

4301 (Personnel)
5145.5 (Students)

SOUTH KINGSTOWN SCHOOL DEPARTMENT SEXUAL HARASSMENT POLICY

I. POLICY

Sexual harassment is against the law and against school policy. The South Kingstown School Department is committed to maintaining a learning environment that is free from sexual harassment. Sexual harassment will not be tolerated.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, or other conduct which creates a hostile environment.

Examples of sexual harassment that could occur in a school setting include, but are not limited to:

- A. Uninvited letters, telephone calls or materials of a sexual nature;
- B. Uninvited and deliberate touching, leaning over, cornering or pinching;
- C. Uninvited sexually suggestive looks or gestures;
- D. Uninvited pressure for sexual favors;
- E. Uninvited pressure for dates;
- F. Uninvited sexual teasing, jokes, remarks or questions;
- G. Attempted sexual assault.

This policy applies to sexual harassment between all staff members, including student teachers; staff to student(s); student(s) to student(s); student(s) to staff; and also volunteers and employees under contract (i.e. transportation and food service).

Students and staff members are encouraged to report all incidents of sexual harassment. Any student who is the victim of sexual harassment or knows about an incident of sexual harassment should immediately tell the teacher, guidance counselor or administrator. School staff members who are notified of sexual harassment incidents shall inform the principal immediately. If the principal is involved in the sexual harassment incident, the superintendent should be contacted immediately.

The superintendent shall develop both informal and formal procedures for complaining about sexual harassment. All complaints will be promptly and thoroughly investigated and handled as discretely as possible. It is the responsibility of the building principal and school district administration to eliminate sexual harassment.

Retaliation against student or staff members who make complaints of sexual harassment or participate in an investigation of sexual harassment is prohibited. All incidents of retaliation should be immediately reported to the building principal or Superintendent.

School staff members who violate this policy may be subject to disciplinary measures including, but not limited to, warning, transfer, or discharge from employment. Any school district action taken pursuant to this policy will be consistent with requirements of any applicable federal law and/or Rhode Island statute and other school district policies. Students who violate this policy may be subject to discipline including, but not limited to, warning, suspension or expulsion.

It is the responsibility of principals to regularly communicate this policy and procedure to students, parents and staff. This policy and a summary of the sexual harassment complaint procedure shall be published in school handbooks on a yearly basis.

II. SEXUAL HARASSMENT DEFINED

- A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
1. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 2. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Any action or conduct as defined above when directed at any student or employee, or by any student or employee will be treated as sexual harassment under this policy.

- B. Sexual harassment may include but is not limited to:
1. verbal harassment or abuse;
 2. subtle pressure for sexual activity;
 3. inappropriate patting or pinching;
 4. intentional brushing against a student's or an employee's body;
 5. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
 6. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 7. any sexually motivated unwelcome touching.
 8. dating between teachers and students.

III. REPORTING PROCEDURES

Any person who believes he or she has been the victim of sexual harassment by a student or an employee, volunteers of individuals under contract in the South Kingstown School Department, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate school district official as designated by this policy. The South Kingstown School Department encourages the reporting party or complainant to use the report from available from the principal of each building or available from the school district office.

A. In Each School Building. The building principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the principal must notify the District Human Rights Officer immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Human Rights Officer. If the report was given verbally, the principal shall reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the District Human Rights Officer.

B. District Wide. The School District Human Rights Officer will receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals

as outlined above. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the superintendent. If the complaint involves the superintendent, the complaint can be filed with the Human Rights Officer or the School Committee Chairperson. The school district shall conspicuously post the name of the Human Rights Officer, including a mailing address and telephone number.

C. Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignments.

D. Use of formal reporting forms is not mandatory.

E. The school district will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school district's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

IV. INVESTIGATION AND RECOMMENDATION

By authority of the South Kingstown School Department, the Human Rights Officer, upon receipt of a report or conducted by School District Officials or by a third party designated by the school district. The investigating party shall provide a written report of the status of the investigation within 10 working days to the Superintendent of Schools and the Human Rights Officer. If the Superintendent is the subject of the complaint, the report shall be submitted to the Human Rights Officer or the alternate individual as designated by the school board.

In determining whether alleged conduct constitutes sexual harassment, the school district should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstance(s) giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the South Kingstown School Department may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment. The School Department's Human Rights Officer shall make a report to the superintendent upon completion of the investigation.

IV. SCHOOL DISTRICT ACTION

A. Upon receipt of a recommendation that the complaint is valid, the school district will take such action as appropriate based on the results of the investigation.

B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district. The report will document any disciplinary action taken as a result of the complaint.

VI. NON-REPRISAL

The South Kingstown School Department will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or bearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. NON-HARASSMENT

The South Kingstown School Department recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusation of sexual harassment can have a serious detrimental effect on innocent parties.

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse such as filing a complaint by a student under Title IX with the grievance officer, filing charges with State Civil Rights Office, or EEOC.

IX. SEXUAL HARASSMENT AS SEXUAL ABUSE

Under certain circumstances, sexual harassment may constitute sexual abuse under state statutes. In such situations, the South Kingstown School Department shall comply with the reporting requirements of state law and the procedures under the district policy on child abuse.

X. DISCIPLINE

Any school district action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements, state statutes and school district policies. The South Kingstown School Department will take such disciplinary action it deems necessary and appropriate, including warning, suspension or immediate discharge to end sexual harassment and prevent its recurrence.

XI. SEXUAL HARASSMENT COMPLAINT PROCEDURE

The purpose of this procedure should be to make the harassment CEASE!

STEP ONE: The incident is reported to the teacher, school counselor or administrator and then an investigation will be conducted. The date of filing is logged and a time table for the investigation is set into motion.

1. Meet with the alleged instigator and compose a list of issues/details and document this information in writing.
2. At this point, the investigation is at the informal stage, and all parties shall be notified and given opportunity to respond. Each person may compose a list of issues/details for review. There needs to be an immediate investigation, interviews with witnesses or other corroborating evidence.
3. The investigator compiles a list of issues/details on which both parties agree.
4. The investigator compiles a list of issues/details on which there is yet contention.
5. Should agreement be reached, the investigator shall have a written summary of the settlement attached to the complaint form. If agreement is not reached, the incident is forwarded.

STEP TWO: If an agreement is yet to be reached between the two parties, the investigator meets with the principal (or principal's designee) where the case is reviewed.

1. The principal (or designee) will attempt to facilitate agreement based on the issues/details submitted by the aggrieved.
2. If settlement is yet to be reached, the principal (or designee) shall meet with all parties individually mentioned in the incident. It is not necessary for either party to be represented by an adult or attorney at this conference. Prior to this conference all advocates shall have equal access to the case records.
3. Both parties will be provided opportunity to present defense for issues/details filed.
4. If an agreement is reached, it shall be in written form, signed by all involved parties, dated and attached to this form.

STEP THREE: If the principal (or designee) is unable to facilitate agreement, the principal arranges a conference with the superintendent's office where the parties are to review the incident with the purpose of reaching settlement.

1. Each student present must be represented by an adult acting as the child's advocate.
2. Each person who has entered issues/details into this procedure shall be given equal opportunity to explain and defend their position.
3. At this level, the concluding disposition of the grievance shall be guided by the district's superintendent who is acting under provisions of law, district policy and common sense. This is done in the best interest for all students served by this district.

STEP FOUR: If the Superintendent (or designee) is unable to facilitate agreement, the Superintendent (or designee) arranges a conference with the School Committee where the parties are to review the incident with the purpose of reaching settlement.

1. Each student present must be represented by an adult acting as the child's advocate.
2. Each person who has entered issues/details into this procedure shall be given equal opportunity to explain and defend their position.
3. At this level, the concluding disposition of the grievance shall be guided by the School Committee's decision acting under provisions of law, district policy and common sense. This is done in the best interest for all parties served by this district.

This may be appealed to the Commissioner of Education/E.E.O.C. and/or O.C.R.

CHRONOLOGY OF ACTION TAKEN

Date received:

Step One _____
Step Two _____
Step Three _____
Step Four _____

Conference Date _____
Conference Date _____
Conference Date _____
Conference Date _____

COMMENTS: _____

RESOLUTION: _____

Resolution Date _____

Signature of School Representative _____

Policy adopted: 10/25/94