CENTRAL FALLS SCHOOL DISTRICT:
WORKPLACE/ SEXUAL HARASSMENT- POLICY

I. PURPOSE. Philosophy and Policy

The Central Falls School District recognizes the right of each individual to work and learn in a professional atmosphere, which prohibits harassment or discriminatory practices of any type, including, but not limited to sexual harassment. The Central Falls School District considers harassment, whether verbal or physical, to be unacceptable and intolerable. Such activity will be subjected to sanctions and shall be a violation of this policy for any member of the School District, agent or employee to harass any employee or student through conduct or communications. It shall also be a violation of this policy for students, employees, or agents of the School District to harass other students through conduct or communication. Sexual Harassment is a form of discrimination and is prohibited by Title VII of the Civil Rights Act of 1964, and Title IX of the Educational Amendments of 1972.

II. HARASSMENT DEFINED.
For the purpose of this policy, harassment is defined as follows:

A. Employment Discrimination
Discrimination by any employee or staff member in any employment practice, or the creation of a hostile environment predicated upon race, gender, age, national origin, religion, color or disability, as well as any protected category as defined or developed from time to time by applicable state or federal laws.

B. Sexual Harassment
Verbal or physical conduct of a sexual nature constitutes sexual harassment when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

(2) Submission to or rejection of such conduct by an individual is used as the basis for Employment decisions affecting such individual; or

(3) Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
Examples of Sexual Harassment may include but are not limited to the following:

- Degrading comments, propositions, or jokes;
- Physical contact such as intentional touches, assault, squeezes, blocking movement, pinching;
- Suggesting or threatening academic success, continued employment, advancement, assignments, or earnings depend on submission to or tolerance of sexual overtures of any type.

C. Other Forms of Harassment or Discrimination

Verbal or physical conduct or communication which creates a hostile environment predicated upon race, gender, age, national origin, religion, color, or disability. Such practice applies to interaction between and among students, employees, or staff members.

III. PROCEDURES FOR REPORTING A COMPLAINT.

The School District encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome. However, the School District also recognizes that status disparities between an alleged harasser and a target may make such a confrontation difficult or impossible. In the event, that informal, direct communication between individuals is either ineffective or difficult, the FOLLOWING STEPS SHOULD BE FOLLOWED TO REPORT A HARASSMENT COMPLAINT:

A. Notification of Appropriate Staff:

If a student or employee believes that he/she has been subjected to sexual harassment, whether by a student, a school employee, or any other person who comes on school property with permission, or that he/she has witnessed the sexual harassment of another, the student or the employee should report the incident promptly to the Principal, Assistant Principal, the Superintendent, or any other administrator with whom the student or employee feels comfortable.

A complaint of sexual harassment by a student, or by a parent, on a student's behalf may also be made to any counselor or teacher. A counselor or teacher who receives such a compliant will notify the appropriate administrator to initiate an investigation.
If the supervisor successfully resolves the complaint in an informal manner, the supervisor shall file a confidential report to the Superintendent of Schools, with copies to the involved parties, detailing the factual basis of the complaint and resolution so the School District will be aware of any pattern of harassment by a particular individual.

If the complaint is not resolved at this level, or if the individual believes that resolution at the supervisory level would be ineffective, he or she may file a complaint with the officer designated by the Superintendent of Schools. If the individual believes that filing such complaint with the designated officer would be ineffective, he or she may file the complaint with the Superintendent of Schools.

A parent or guardian may be present when the complaint is filed and during any discussion, questioning or investigation of any situation of alleged harassment involving a minor.

B. Description of Misconduct

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of harassment. Therefore, verbal reports of harassment must be reduced to writing by either the complainant or the individual(s) designated to receive complaints. The complainant shall sign the complaint. Individuals who believe they have been or currently are being harassed should maintain a record and/or diary of objectionable conduct in order to effectively prepare and corroborate their allegations.

While the School District encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, the School District hereby notifies all employees that, in the event that a lawsuit develops from a reported incident, the writings of the complainant or alleged harasser may not be considered privileged information and, therefore, may not be kept confidential in the context of litigation.

C. Time Frame for Reporting Complaint

The School District encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems in addition, because of the emotional toll such misconduct may have on the individual, no limited time frame will be instituted for reporting harassment complaints. Late reporting of complaints will not of itself preclude this School District from taking remedial action.
D. **Protection Against Retaliation**

The School District will not allow any administrator, supervisor or employee to retaliate against an individual who makes a report of harassment. Retaliation is a serious violation and should be reported immediately.

E. **Form of Complaint**

The officer designated by the Superintendent shall have available appropriate complaint and resolution forms for filing complaints. The forms shall also be available from various supervisory personnel and union representatives.

IV. **INVESTIGATING A FORMAL COMPLAINT.**

A. **Confidential**

Any allegation of harassment brought to the attention of the Superintendent or designee shall be promptly investigated in a confidential manner to protect the privacy of all parties involved. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

B. **Identification of Investigators**

Complaints, which are not informally resolved, shall be investigated and resolved by the Superintendent or designee.

C. **Investigation Process**

In pursuing the investigation, the investigator will consider the wishes of the complainant under consideration, but should thoroughly investigate the matter as he/she sees fit, keeping the complainant informed as to the status of the investigation.

**STEPS to be taken in the investigation include but are not limited to:**

1. Confirm name and position of complainant;
2. Identify the alleged harasser by name and position;
3. Thoroughly ascertain all facts that explain what happened;
4. Questions should be asked in a non-judgmental manner;
5. Determine frequency/type of alleged harassment and, if possible, the dates and locations where the alleged harassment occurred;

6. Ask the individual how he/she responded to the alleged harassment;

7. Determine whether the harassed individual consulted anyone else about the alleged harassment and take note of who else knows and his or her response to the disclosure;

8. Develop a thorough understanding of the professional relationship, degree of control and amount of interaction between the alleged harasser and complainant. E.g. Does the person control compensation, terms of employment or evaluations? Do these individuals work in close proximity to one another and/or in the same school, department, work area or classroom;

9. Determine whether the alleged harasser has carried out any threats or promises directed at the complainant;

10. Does the complainant know of or suspect that there are individuals who have been harassed by the alleged harasser?

11. Has the complainant informed other supervisors or employees of the situation? What response, if any, did the complainant receive from these individuals?

12. When first interviewing the alleged harasser, remind him/her of the School District’s policy against retaliation for making a complaint of harassment and provide a copy of the policy.

V. RESOLVING THE COMPLAINT.
Upon completing the investigation of a harassment complaint, the School District will communicate its findings and intended actions to the complainant and the alleged harasser.
If the investigator, together with any appropriate reviewing authority, finds that harassment has occurred, the harasser will be subject to appropriate disciplinary action and appropriate information will be communicated to the complainant.

If the investigator, together with reviewing authority, determines that no harassment has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

In the event that no resolution satisfactory to both parties can be reached based on the investigation, the matter shall be referred to the Special State Administrator for further appropriate action.

A. **Sanctions**

Individuals found to have engaged in misconduct constituting harassment will be appropriately disciplined, which may include discharge of the employee or student suspension. Appropriate sanctions will be determined by the Superintendent or the Special State Administrator, (as appropriate), in accordance with the provisions of applicable statutes, collective bargaining agreements, employment contracts and the School District policy and student discipline codes.

In addressing adjudicated incidents of harassment, the School District’s response at a minimum shall include a written reprimand. Additional action may include, referral or recommendation of referral to counseling, reassignment, temporary suspension without pay, financial penalties or termination of employment.

Although the School District's ability to discipline a non-employee harasser is limited by the degree of control, any employee, staff member or student who has been subjected to harassment should file a complaint and be assured that action will be taken.

B. **False Accusations**

If an investigation results in a finding that the complainant intentionally and falsely accused an individual of harassment, or filed a false complaint in a knowing or malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination or student suspension.
C. Appeals Process

If either party directly involved in a harassment investigation is dissatisfied with the outcome or resolution, that individual may appeal the decision. The dissatisfied party should submit his/her written appeal in a timely manner, in accordance with the provisions of any applicable collective bargaining agreement, if applicable, or to the Superintendent within thirty (30) days of receipt of notice of decision. Either party may take such additional action as authorized by law or contract.

VI. MAINTAINING A WRITTEN RECORD OF THE COMPLAINT.

The School District shall maintain a complete record of each complaint and the manner in which it was investigated and resolved. Written records shall be maintained in a confidential manner in the office of the Superintendent of Schools.

Written records will be maintained for three years from the date of the resolution unless circumstances dictate that the file should be kept for a longer period.

CENTRAL FALLS SCHOOL DISTRICT HARASSMENT COMPLAINT FORM

Name: ___________________________________________ Date: ________________

Date(s) of Alleged Incident(s): ____________________________________________

Name of Alleged Harasser: ________________________ Position: ________________

Description of Event(s): __________________________________________________

_____________________________________________________________________

_____________________________________________________________________

_____________________________________________________________________

_____________________________________________________________________

Reported Incident(s) to: ________________________ Date: ________________

Signed _______________________________________ Date: ________________

(Complainant)

________________________________________ Date Received: ________________
Administrator/Supervisor

________________________________________ Date Received: ________________
Harassment Officer

________________________________________ Date Received: ________________
Superintendent of Schools
CENTRAL FALLS SCHOOL DISTRICT HARASSMENT COMPLAINT RESOLUTION FORM

Name of Complainant: _______________________________ Position: _____________

Complaint Filed Against: _______________________________ Position: _____________

Investigation Indicates:

_______ Harassment DID NOT take place

_______ Harassment DID take place (Investigation Report ATTACHED)

Intervention: __________________________________________________________

Resolution: __________________________________________________________

Resolution Effective as of: ________________________________

(Date)

Resolution was achieved:

_______ Informally at the Building Level

_______ Formally at the District Level

Signatures indicate agreement and acceptance of the stated resolution and that all parties have received a copy of this form, complaint form and the investigation report.

Complainant Name: _______________________________ Date: ________________

Accused Party: _______________________________ Date: ________________

Administrator: _______________________________ Date: ________________

*Completed Complaint Form is to be ATTACHED to this Resolution Form.*