

North Providence School Department Nondiscrimination and Anti-Harassment Policy	Approved: 1/26/2022

The North Providence Public School Department (“District”) is committed to maintaining and promoting an educational environment free from all forms of discrimination and 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 and harassment on the basis of race, color, religion, ancestral origin, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law (hereinafter “membership in a protected class”), will not be tolerated. Retaliation against a complainant who has reported discrimination or 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 its School Community, and to prevent recurrence of such conduct. This policy applies to conduct directed toward its School Community, by all other persons in or associated with the School Community. Please refer to the District’s [Title IX Policy and Protocol for Reporting and Investigating Sexual Harassment and Retaliation](#) for complaints of sexual harassment that targets a person based on their sex.

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 other pertinent and related references to the Rhode Island General Laws, Executive Orders, and mandates of the Rhode Island Department of Elementary and Secondary Education.

DEFINITIONS

Complainant: An individual who is alleged to be the victim (or the victim’s parent/legal guardian if the

victim is a student), of conduct that could constitute discrimination or harassment based on a person's membership in a protected class.

Designated Administrator: An individual assigned to investigate complaints of discrimination or harassment.

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.

Formal Complaint: A document filed by a Complainant (or the victim's parent/legal guardian if the victim is a student), or signed by the investigating District Administrator alleging discrimination or harassment against a Respondent and requesting that the District investigate said allegation(s).

Harassment: Verbal, non-verbal, 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 a District or school education program or activity by creating a hostile educational environment.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination or harassment.

Retaliation: Retaliation includes, but is not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment against any member of the School Community in response to that member's oral or written, formal or informal, reporting or filing of a complaint of discrimination or harassment or retaliation, cooperating in an investigation, aiding or encouraging another member of the School Community to report or file a complaint, or for opposing any act or practice believed to be prohibited by any other related or affiliated policy.

School Community: The School Community includes the North Providence School Committee, administration, faculty, staff, students, school volunteers, and parties contracted to perform work for the North Providence School District, subject to school authority.

1. Protocol

This policy covers discrimination and harassment in any District or school education program or activity. This includes locations, events, and circumstances where the District or a school exercises substantial control over the context of the alleged discrimination or harassment. This policy applies to all District or school education programs and activities, whether such programs or activities occur on or off campus.

Harassing conduct based on a person's actual or perceived membership in a protected class 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 letters, emails, instant messages, or websites that come within the scope of the District's disciplinary authority;
- Defacing, damaging, or destroying school or another person'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.

The following is not intended as an inclusive list of samples of conduct which may constitute specific types of harassment:

Disability Harassment: Unwelcome verbal, non-verbal, written, visual or physical conduct directed at a person based on their 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.

As used in this policy and as defined under Section 504/ADA (as the same may be amended from time to time), "an individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

National Origin Harassment: Unwelcome verbal, non-verbal, written, visual or physical contact directed at a person based on their 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, non-verbal, written, visual or physical conduct directed at a person based on their 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, non-verbal, written, visual or physical conduct directed at a person based on their religion, including derogatory comments about religious beliefs, traditions, practices (includes non-belief), or religious clothing.

Sexual Orientation Harassment: Unwelcome verbal, non-verbal, written, visual or physical conduct, directed at a person based on their actual or perceived sexual orientation, such as anti-gay slurs or insults, imitating mannerisms. Taunting, or invading personal space to intimidate.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, written, visual or physical conduct of a sexual nature.

There are two legally recognized types of 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 that the student 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 submits to the sexual advance.
- **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.

2. Discrimination and Harassment as it Relates to Section 504

The Section 504 regulations require the District to provide a "free appropriate public education" (FAPE) to each eligible student who has a disability and is within the District's jurisdiction. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met and are based upon adherence to the applicable Section 504 and Title II regulations.

a. Free and Appropriate Public Education for Students

The District is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504.

A free appropriate public education, under Section 504, consists of regular or special education and related aids and services that are designed to meet the individual student's needs and based on adherence to the regulatory requirements on educational setting, evaluation, placement, and procedural safeguards. 34 CFR 104.33, 104.34, 104.35, and 104.36. A student may be handicapped within the meaning of Section 504, and therefore entitled to regular or special education and related aids and services under the Section 504 regulations, even though the student may not be eligible for special education and related services under IDEA.

Parent(s)/guardian(s)/custodian(s)/ ("parents") are invited and encouraged to participate fully in the evaluation process, 504 plan development, 504 meetings, etc.

The District will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. The District will verify that persons with disabilities participate with persons without disabilities in such activities and services to the maximum extent appropriate.

Any parent who disagrees with a decision made by the District or disagrees with the student's 504 team may follow the "Grievance Procedure for Addressing Discrimination" set forth below **OR** may request a hearing before an impartial hearing officer at the Rhode Island Department of Education

(RIDE) **OR** may file a complaint with the United States Department of Education, Office of Civil Rights (OCR). Contact information for RIDE and OCR can be found at the end of this policy.

b. Employment Practices

Discrimination Prohibited

In accordance with Section 504/ADA, no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any of the District's programs or activities. Further, the District will take positive steps to employ and advance in employment qualified individuals with disabilities. The District will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the District will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Reasonable Accommodation

The District will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. Those who require an accommodation under Section 504 shall complete and submit an official Accommodation Request Form to the Director of Student Services.

c. Facilities and Programs

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination or harassment under any District or school education program or activity to which Section 504/ADA applies. This includes, but is not limited to, providing accommodations to parents with disabilities necessary for them to participate as other parents are allowed to participate in their child's educational programs or meetings pertinent thereto.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. Programs and activities will be designed and scheduled so that the location and nature of the facility or area of the program will not deny a person with a disability the opportunity to participate on the same basis as a person without disabilities.

The District will meet its obligation through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the District will give priority to those methods that serve persons with disabilities in the most integrated setting appropriate.

3. Responsibilities

Each member of the School Community is personally responsible for:

- Complying with this policy;

- Ensuring that they do not discriminate or harass another person in any District or school education program or activity because of that person's membership or perceived membership in a protected class;
- Ensuring that they do not retaliate against any other person for reporting or filing a complaint, for aiding or encouraging the filing of a complaint, for cooperating in an investigation, or for opposing any act or practice reasonably believed to be prohibited by this policy;
- Cooperating in the investigation of complaints of discrimination or harassment based on a person's membership or perceived membership in a protected class, including retaliation, taking place in any District or school education program or activity;
- Responding and intervening appropriately if able to act safely when witnessing discrimination or harassment based on a person's membership or perceived membership in a protected class, including retaliation, taking place in any District education program or activity;
- Cooperating with the District's efforts to prevent, respond effectively to, and eliminate discrimination and harassment based on a person's membership or perceived membership in a protected class, including retaliation, taking place in any District education program or activity;
- Promptly reporting all information they know concerning possible discrimination or harassment based on a person's membership or perceived membership in a protected class, to the Designated Administrator when they witness or become aware of conduct occurring in any District or school education program or activity, or any other circumstance defined and required in this policy.

4. Complaint and Reporting Process

Complainants are encouraged, but not required, to file a formal complaint using the Discrimination and Harassment Complaint Form. Reports may be made in any manner, including in-person, email, telephone or by mail, at any time, including during non-business hours.

In accordance with 34 CFR §104.7. the District encourages Complainants to immediately report the situation to the Designated Administrator as follows:

- Building Principals will serve as the Designated Administrator responsible for receiving and investigating complaints occurring at their assigned schools.
- The Director of Human Resources will serve as the Designated Administrator responsible for receiving and investigating complaints occurring at the District's Central Office.
- The Director of Student Services will serve as the Designated Administrator responsible for receiving and investigating **all** complaints relative to discrimination or harassment for persons with a disability.
- In the event that the complaint alleges violations against a District administrator (not including the Superintendent), the complaint shall be delivered to the Superintendent, who shall appoint an individual to conduct the investigation. If the Superintendent is the subject of the complaint, the Complaint shall be delivered to the School Committee.

Complaints are to be filed within twenty (20) days after the alleged conduct or the individual reasonably becomes aware of the conduct, unless extenuating circumstances exist. This filing period may be extended for good cause.

The report should consist of the following:

- Name and address of the Complainant;
- Specific conduct objected to;
- Date(s) and time(s) such conduct took place;
- Location(s) where the conduct occurred;
- Name(s) of the Respondent(s);
- Name(s) of any witness(es);
- Supporting documentation/evidence (emails, notes, pictures, electronic or recorded media, etc.) or other information in support of the allegation of discrimination or harassment;
- Action sought to remedy the situation; and
- Any other details or information requested by the Designated Administrator.

5. Investigation of Complaints

Upon receipt of a report or complaint, the Designated Administrator shall facilitate a prompt investigation. All good faith efforts will be made to complete the grievance process promptly from the date a complaint is filed with the Designated Administrator.

The Designated Administrator will interview and obtain detailed written statements from the Complainant, the Respondent(s), and any potential witnesses within five (5) business days of receipt of the complaint, unless extenuating circumstances exist. The Designated Administrator must allow for the Complainant and Respondent(s) to provide relevant information and evidence to be considered.

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.

6. Conclusion of Investigation

After consultation with the Assistant Superintendent, a written determination regarding the complaint and any resolution will be provided by the Designated Administrator, simultaneously to all parties, within thirty (30) business 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: counseling; reassignment; development of a safety plan; suspension of student(s); disciplinary action up to and including termination of employment for staff; and/or other remedies as appropriate.

7. Appeal Process

Either party may request reconsideration of the written determination and/or resolution of a complaint by notifying the Superintendent within seven (7) business days of receiving the written determination from the Designated Administrator. The Superintendent or designee will respond to such request within thirty (30) business days of receipt of the appeal.

Upon receipt of a timely appeal, the Superintendent or designee must notify all parties in writing of the appeal and implement equal appeal procedures. All parties must have an equal opportunity to submit a written statement supporting or challenging the written determination. The Superintendent or designee must review the comprehensiveness and accuracy of the investigation and conclusions, and consider any written statements submitted by the parties.

The Superintendent or designee must send a written decision to the parties simultaneously within 30 business days of the appeal. The Superintendent or designee's decision is the final decision of the. Once the initial decision is made by the Designated Administrator, the Complainant may opt to bypass an appeal to the Superintendent and appeal directly to the appropriate state or federal agency described under "State and Federal Authorities" in this policy.

Confidentiality

Investigations of discrimination and 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 the 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.

8. Options Available at Anytime

At any time, whether or not an individual files a formal complaint under this policy, an individual may file a complaint with the Office for Civil Rights, U.S. Department of Education Rhode Island Department of Education, or with other governmental agencies charged with enforcement of state and federal laws prohibiting discrimination and harassment based upon membership or perceived membership in a protected class.

- Office for Civil Rights, U.S. Department of Education
5 Post Office Square, Suite 900, 8th floor, Boston, MA 02109
Website: www.ed.gov/ocr Email: OCR.Boston@ed.gov
Phone: (617) 289-0111 TTY/TDD: (877) 521-2172 Fax: (617) 289-0150
- Equal Employment Opportunity Commission ("EEOC")
John F. Kennedy Federal Building 475 Government Center, Boston, MA 02203
Phone: (800) 669-4000 TTY/TDD: (800) 669-6820 Fax: (617) 565-3196
- Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor, Providence, RI 02903
Website: <http://www.richr.ri.gov/>
Phone: (401) 222-2661 TTY/TDD: (401) 222-2664 Fax: (401) 222-2616
- Rhode Island Department of Education

255 Westminster Street Providence, RI 02903

Website: <http://www.ride.ri.com>

Phone: (401) 222-4600

An individual may contact the police or pursue a criminal complaint or prosecution under state or federal criminal law at any time. The District encourages filing individuals to file criminal complaints as they deem appropriate.

10. Record Keeping

All records of the District's investigation, including written determinations, records of any appeal and associated materials, shall be maintained by the District for seven (7) years. All files will be kept confidential.

Approved: 1/26/2022