

**NEW SHOREHAM SCHOOL DISTRICT
BLOCK ISLAND SCHOOL**

A. Purpose

This Policy is established by Block Island School (“BIS” or the “School”) in adherence with Title IX of the Education Amendments of 1972 (“Title IX”) and all applicable Rhode Island statutes and regulations. Title IX prohibits BIS from discriminating on the basis of sex (including Sexual Harassment and Sexual Violence) in all facets of its educational programs and activities, including distance learning.

This Policy applies equally to all of BIS’s students, employees, Authorized Volunteers, parents, and other members of the BIS community. This Policy applies to conduct At School, at school events, and Away From School in all other instances when BIS has substantial control over the parties and the context in which the alleged misconduct occurred.

B. Notice of Non-Discrimination

BIS does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, ethnicity, age, disability, veteran, genetic information, or marital status in the delivery of its education programs and activities. Pursuant to Title IX, this specific policy is limited in scope to instances of alleged discrimination on the basis of sex. Alleged discrimination on bases other than sex fall under [Applicable Policy/ies]. If any member of the BIS community has any questions or concerns with respect to this Policy and/or Title IX, he/she may contact BIS’s Title IX Coordinator and/or the United States Department of Education’s Office for Civil Rights. BIS’s Title IX Coordinator is identified within this Policy and shall be available to answer all questions concerning this Policy.

BIS’s policy of non-discrimination in its educational programs and activities extends to employment and admission considerations.

C. Definitions

At School: In a classroom, all school common areas, on or immediately adjacent to school premises, on school property, on a school bus or other school-related vehicle, at a school bus stop, or at any school-sponsored or school-related activity or event whether or not it is on school grounds.

Authorized Volunteer: Any person who 1) is not employed by the BIS, 2) does not receive any compensation from the BIS, 3) has undergone

BIS-required criminal background checks, and 4) is permitted to provide services approved by BIS to the community, including students, employees, and other partners.

- Away from School:** Any location not defined above as “At School” but remaining within substantial control of BIS
- Bystander:** Someone who is aware of behavior or conduct “At School” in violation of or reasonably believed to be in violation of this Policy, including Sexual Violence and/or Sexual Harassment
- Complainant:** Person who is alleged to be the victim of conduct that could constitute discrimination on the basis of sex and/or Sexual Harassment. For students under the age of majority, parents and legal guardians have the legal right to act on behalf of the student Complainant in Title IX matters.
- Formal Complaint:** A document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the BIS investigate the allegation of discrimination on the basis of sex and/or Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the BIS with which the Formal Complaint is filed. A document filed by a Complainant is a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.
- Respondent:** A person who has been reported to be the perpetrator of conduct that could constitute discrimination on the basis of sex and/or Sexual Harassment. A Respondent can be another student, a teacher, an administrator, any other BIS employee, or a third party. Respondents will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process
- Sexual Assault:** Includes sexual misconduct that is attempted or perpetrated against a victim’s will or when a victim cannot consent because of age, intellectual disability, or any other disability precluding the victim from forming consent. Sexual assault may involve, but is not limited to, actual or threatened physical force, use of weapons, coercion, intimidation or pressure, intentional touching of someone in ways that are unwanted, voyeurism, exhibitionism, exposure to pornography, and/or public displays of images that were taken in a private context or when the victim was unaware.

Sexual Harassment: Includes, but is not limited to, degrading remarks, gestures, jokes, notes, graffiti, spreading rumors, indecent exposure, unwelcome touching, grabbing, pinching, or brushing against another in a sexual way. Unwelcome conduct on the basis of sex that satisfies one or more of the following: An employee conditioning the provision of an aid, benefit, or service of the School on the Complainant's participation in unwelcome sexual conduct; unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a Complainant equal access BIS's education program or activity; or Sexual Assault, dating violence, domestic violence, or stalking.

This policy is not intended to limit BIS's authority to address conduct that does not fit the definition of sexual harassment, but that violates other BIS policy or the student code of conduct. For example, conduct that constitutes harassment based on a protected category other than sex, or unlawful discrimination, hazing, or bullying, or any other violation of the student code of conduct or BIS workplace rules, will be investigated and addressed under applicable BIS policy and law.

Sexual Harassment of a Student by a BIS Employee

Sexual harassment of a student by a BIS employee includes, but is not limited to, both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

A BIS employee causes the student to believe that the student must submit to the conduct in order to participate in a BIS program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct, or;

The conduct is of the type that reasonable person would determine is so severe, persistent, pervasive, and objectionably offensive that it affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or; creates an intimidating, threatening, hostile, or abusive educational environment.

Sexual Harassment of a Student (Including Harassment by Another Student)

Includes, but is not limited to, unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is of the type that a reasonable person

would determine is severe, persistent, pervasive, and objectionably offensive that it effectively denies a Complainant equal access BIS's education program or activity; or Sexual Assault, dating violence, domestic violence, or stalking.

Sexual Harassment of a BIS Employee or Authorized Volunteer

BIS adopts the definitions and conditions set forth in BIS's employee sexual harassment policy as defined under governing RI law.

Sexual Violence:

Includes, but is not limited to, isolated/individual instances of sexual misconduct and/or aggression, Sexual Harassment, Sexual Assault, and/or rape. In cases of Sexual Violence, the perpetrator may be a stranger, acquaintance, friend, family member, or partner.

Sexual Violence Perpetrated Against a Student

Sexual violence perpetrated against a BIS student, regardless of the perpetrator, includes, but is not limited to, both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

The student is caused to reasonably believe that he/she must submit to the conduct in order to participate in a BIS program or activity, or that a perpetrator will make an educational and/or BIS-related decision based on whether or not the student submits to the conduct.

Conduct constituting "Sexual Violence" need not be repetitive, persistent, or pervasive such that it affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or; creates an intimidating, threatening, hostile, or abusive educational environment.

Sexual Violence Perpetrated Against a BIS Employee or Authorized Volunteer

BIS adopts the definitions and conditions as defined under governing RI law.

Supportive Measures:

Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter Sexual

Harassment.

Witness: Witnesses are individuals who may have seen the alleged conduct or have other information related to an investigation. The Complainant and Respondent are encouraged to provide the Investigator with names of potential witnesses who could provide additional information to the investigation.

D. Title IX Coordinator

The Title IX Coordinator's responsibilities shall include, but are not limited to:

- Coordinating BIS's compliance with Title IX, including BIS's grievance procedures for resolving Title IX Complaints;
- Drafting and publicizing procedures for reporting possible Title IX violations;
- Overseeing BIS's prevention of and response to Title IX reports and Complaints;
- Ensuring fair, equitable, and prompt resolution of Complaints;
- Offering the Complainant supportive measures with or without the filing of a Formal Complaint, considering the Complainant's wishes with respect to supportive measures, and explaining to the Complainant the process for filing a Formal Complaint;
- Identifying and addressing any patterns or systemic problems revealed by such reports and Complaints;
- Providing confidential (to the extent possible) written reports to the Superintendent and the School Committee as requested, but at least once every 4 months. If the Superintendent and/or the School Committee serves as a Title IX Decision-Maker or Appellate Decision-Maker, such reports shall exclude information on pending and ongoing matters. Reports shall be kept in a separate and secure Title IX file;
- Providing training to BIS's employees, Authorized Volunteers, and other members of the BIS community with respect to Title IX and BIS's implementation of this Policy.

The Title IX Coordinator shall understand and have knowledge of the Title IX requirements and BIS's own policies and procedures on sex discrimination, anti-bullying, anti-retaliation, school place violence, and Sexual Harassment. BIS shall require that the Title IX Coordinator, as well as Investigators and adjudicators, be free of any conflict of interest or bias for or against Complainants or Respondents, generally, or an individual Complainant or

Respondent. Any training materials for Title IX Coordinators, Investigators, adjudicators, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

Each and every report or Complaint filed with BIS pursuant to Title IX or reasonably related to Title IX must be provided to the Title IX Coordinator to achieve his/her mission.

Effective upon adoption of this Policy by the School Committee, the Title IX Coordinator shall be:

Kyle Riley
15 High Street
Block Island, RI 02807
401-466-5600
kriley@bischool.net

E. Sexual Violence and Sexual Harassment

Sexual Harassment and Sexual Violence, including but not limited to Sexual Assault, are prohibited and will not be tolerated. BIS expressly prohibits Sexual Harassment and Sexual Violence At School of or by a student to another student; a student of or by a member of the staff; and/or of or by any other person who is any way associated with BIS. This Policy also prohibits Sexual Harassment and/or Sexual Violence At School by and among BIS employees and Authorized Volunteers. To this end, BIS commits its staff to the implementation of a comprehensive and preventive approach that addresses the underlying reasons for this behavior and helps to create a better school community that supports learning and teaching for students and adults.

F. Grievance Procedure

To facilitate the prompt and equitable resolution of any and all Title IX Complaints, BIS adopts the following grievance process. For the purpose of Title IX Complaints and investigations, BIS will apply a preponderance of the evidence standard of review. Complainants may choose to submit a written grievance to BIS's Title IX Coordinator using the Title IX grievance form included as Appendix A of this Policy. BIS shall respond to all Title IX Complaints promptly and in a manner that is not deliberately indifferent, that is, in a way that is not clearly unreasonable in light of the known circumstances.

- A formal grievance process is initiated when:
 - A Complainant submits a written statement alleging discrimination prohibited by Title IX to the Title IX Coordinator or

- When the Title IX Coordinator receives a report of a suspected Title IX violation from another BIS student, employee, volunteer, or other community member.
- Upon the Title IX Coordinator's receipt of a grievance or other Complaint pursuant to this policy, or the Title IX Coordinator's initiation of the grievance process, a Title IX Investigator, shall commence and conduct an investigation pursuant to the procedures set forth within this Policy. The Title IX Coordinator may serve as an Investigator, or may designate another trained Title IX Investigator from within or outside of BIS to conduct investigations.
- The Title IX Coordinator will provide written notice of the investigation to all parties. The notice will include, among other things, a copy of this policy and a sufficiently detailed description of the allegations. The notice will specify the identities of the parties involved, the conduct allegedly in violation of Title IX, and the date and location of the incident(s), if known.
- Following an investigation (described in further detail under Section H below), a Decision-Maker, who is neither the Title IX Coordinator nor Investigator, shall determine whether the Complainant was excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of sex with respect to any BIS program or activity.

Hearings are not required under Title IX for Complaints involving elementary and secondary school students, and there is no right to a hearing under BIS's standard grievance procedure. If a party requests a hearing, the Title IX Coordinator will determine, in his/her sole discretion, whether to grant the request. The Title IX Coordinator's decision in this regard is not subject to appeal.

- After reviewing the Investigator's report and any submissions of the parties, and following a hearing, if such hearing is requested and granted, the Decision-Maker shall prepare a written report setting forth his/her findings, conclusions, and actions to be taken, if any, and will determine with whom to share the report.
- The Title IX Coordinator shall, as necessary, take appropriate action(s) to ensure that BIS implements any remedies called for in the decision and otherwise complies with Title IX in a manner that is prompt and equitable to the parties.
- If any of the parties wish to appeal the decision(s) of the Decision-Maker, that party must make a written appeal to the School Committee within ten (10) business days. Appeals will only be allowed for the following reasons:

- Procedural irregularity that affected the outcome of the matter; or
 - New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter; or
 - The Title IX Coordinator, Investigator, hearing officer, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
- If/when an appeal is allowed, parties will be notified in writing and will have the opportunity to submit a written statement in support of or challenging the decisions of the Decision-Maker. Appeals will be decided by the School Committee.
 - The School Committee shall issue a written report within ten (10) business days of the deadline for the submission of written statements by the parties. The School Committee's written report shall include a notice to the parties of their further appellate rights.

To the extent possible, BIS strives to complete all Title IX investigations, from date of report to final hearing and notice of outcome, within 60 days.

G. Reporting Responsibilities

The Title IX Coordinator shall establish—and prominently publicize to students, employees, volunteers, and parents—procedures concerning how to report conduct believed to violate this Policy and how such reports will be acted on. Anyone who experiences and/or witnesses conduct that is or is reasonably believed to be in violation of this Policy, and/or or anyone who has information that such actions have occurred may file a report.

All BIS employees, other than BIS counselors and psychologists who are required to maintain the confidentiality of the information shared with them, shall report incidents of alleged violations of this Policy to the Title IX Coordinator as soon as they learn of or have actual knowledge of any conduct allegedly in violation of this Policy. Employees shall report all relevant details that the victim Complainant shared or that the employee observed, including, but not limited to, the names of the alleged Respondent and Complainant (or a victim who does not wish to file a Complaint), the date, time, and location of the alleged conduct, and the circumstances surrounding the alleged conduct. **A BIS employee's failure to report a violation of this Policy of which he or she has actual knowledge shall result in disciplinary action, including termination of employment.**

Students who witness alleged violations of this Policy, or parents whose children inform

them of alleged violations of this Policy, shall report incidents to the Title IX Coordinator. Whether victims of alleged Title IX violations choose to file a Complaint or not, they shall not be disciplined for failing to report an alleged violation of this Policy themselves. All reports from students or parents/guardians will be maintained in confidence to every extent possible.

Although BIS cannot discipline or sanction parents or guardians who elect not to report violations of this Policy, particularly Sexual Violence and/or Sexual Harassment, when they learn of any such conduct, BIS **strongly encourages** parents or guardians to contact the Title IX Coordinator as soon as practicable with any and all relevant information that they receive.

All reports will remain confidential, to every extent possible. BIS may, however, have a legal obligation to share information received during an investigation. For example, BIS is required to report known and suspected cases of child abuse to the Department of Children Youth and Families. BIS may also have an obligation to report known or suspected violations of the law to law enforcement.

No individual who exercises their Title IX rights shall be subject to retaliation. Neither the BIS nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or Complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. The BIS shall keep confidential the identity of Complainants, Respondents, and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), or as required by law, or as necessary to carry out a Title IX proceeding. Complaints alleging retaliation may be filed according to the Grievance Procedures in this Policy. By filing a Title IX Complaint, no student, employee, volunteer or parent making such a report shall extinguish his or her right to file criminal or civil complaints concerning the same conduct.

Reports must be acted upon by those persons receiving the report and the Title IX Coordinator (upon receipt of a report), whether made orally or in writing. Knowingly filing false reports shall result in the taking of disciplinary measures.

Upon receiving a credible report of an alleged violation of this Policy, BIS will take all necessary measures to ensure the safety all parties (e.g., separate the Complainant/student-victim from the Respondents; provide alternative schedules to one or both parties; provide necessary support services to the Complainant/student-victim, etc.) and will provide the Complainant/student-victim and the Respondents and their respective parent(s) or guardian(s) with regular updates as to the status of the investigation.

BIS shall implement appropriate interim supportive measures on a case-by-case basis and shall not rely upon any fixed rules related to any such measures. [Supportive measures shall be designed to restore or preserve equal access to TIMES²'s education program or activity, protect student and employee safety, and deter sexual harassment. Examples of supportive measures include, but are not limited to, counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, and other similar measures.

School] will provide Complainants/student-victims with the contact information for available resources outside of BIS, including but not limited to, victim assistance organizations, law enforcement, mental health services, legal assistance, and or counseling services. If the Respondent is a BIS employee and the Complainant is a BIS student, BIS will report the alleged misconduct to the appropriate law enforcement agencies.

H. Investigation

The Title IX Coordinator shall oversee all Title IX investigations at BIS. Depending on the nature of the alleged violation of this Policy, an investigation may include, but is not limited to conducting interviews with the Complainant and the Respondent; conducting interviews with witnesses; conducting interviews with the parent(s) or guardian(s) as necessary; reviewing law enforcement investigation documents, as applicable; reviewing student and personnel files; and gathering information from all other available outside sources.

All investigations shall commence once the Title IX Coordinator receives notice of the alleged violation of this Policy. Therefore, it is essential that BIS employees, students, parents, guardians, and/or Authorized Volunteers immediately report suspected misconduct as soon as practicable once they have actual knowledge about such misconduct.

When commencing an investigation that may lead to disciplinary action against the Respondent, the Title IX Coordinator shall provide written notice to the Respondent (and/or his/her parents/guardians) of the allegations constituting a potential violation of this Policy, including sufficient details with sufficient time to prepare a response before any initial interview. The written notice shall also include a description of the Formal Complaint process; a statement that the Respondent is presumed innocent until a determination of responsibility has been made; a notice of the Respondent's right to review evidence and right to an advisor; and the prohibition against false statements or providing false information during Formal Complaint process.

All investigations shall be conducted impartially and in an adequate, reliable, and impartial manner. The designated Title IX Investigator shall analyze and document the available evidence to support reliable decisions, interview and objectively evaluate the credibility of parties and witnesses, synthesize all available evidence—including both inculpatory and exculpatory evidence—and take into account the unique and complex circumstances of each

case. The investigation shall result in a written report summarizing the relevant exculpatory and inculpatory evidence.

Throughout the investigation, the Respondent and the Complainant shall be permitted to, at a minimum:

- Receive written notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation;
- Have equal and timely access to all witness statements and other documents/reports gathered by BIS during the investigation.
- Present relevant witnesses and evidence, including expert witnesses;
- Retain counsel, at the parties own expense;
- Request a hearing (available only at the discretion of the Title IX Coordinator)
- If a hearing is granted, parties may cross-examine witnesses as necessary.

Information gathered during the investigation shall be kept confidential to the extent possible. All evidence directly related to the allegations will be provided to the parties, or the parent(s) or guardian(s) of the parties and their advisors, as applicable, for inspection and review, and the parties will have ten (10) days to provide a written response to the Investigator. The Investigator will consider any such responses prior to issuing the final Investigation Report.

After BIS has sent the investigative report to the parties and before reaching a determination regarding responsibility, the Decision-Maker(s) must afford all parties ten (10) days to submit any written, relevant questions that they may wish to have asked of any party or witness. The Decision-Maker shall review the parties written questions, and if he/she deems a question to be irrelevant, that question shall not be transmitted to the intended party, and the Decision-Maker will apprise the questioning party in writing of the reason(s) the question was deemed to be irrelevant. If relevant questions are submitted, the Decision Make will convey those to the party/ies, provide each questioning party with each responding party's answers, and may allow for additional, limited follow-up questions from each party.

BIS shall make all determinations using a "preponderance of the evidence" standard. If allegations are found to be credible, appropriate disciplinary sanctions, subject to BIS's due process procedures, shall be imposed. BIS shall specifically inform the reporting party (and/or his/her parents/guardians) whether it found that the alleged conduct occurred, any individual remedies offered to the reporting party or any sanctions imposed on the responding party that directly relate to the reporting party, and other steps the school has

taken to eliminate the hostile environment, if one was found to exist, and to prevent its recurrence, as appropriate.

Whenever conduct determined to meet the definitions of Sexual Violence and/or Sexual Harassment in this Policy also may have involved conduct that that may violate state or federal criminal law, the police or other necessary agency (ies) shall be notified.

I. Option for Informal Resolution

Where appropriate in light of the nature of the allegations and facts involved, BIS may offer the parties the option to pursue an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. All parties must voluntarily agree to pursue informal resolution after receiving a full written disclosure of the allegations and their options for formal resolution. BIS will not offer an informal resolution process to resolve allegations that an employee sexually harassed a student.

J. Disciplinary Sanctions

Students: Disciplinary sanctions any violation of this Policy may include, but are not limited to, loss of privilege to participate in extracurricular activities including athletics and school social events; loss of school bus transportation; assignment of additional school work or community service; and—depending on the extent of involvement in the prohibited activity—suspension or removal from school.

Employees: Disciplinary sanctions for any violation of this Policy may include, but are not limited to, suspension, termination, or filing of criminal charges as warranted.

Volunteers/ Parents: Disciplinary sanctions for any violation of this Policy may include, but are not limited to, denial of access to school premises, school-related events, or school-sponsored events; suspension or termination of volunteer activities; or filing of criminal charges as warranted.

K. Prevention

The Title IX Coordinator shall ensure that students and staff are instructed on how to identify, prevent, and report violations of this Policy. The Title IX Coordinator, in conjunction with the Superintendent and the School Committee, shall also ensure that BIS's health program and counseling services include the appropriate social skills training to help students avoid isolation and help them interact in a healthy manner. School staff shall model correct and courteous behavior to each other, to students, parents and to visitors. Abusive or humiliating language or demeanor shall not be accepted.

L. Enforcement Agencies

Nothing in this Policy is intended to prohibit or discourage individuals from contacting the applicable state and/or federal enforcement agencies with complaints or concerns, including but not limited to:

Office for Civil Rights
Boston Office U.S. Department of Education
5 Post Office Square
8th Floor Boston, MA 02109-3921
Tel: 617-289-0111 E-mail: OCR.Boston@ed.gov

Equal Opportunity Employment Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203-0506
Tel: 800-669-4000 TTY: 800-669-6820

APPENDIX A

**Block Island School
Title IX Grievance Form**

Today's Date _____

Complainant's Name(s) _____
Last Name First Name Middle Initial

Home address _____

City _____ State _____ Zip Code _____

Telephone Number _____ Email Address _____

Parent(s)/Guardian(s) _____
Last Name First Name Middle Initial

Parent(s)/Guardian(s) Contact information _____
Home Address

_____ Phone Number Email Address

Circle One: Student Parent on Behalf of Student Employee Volunteer

1. Alleged Perpetrator(s) (if more than one perpetrator include information below on back).

Name: _____

Address (if known): _____

Contact Information: _____

2. Specifics of Complaint. Describe below, including any dates of alleged discrimination, identities of alleged perpetrators, and specific circumstances of alleged discrimination. Attach extra pages if necessary.

3. Witnesses. Include names, any known contact information, and brief description of each witnesses' knowledge of events. Attach extra pages if necessary.

4. Corrective Action. If you wish, please describe any corrective action you would like to see taken with regard to the alleged misconduct. Attach an extra page if necessary.

Signature of Complaint or
Parent/Guardian on Behalf of Complainant