

STAFF POLICY ON SEXUAL HARASSMENT

PURPOSE:

This policy is established by the North Kingstown School Committee for the purpose of establishing and maintaining a learning, activity and working environment which promotes respect for all persons regardless of gender. It is further expected that this environment shall be free of, and from, sexual harassment of students by other students, adults, or anyone else who is in any way connected with programs and/or activities associated with the North Kingstown Schools.

PHILOSOPHY:

The School Committee expressly prohibits sexual harassment of or by a student of another student, a student of or by a member of the staff or any other adult who is in any way associated with the schools. This policy applies to conduct during and relating to school and school sponsored activities. The School Committee considers sexual harassment to be inappropriate and offensive, and therefore, promotes the right of all students to be educated in an environment free from sexual harassment. The School Committee further acknowledges the right of all school employees to work in an environment equally free from sexual harassment.

DEFINITION OF SEXUAL HARASSMENT

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, **written**, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

1. Submission to the conduct is made, either expressly or by implication, a term or condition of any individual's employment or educational program.
2. Submission to or rejection of such conduct of an individual is used as the basis for an employment opportunity or an educational decision affecting the individual.
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance; creating an intimidating, hostile, or offensive working or educational environment; or of adversely affecting the employee's or student's performance, advancement, assigned duties or any other condition of employment, career development, or educational program.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, assignments,

programs, or activities available in the work environment or through the educational institution.

Some examples, not intended to be inclusive, of conduct which may constitute sexual harassment, whether committed by a supervisor, any other employee, or non-employee doing business with the School Department, are:

1. Unwelcome leering, staring, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions or sexually suggestive recordings.
3. Unwelcome verbal, written, or electronic comments about an individual's body or overly personal conversation.
4. Unwelcome sexual jokes, stories, drawings, pictures or gestures.
5. Unwelcome spreading of sexual rumors.
6. Unwelcome touching of an individual's body or clothes in a sexual way.
7. Cornering or using sexual gestures that interfere with normal movements.
8. Displaying sexually suggestive objects in the educational or work environment.

DISCIPLINE/CONSEQUENCES

Any employee who engages in the sexual harassment of anyone in the school setting may be subject to disciplinary action up to and including dismissal. Any employee who permits or engages in the sexual harassment of students may be subject to disciplinary action up to and including dismissal. Any employee who receives a complaint of sexual harassment from a student and who does not act promptly to forward that complaint to the principal and the Director of Human Resources shall be disciplined appropriately.

Any employee who intentionally falsely accuses another employee of sexual harassment will be subject to disciplinary action.

The School Department's ability to discipline a non-employee will be directly related to the degree of control the School Department possesses in relation to the alleged harasser or employer of the alleged harasser.

Any employee who retaliates against any individual who has made a complaint of sexual harassment or participated in an investigation of a complaint of sexual harassment will be subject to disciplinary action up to and including discharge.

Any non-employee doing business with the School Department who retaliates against any individual who has made a complaint of sexual harassment or participated in an investigation of a complaint of sexual harassment will be disciplined subject to the degree of control the School Department possesses in relation to the non-employee or his or her employer.

REPORTING PROCEDURE / INVESTIGATION

The School Committee holds the Administration responsible for the development and maintenance of Administrative Regulations under which all complaints will be processed. All investigations will be conducted in a confidential manner and appropriate action may be taken, pending the outcome of any investigation, which may lead to disciplinary action.

The School Committee further stipulates that:

1. The School Department encourages and expects employees to immediately report incidents of sexual harassment to their supervisor, administrator or to the Director of Human Resources.
2. Any supervisor or administrator who receives a report, verbally or in writing, from any employee regarding sexual harassment of that employee by another employee, non-employee doing business with the School Department, or student in the work setting must notify the Director of Human Resources within twenty-four hours or within a reasonable extension of time thereafter for good cause.
3. No employee shall be required to report an allegation of sexual harassment to the individual who is the harasser.
4. All complaints of sexual harassment will be confidentially and discreetly investigated and promptly resolved.
5. Upon receipt of an allegation of sexual harassment, the Director of Human Resources will designate an investigator(s) who will initiate an investigation into the complaint within forty-eight (48) hours.
6. The School Department will designate responsible employees who are trained to investigate sexual harassment complaints. Employees of both genders will be trained as investigators to afford complainants the opportunity to speak with same sex investigators if so desired.
7. Verbal reports of sexual harassment will be put in writing by the individual complaining or by the person who receives the complaint and will be signed by the person complaining.
8. Each complaint of sexual harassment shall be promptly investigated in a manner that respects the privacy of all parties concerned to the extent permitted by law and to the extent practical and appropriate under the circumstances.

9. The complaint investigator will put his/her findings in writing and will forward a copy to the Director of Human Resources and the Superintendent, within one week or a reasonable extension of time thereafter for good cause after concluding the investigation. Complaints by students of sexual harassment by staff will be handled in accordance with this policy. Complaints by staff of sexual harassment by students will be handled in accordance with policy JBA.

It is recognized that discipline procedures for special education students will be administered in accordance with the Individuals with Disabilities in Education Act (Special Education Law) and Section 504 of the Rehabilitation Act which is administered by the Office of Civil Rights.

10. The investigator(s) will communicate findings to the complainant and the alleged harasser as expeditiously as possible.
11. Results may be indeterminate. If so, the matter will be recorded as unresolved and the record of the investigation will be maintained by the School Department separate and apart from any student or personnel file.

RETALIATION PROHIBITED

The School Department prohibits retaliatory behavior against any complainant or any participant in the complaint process. The initiation of a complaint of sexual harassment will not negatively reflect on the employee who initiates the complaint nor will it affect the employee's job assignment, status, rights, privileges or benefits.

ENFORCEMENT

Each building principal in conjunction with Central Administration has the responsibility of maintaining a work environment and/or educational environment free of sexual harassment. Building principals, in conjunction with central administration, shall take appropriate actions to reinforce the School Department's sexual harassment policy. These actions will include:

1. Providing staff in-service within a reasonable period of time following the adoption of this policy.
2. Acquainting new employees in the School Department with this policy.
3. Taking prompt action to investigate complaints of sexual harassment.
4. Taking appropriate disciplinary action as needed.
5. In addition, all site administrators shall instruct employees on the procedures for reporting sexual harassment within the educational setting on an as needed basis.
6. Include in all faculty handbooks.

NOTIFICATIONS

A copy of the School Department policy on sexual harassment of and by employees shall:

1. Be displayed in a prominent location at each work site.
2. Be provided to each School Department employee within a reasonable time from the adoption of this policy, and whenever a new employee is hired.
3. Appear in any School Department or work site publication which sets forth the School Department's rules, regulations, procedures and standards of conduct for employees.
4. All employees shall receive the following information with respect to sexual harassment:
 - A. The illegality of sexual harassment.
 - B. The definition of sexual harassment under applicable law.
 - C. A description of sexual harassment with examples.
 - D. The School Department's complaint procedure which is available to the employee.
 - E. The legal remedies and complaint process available through The Equal Employment Opportunity Commission and the Office of Civil Rights.
5. The Director of Human Resources will be available to answer all questions about this policy or its implementation.

Adopted: 9/2/97

First Reading of Amendment: 10/10/01

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