

## Non Discrimination

### A. Policy

The Barrington School Department does not discriminate on the basis of race, color, creed, national or ethnic origin, gender, religion, disability, age, sexual orientation, gender identity or expression, citizenship, or status as a disabled veteran, or past or present honorable military service with respect to access to, the provision of, or employment in its educational services, programs and activities, including admissions, athletics and other Department programs. It is the policy of the Barrington School Committee to maintain an educational and working environment free of unlawful discrimination and harassment in any form. Supervisors, administrators and all other employees, as well as students, are absolutely prohibited from engaging in unlawful discrimination and/or harassment of School Department employees, students and visitors.

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

The person named on Exhibit A to this Policy is designated as the School Department's Coordinator for the enforcement of this Policy ("Nondiscrimination Compliance Officer"), and is charged with ensuring that the School Department has complied with the mandates of all state and federal laws and regulations concerning nondiscrimination and anti-harassment.

This policy is intended to supplement and coordinate with the School Committee's Sexual Harassment Policy.

### B. Procedure for *Filing a Complaint of Discrimination* Employees

Any employee aggrieved by a violation of this Policy must file a complaint as soon as possible. A complaint filed with the School Department shall be in writing and contain the name of complainant, the date of the filing and the nature of the complaint, including but not limited to the name of the individual charged with unfair discrimination and the acts precipitating such complaint.

The employee may file the Complaint with his or her immediate supervisor, or with the Nondiscrimination Compliance Officer or, as appropriate, may follow the procedures set out in the relevant collective bargaining agreement.

### Students

Any student aggrieved by a violation of this Policy must file a complaint as soon as possible. A complaint filed with the School Department shall be in writing and contain the name of complainant, the date of the filing and the nature of the complaint, including but not limited to the name of the individual charged with unfair discrimination and the acts precipitating such complaint.

The student may file the Complaint with his or her principal, or with the Nondiscrimination Compliance Officer.

## **C. Resolution Process**

An informal resolution to a complaint of discrimination is encouraged. Communication intended to facilitate understanding and resolution may be direct or indirect to best suit the needs of the complainant and the School Department. Efforts at informal resolutions will be made by the principal, in the case of students, or by the supervisor, in the case of employees, unless the complaint is directed at the principal or supervisor, in which case efforts at informal resolutions will be made by the Superintendent, or his or her designee. Where an informal resolution is inappropriate, or fails to resolve the underlying complaint, the principal or supervisor shall forward the Complaint to the Nondiscrimination Compliance Officer who shall conduct a formal investigation into the Complaint.

Unless the Complaint has been forwarded by a principal or supervisor, the Nondiscrimination Compliance Officer shall forward a copy of the complaint to the principal or supervisor as appropriate. In the event that the Superintendent is the subject of the complaint, such complaint shall be forwarded to the School Committee.

Within five (5) business days, the Nondiscrimination Compliance Officer shall (1) meet with the complainant; (2) meet with any individuals named in the complaint; and (3) conduct such investigation as may be appropriate. Unless additional time is required to conduct the investigation, within ten (10) days of the receipt of such complaint, the Nondiscrimination Compliance Officer shall render a written decision to the complainant, any persons named in the complaint and the School Department.

The relevant building administrator shall also be provided a copy of the decision.

A person aggrieved by the determination may appeal to the Superintendent within ten (10) days of receipt of the decision. The Superintendent may uphold the decision on appeal or hold a hearing on appeal. A hearing shall be held within fifteen (15) days of receipt of the notice of appeal. The complainant, respondent and School Department shall be afforded opportunities to present testimony, examine witnesses and introduce documentary evidence. No transcription or recording of the hearing shall be made.

The Superintendent shall render a written decision within fifteen (15) days of the hearing. Any person aggrieved by the decision of the Superintendent may appeal to the School Committee, such appeal to be filed in writing within ten (10) days of the decision of the Superintendent. No later than thirty (30) days following receipt of written notice of appeal, the School Committee shall hear the appeal. The complainant, respondent and School Department may present testimony, cross examine witnesses and introduce documentary evidence. The hearing may be recorded or transcribed; the complainant or respondent (not the School Department) shall be charged costs for copies of such record.

Within thirty (30) days of the hearing, the School Committee shall render a written decision, which decision shall contain findings of facts and recommendations and shall be final.

#### **D. Sanctions**

Persons found to have engaged in unlawful discrimination or harassment 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 the School Department, suspension or exclusion.

#### **E. Additional Remedies.**

In addition to, or in lieu of, the procedure outlined above, a person aggrieved may file a complaint with the following:

##### [Rhode Island Commission for Human Rights](#)

180 Westminster Street  
Providence, Rhode Island 02903  
401.277.2661

##### [Equal Employment Opportunity Commission](#)

One Congress Street  
Boston, Massachusetts 02114  
617.565.3200

##### [Office of Civil Rights](#)

United States Department of Education  
140 Federal Street  
Boston, Massachusetts 02110  
617.223.6397

Policy Revised  
05/16/96  
05/17/01  
05/19/05