.

Disciplinary Action

If BPS finds that this harassment policy has been violated, the harasser will be subject to appropriate disciplinary action. Although the specific corrective and disciplinary actions against the alleged harasser will be within BPS's discretion, it may include verbal or written reprimand; referral to appropriate counseling; withholding of a promotion or bonus; reassignment; temporary suspension; and/or discharge.

BPS recognizes that false accusations of harassment can cause serious harm to innocent persons. If an investigation results in a finding that the complainant knowingly, falsely accused another person of harassment, the complainant will be subject to disciplinary action, up to and

including discharge.

State and Federal Discrimination Enforcement Agencies

In addition to the above, if an individual believes they have been subjected to sexual harassment, they may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit them from filing a complaint with these agencies.

[Rhode Island Commission for Human Rights](#)

180 Westminster Street
Providence, Rhode Island 02903
401.222.2662

[Equal Employment Opportunity Commission](#)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1.800.669.4000
Fax: 617.565.3196
TTY: 1.800.669.6820

[Office of Civil Rights](#)

Boston Office
Office for Civil Rights
US Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: 617-289-0111
FAX: 617-289-0150; TDD: 800-877-8339
Email: OCR.Boston@ed.gov

Harassment and Discrimination Affecting Students

BPS is committed to providing a learning environment which supports respect for the individual and for academic freedom, where all members of the community can learn in an atmosphere

that is free from discrimination and harassment. This policy applies not only to conduct that occurs on school grounds but also to conduct that occurs elsewhere if that conduct involves a BPS student and/or causes or threatens to cause a hostile educational environment for a BPS student.

Employees who violate this policy are subject to discipline up to and including termination of employment. Students who violate this policy are subject to discipline in accordance with the Student Code of Conduct.

Reporting Responsibilities of BPS Employees

Employees who learn about incidents of harassment, discrimination and sexual misconduct involving students of BPS should follow the complaint and investigation procedures set forth in the Anti-Harassment and Anti-Discrimination of Students Protocol, available at: [\[Click here\]](#).

Retaliation and Malicious Reporting

It is a violation of this policy to retaliate against any person who in good faith reports, complains about or participates in any investigation of alleged discrimination, harassment or sexual misconduct. It is also a violation of this policy to knowingly make a false report or complaint of alleged discrimination, harassment or sexual misconduct.

Reporting Procedure – Child Abuse/Neglect

Additionally, Rhode Island law requires that all persons report known or suspected cases of child abuse and/or neglect, meaning the physical or mental injury, sexual abuse or exploitation, negligent treatment or maltreatment of a child under the age of eighteen (18). If an employee (faculty or staff member) suspects or witnesses child abuse and/or neglect, the employee must report it to the Rhode Island Department of Children, Youth, and Families (DCYF) within twenty-four hours of becoming aware of such abuse/neglect. Call the DCYF hotline at 1-800-RI-CHILD (1-800-742-4453). **In emergency situations, call 911 first.** Please refer to BPS' Child Abuse and Neglect Reporting Policy by [clicking here](#) and Barrington Public Schools Protocol for Reporting to DCYF, [\[Click here\]](#), for further information.

Prohibition against aiding and abetting sexual abuse and misconduct

BPS is committed to protecting all students from sexual abuse and sexual misconduct in the school setting. Therefore, in accordance with Section 8546 of the Elementary and Secondary Education Act of 1965 (ESEA), 20 U.S.C. § 7926, the purpose of this policy is to prohibit BPS staff from assisting teachers or other school employees who have engaged in sexual misconduct from obtaining new employment at another school.

All BPS employees, contractors, or agents are prohibited from providing a recommendation of employment or otherwise assisting any other school employee, contractor, or agent from obtaining new employment if the BPS employee knows or has probable cause to believe that the employment-seeking school employee, contractor, or agent has engaged in unlawful sexual misconduct with a minor or student.

BPS employees are not prohibited from following routine procedures regarding the transmission of administrative or personnel files.

Exceptions:

This policy's prohibition on providing a recommendation of employment does not apply under the following circumstances:

- 1) the alleged misconduct has been properly reported to the appropriate law enforcement agency and any other authorities required by Federal, State, or local law; and
- 2) the matter has been officially closed; the employee, contractor, or agent has been acquitted or exonerated; or the relevant case or investigation remains open without an indictment or other charges having been brought within four years of the date on which the information was provided to law enforcement.

Legal References:

20 U.S.C. § 7926

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