

SECTION A: FOUNDATIONS AND BASIC COMMITMENTS

AC

NONDISCRIMINATION

ANTI-DISCRIMINATION/ANTI-HARASSMENT POLICY AND GRIEVANCE PROCEDURE

The Portsmouth Public Schools (the “District”) is committed to maintaining and promoting a work environment and educational environment free from all forms of discrimination, including harassment, which is a form of discrimination. The civil rights of all school community members are guaranteed by law, and the protection of those rights is important to the District.

Discrimination, including harassment, on the basis of race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, age or disability, (hereinafter “membership in a protected class”) will not be tolerated. Retaliation against any student or any other individual who has complained of discrimination, including 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 students and/or employees, and to prevent recurrence of such conduct. This policy applies to conduct directed toward students, staff and other persons associated with the educational community by all other persons associated with the educational community including, but not limited to, students, District employees, the School Committee, school volunteers, parents and independent contractors.

Note that the work environment and the educational environment are not limited to a physical location. Rather, such prohibited actions contained in this policy extend to conduct that occurs remotely via electronic means in the context of this policy.

This policy 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.

Unlawful harassment on the basis of any protected characteristic is not the same as bullying, although conduct that is bullying can constitute unlawful harassment. PSD has a separate policy on bullying: [JICK Student Violence/Harassment/Intimidation/Bullying](#)

I. What is Discrimination, including Harassment?

A. 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.

B. Harassment: Oral, 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 the District's programs or activities by creating a hostile work or educational environment.

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

This policy incorporates by reference the definitions and protocols set forth in the Policy J-23 [Transgender, Gender Non-Conforming and Transitioning Students](#). 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 the PSD's policy that such behavior is inappropriate and offensive, and will not be tolerated.

II. Sample of Conduct Which May Constitute Specific Types of Harassment

The following is not intended as an exhaustive list of conduct that may violate this policy.

Disability Harassment:

Unwelcome verbal, written or physical conduct directed at a person based on his/her 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.

National Origin Harassment:

Unwelcome verbal, written or physical contact directed at a person based on his/her 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, written or physical conduct directed at a person based on his/her 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 race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

Religious Harassment:

Unwelcome verbal, written or physical conduct directed at a person based on his/her religion, including derogatory comments about religious beliefs, traditions, practices (includes non-belief), or religious clothing.

Sexual Orientation, Gender Identity, Gender Expression Harassment:

Unwelcome verbal, written or physical conduct, directed at a person based on his/her actual or perceived sexual orientation, gender identity, or gender expression (such as failure to conform to stereotypical notions of masculinity or femininity), including anti-LGBTQ slurs or insults, imitating mannerisms, taunting, or invading personal space to intimidate.

Sexual Harassment:

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. For sexual harassment on the basis of sex PSD has a separate policy [Title IX Sexual Harassment](#)

III. Responsibilities of all Persons Associated with Educational Community

Each member of the educational community is personally responsible for ensuring that his/her conduct does not in any way harass or discriminate against any other person that he/she has contact with in the performance of his/her duties or studies or while acting as a member of the school community. In addition, each member of the educational community is required to fully cooperate in any investigation of alleged discrimination, including harassment. Further, District employees are obligated to intervene and stop any discrimination, including harassment that they witness and to immediately report to the building Principal instances of discrimination, including harassment that are reported to them, they observe, or of which they otherwise learn.

IV. Designated Officials for Addressing Discrimination and Harassment Complaints

In each school building, the Principal is responsible for receiving and investigating reports and complaints of violations of this Policy at the school level. Individuals may file a report or complaint of discrimination, including harassment, with the Principal. In the event that the Complaint alleges violations against the Principal, the Complaint shall be delivered to the Superintendent, who shall appoint an individual to conduct the investigation.

V. Procedure for Reporting Discrimination and Harassment

The following complaint procedure has been established to ensure prompt and effective investigation into allegations of discrimination, including harassment.

A person who believes that he/she had been harassed or otherwise discriminated against, is encouraged to report the situation to the Principal immediately. Reports/complaints are to be filed within ninety (90) days after the discriminatory conduct or after the individual reasonably becomes aware of the conduct. (Note: this filing period may be extended for good cause.) The report can be written or oral and should consist of the following:

1. The specific conduct objected to,
2. The date(s) and time(s) such conduct took place
3. The name(s) of the alleged harasser(s) or person believed to be discriminating against them,
4. The location(s) where the conduct occurred,
5. The name(s) of any witness(es),
6. Action sought to remedy the situation, and
7. Any other details or information requested by the investigating official.

In addition, the person should provide the Principal with any documentation (emails, notes, pictures, electronic or recorded media, etc.) or other information in support of the allegation of discrimination including harassment.

VI. Investigation of Complaints

Upon receipt of a report or complaint, the Principal shall facilitate a prompt investigation. The investigation must allow for the complainant, the subject of the complaint, and the alleged harasser to provide information, including the names of witnesses or other evidence, relevant to the investigation of the complaint. The Principal will also endeavor to promptly interview and obtain detailed written statements from the complainant, the subject of the complaint, the alleged harasser, as well as any potential witnesses. The Principal will also review any other documents or information that he or she believes is relevant to the investigation.

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 Student Violence/Harassment/Intimidation/Bullying (JICK), 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.

Conclusion of Investigation:

A written determination regarding the complaint and any resolution will be provided by the Principal to the complainant and the accused within thirty (30) school/working days of the complaint.

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 PSD, suspension or expulsion.

Appeal Process:

The complainant or respondent may appeal the determination and/or resolution of a complaint by following the Appeals Process outlined in Policy BGBA, Appeals to the School Committee. The complainant or respondent may begin this process by notifying the Superintendent in writing or verbally, in a timely manner.

VII. Confidentiality

Investigations of discrimination, including 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 investigation of any complaint under this policy. The Portsmouth Public Schools shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

VIII. State and Federal Authorities

In addition to the process described above, the complainant may, at any time, file a complaint with the United States Department of Education, Office for Civil Rights, Rhode Island Department of Elementary and Secondary Education, or other appropriate federal or state agency charged with enforcement of state and federal laws prohibiting discrimination, including harassment based on membership in a protected class.

U.S Department of Education, Office for Civil Rights
John W. McCormack Building
5 Post Office Square, Suite 900
Boston, MA 02109
Telephone: (617) 289-0111
<http://www.ed.gov>

Rhode Island Department of Education
255 Westminster Street
Providence, RI 02903
Telephone: (401) 222-4600
<http://www.ride.ri.com>

Cross Reference: [JICK Student Violence/Harassment/Intimidation/Bullying](#)
[Title IX Sexual Harassment](#)
[Transgender, Gender Non-Conforming and Transitioning Students](#)

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Portsmouth School Department
Portsmouth, Rhode Island