

# **Student Non-Discrimination & Anti-Harassment Policy**

## **PURPOSE**

It is the policy of the Barrington Public Schools ("BPS" or the "District") to maintain an educational environment in which all students are treated with respect and dignity. Each student has the right to learn in an educational atmosphere free from discrimination and harassment based on race, color, sex, disability, age, religion, national origin, gender identity or expression, genetic information, sexual orientation, pregnancy, childbirth or related medical conditions, citizenship status, marital status, military status, and any other category protected by law. Discrimination and harassment, whether verbal, non-verbal, or physical, are unacceptable and will not be tolerated.

## **POLICY**

This policy prohibits discrimination against and harassment of students by teachers, administrators, BPS staff members, other students, and third parties such as visitors and volunteers. With the exception of sexual harassment, which is covered by the District's Title IX Policy, this policy applies to all allegations of discrimination or harassment in any activity under the auspices of the District, including but not limited to enrollment, provision and accessibility of programs and services, and participation in athletics and other extracurricular activities. Violations of this policy may result in disciplinary or other appropriate corrective action.

### **Equal Opportunity Officer**

The shall serve as the Equal Opportunity Officer, who shall be responsible for overseeing compliance with this policy.

### **Discrimination and Harassment Defined**

For purposes of this policy, harassment is defined as any unwelcome verbal, non-verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their membership in or association with an individual in a protected class. For example, racial harassment includes harassment based on an immutable characteristic associated with race (skin color or facial features). For the definition of sexual harassment, please refer to the BPS Title IX Policy.

It is a violation of this policy for an individual to engage in harassing conduct that:

- (1) has the purpose or effect of creating an intimidating, hostile, or offensive educational environment;
- (2) has the purpose or effect of unreasonably interfering with an individual's educational performance; or
- (3) otherwise adversely affects an individual's academic opportunities.

While it is not possible to list all of the circumstances that may constitute harassment under this policy, examples of behavior that may violate this policy include but are not limited to the following (if based on an individual's race, color, sex, disability, age, religion, national origin, gender identity or expression, genetic information, sexual orientation, pregnancy, childbirth or related medical conditions, citizenship status, marital status, military status, or other category protected by law):

- epithets, slurs, quips, and negative stereotyping;
- threatening, intimidating or hostile acts;
- written or graphic material (including graffiti) that denigrates or shows hostility or aversion toward an individual or group, and that is placed on walls, bulletin

boards, or elsewhere on the school premises, or circulated or displayed in the educational setting; and

- "jokes," "pranks" or other forms of "humor" that are demeaning or hostile.

Unlawful discrimination refers to the unfair or unequal treatment of an individual, or group, based on the individual's or group's race, color, sex, disability, age, religion, national origin, gender identity or expression, genetic information, sexual orientation, pregnancy, childbirth or related medical conditions, citizenship status, marital status, military status, or other category protected by law. Any type of discrimination or harassment, whether engaged in by students, employees, or other individuals with whom students may come into contact in the course of their education (e.g., volunteers, visitors, service providers or contractors), is contrary to this policy and will not be tolerated.

### **Reporting Discrimination and Harassment**

For the District's policy on reporting and investigating incidents of sexual harassment, see the BPS Title IX Policy. For all other forms of discrimination and harassment, the following policy applies:

Note: The availability of this complaint procedure is in addition to and does not foreclose students who believe that they are being subjected to discriminatory or harassing conduct from promptly advising the offender that their behavior is unwelcome and requesting that it be discontinued, if the student feels comfortable doing so.

#### *I. Where to report.*

Report to any trusted educator, such as a teacher, principal, assistant principal, school nurse, guidance counselor or social worker, or to the Equal Opportunity Officer ( Barrington Public Schools, 401-245-5000 x 2). In addition to the above, any student who believes they have been subjected to discrimination or harassment may file a formal complaint with the following governmental agency:

The United States Department of Education  
Office for Civil Rights ("OCR")  
5 Post Office Square  
Boston, MA 02109  
(617) 289-0111

#### *II. When to report.*

All complaints should be reported as soon as possible. While there is no time limit for making a complaint, the sooner the District knows about the complaint, the sooner it can take steps to stop any discriminatory behavior and remedy its effects.

#### *III. How to report.*

Complaints may be made orally or in writing. The contents of a complaint generally should include:

- The complainant's name;
- The name of the alleged perpetrator;
- A description of the conduct, including the date, time, and location; and
- The names of any witnesses.

#### *IV. What to Expect After a Report*

- *A consultation meeting with the complainant will be held with the EEO.*
- *At that meeting, next steps will be determined.*

#### *V. Responsibility of employees to report discrimination and harassment.*

Any employee who becomes aware of an incident of possible discrimination or harassment affecting a student (and keeping in mind that this policy prohibits behavior that may not rise to the legal definition of discrimination or harassment) must immediately notify their building principal, if applicable, and the Equal Opportunity Officer. ***An employee's failure to report is a violation of this policy and will result in discipline.***

#### **Investigations, Confidentiality, and Resolution**

All allegations of discrimination and harassment will be investigated. The formality of the investigation may vary based on the nature of the allegation(s) and the age/maturity level of the student(s) involved. Most investigations will include interviews with the parties involved and, when necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. If an individual refuses to participate in an investigation, BPS will base its conclusions on the other information gathered during the inquiry and inferences drawn from all of the credible evidence. BPS encourages the informal resolution of discrimination and harassment complaints where appropriate.

BPS will endeavor to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances. The investigator or other BPS official(s) may, however, have a legal obligation to share information received during an investigation. For example, BPS is required to report known and suspected cases of child abuse to the Department of Children, Youth and Families. BPS may also have an obligation to report known or suspected violations of the law to local law enforcement.

#### **Retaliation and Malicious Reporting Prohibited**

BPS prohibits retaliation against any individual who makes a report of discrimination or harassment or who cooperates in an investigation. Students are encouraged to report any instances of retaliation. A finding of retaliation will result in disciplinary or other appropriate corrective action.

Similarly, if an investigation results in a finding that a complainant knowingly and falsely accused another person of discrimination or harassment, the complainant will be subject to disciplinary or other corrective action.

[Title IX of the Education Amendments of 1972]

[Title VI of the Civil Rights Act of 1964]

[The Age Discrimination in Employment Act]

[Section 504 of the Rehabilitation Act of 1973]

[R.I. Gen. Laws § 16-38-1]

[R.I. Gen. Laws § 16-38-1.1]

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