

Barrington Public Schools

Non Discrimination - Draft 2019

A. Policy

Barrington Public Schools (BPS) does not discriminate 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 District employees, students, and visitors.

This policy is, and is intended to be, consistent with:

- [Title IX of the Educational Amendments Act 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 503 of the Rehabilitation Act of 1973](#)
-
- [Section 504 of the Rehabilitation Act of 1973](#)
-
- [Uniformed Services Employment and Reemployment Act of 1994](#)
-
- [The Immigration Reform and Control Act of 1986;](#)
-

- [The Rhode Island Fair Employment Practices Act](#); and
- pertinent and relevant references to the Rhode Island General Laws, Executive Orders, and mandates of the Rhode Island Department of Elementary and Secondary Education.

The Assistant Superintendent has been named as the BPS Coordinator for the enforcement of this Policy (“Nondiscrimination Compliance Officer”) and is charged with ensuring that BPS has complied with the mandates of all state and federal laws and regulations concerning nondiscrimination and anti-harassment. This policy is intended to supplement and coordinate with the School Committee’s Policy Prohibiting Harassment and Discrimination, and Sexual Abuse/Misconduct.

B. Definition of Discrimination

"Discrimination" is defined as unfair or unequal treatment of an individual or group based on membership in or identification with any protected category. Discrimination includes, but is not limited to:

- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above.
- Any action or speech that is sufficiently severe, pervasive or persistent that it either
 - interferes with or limits the ability of an individual or group (as described above) to participate in or benefit from employment or a program or activity of the Barrington Public Schools; or
 - creates an intimidating, threatening or abusive educational or working environment.

Many forms of discrimination have been recognized as violations of the civil rights laws (including Section 504 of the Rehabilitation Act of 1973, Title VI and Title IX) by federal courts, state courts, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education, Office for Civil Rights and the Rhode Island Commission on Human Rights and The Rhode Island Commission on Equal Employment. The definition of discrimination is broad. BPS acknowledges an act, whether intended or not, that has the effect of creating a school or work environment that prevents access, makes a group feel uncomfortable, or creates structural barriers to students or employees also may constitute discrimination.

C. Procedure for *Filing a Complaint of Discrimination*

If any BPS student or employee believes, in good faith, that they have been subjected to discrimination described above, the individual has a right to file a complaint with the BPS through the Assistant Superintendent. This may be done verbally or in writing. Employees and students are expected to direct the complaint no later than twenty (20) calendar days after the alleged discriminatory practice occurred in order for an expeditious investigation to occur unless extenuating circumstances exist.

Any complaint by a member of the school community must be reported to the Nondiscrimination Compliance Officer (Assistant Superintendent). If a complaint comes to any member of the staff, that staff member must notify the Assistant Superintendent. Teachers or other staff members

who observe incidents of discrimination involving students should report such incidents immediately to the student's Principal or Assistant Principal. Administrators aware of discrimination involving any employee should report such incidents to the Assistant Superintendent. If you wish to file a complaint, you may do so by contacting your immediate supervisor or the Assistant Superintendent in the case of employees; and your teacher, Principal, Assistant Principal or Assistant Superintendent in the case of students.

D. Investigation and Resolution Process

Informal Resolution

An informal resolution to a complaint of discrimination is encouraged. Communication intended to facilitate understanding and resolution may be direct or indirect to best suit the needs of the complainant and BPS. Efforts at informal resolutions will be made by the principal, in the case of students, or by the supervisor, in the case of employees, unless the complaint is directed at the principal or supervisor, in which case efforts at informal resolutions will be made by the Superintendent or their designee within ten (10) business days of receiving the complaint.

Where an informal resolution is inappropriate or fails to resolve the underlying complaint, the principal or supervisor shall forward the Complaint to the Nondiscrimination Compliance Officer who shall conduct a formal investigation into the Complaint.

Formal Resolution

Unless the Complaint has been forwarded by a principal or supervisor, the Nondiscrimination Compliance Officer shall forward a copy of the complaint to the principal or supervisor as appropriate. In the event that the Superintendent is the subject of the complaint, such complaint shall be forwarded to the School Committee.

Within five (5) business days, the Nondiscrimination Compliance Officer shall meet with the complainant. As part of the investigation, the Nondiscrimination Compliance Officer will also meet with any individuals named in the complaint; and conduct such investigation as may be appropriate. Unless additional time is required to conduct the investigation, within thirty (30) business days of the receipt of such complaint, the Nondiscrimination Compliance Officer shall render a written decision to the complainant, any persons named in the complaint and BPS. The relevant building administrator shall also be provided a copy of the decision.

A person aggrieved by the determination may appeal to the Superintendent within ten (10) business days of receipt of the decision. The Superintendent may uphold the decision on appeal or hold a hearing on appeal. A hearing shall be held within fifteen (15) business days of receipt of the notice of appeal. The complainant, respondent, and BPS shall be afforded opportunities to present testimony, examine witnesses and introduce documentary evidence. No transcription or recording of the hearing shall be made. The Superintendent shall render a written decision within fifteen (15) business days of the hearing.

Any person aggrieved by the decision of the Superintendent may appeal to the School Committee, such appeal to be filed in writing within ten (10) business days of the decision of the Superintendent. No later than thirty (30) business days following receipt of written notice of appeal, the School Committee shall hear the appeal. The complainant, respondent and District may present testimony, cross-examine witnesses and introduce documentary evidence. The hearing may be recorded or transcribed; the complainant or respondent (not the District) shall be charged costs for copies of such record. Within thirty (30) days of the hearing, the School Committee shall render a written decision, which decision shall contain findings of facts and recommendations and shall be final.

At any point in the process, after the initial decision is provided to the complainant, they may opt to bypass an appeal to the Superintendent and/or School Committee and appeal directly to the appropriate state or federal agency outlined under Additional Remedies.

E. Disciplinary Action

Persons found to have engaged in unlawful discrimination will be disciplined. Appropriate disciplinary action against the charged party may, in the case of employees, include written reprimand, referral to appropriate counseling, reassignment, suspension without pay, or termination. In the case of students, appropriate disciplinary action may include written warning, referral to appropriate counseling, transfer to another school and/or classes, within BPS, suspension or expulsion.

F. Additional Remedies

In addition to, or in lieu of, the procedure outlined above, a person aggrieved may file a complaint with the following:

[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

About Equity in Barrington Public Schools

Federal law prohibits discrimination on the basis of race, color or national origin (Title VI of the Civil Rights Act of 1964); sex (Title IX of the Education Amendments of 1972); or disability (Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990) in educational programs or activities receiving federal financial assistance. Pursuant to this, the following information is provided for use by Barrington Public Schools, parents, students, and other interested parties.

District Equity Coordinator

Assistant Superintendent
283 County Road, Barrington, RI 02806
Voice (401) 245-5000 x 2

Policy Revised

05/16/96
05/17/01
05/19/05
First Read 06/13/2019

Barrington Public Schools does not discriminate 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 program 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. The following person has been designated to handle inquiries regarding the non-discrimination policies: Equity Officer, Assistant Superintendent; [401-245-5000 x2](tel:401-245-5000). If you require an accommodation to attend a District meeting or program, call the Equity Officer at least two business days in advance of the meeting or program, or the school principal to attend a building-based event.