

TITLE IX NON-DISCRIMINATION/ANTI-HARRASMENT
POLICY AND GRIEVANCE PROCEDURE

PURPOSE

The Purpose of this policy is to provide notice of this nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the Providence Public School Department (“PPSD”) will respond to such reports. PPSD is committed to maintaining and promoting an educational environment free from all forms of discrimination, including harassment. The civil rights of all school community members are guaranteed by law, and the protection of those rights is important to PPSD.

PHILOSOPHY

Through this Policy, the Providence School Board and PPSD re-affirms its commitment to providing an educational and work environment free from discrimination, including harassment, on the basis of sex, race, creed, religion, color, national origin, ethnicity, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained guide dog or service animal.

DEFINITIONS

Complainant. The person who is alleged to be the victim of conduct that could constitute sexual harassment.

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.

Education Program or Activity. Any location, event, activity, or circumstance over which the School exhibits substantial control over both the alleged harasser and the context in which the harassment occurred within the United States.

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 recipient investigate the allegation of sexual harassment.

Harassment. Unwelcome verbal, written or physical conduct directed at a person based on their actual or perceived membership in a protected class that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School’s Education Program or activity.

Quid Pro Quo Sexual Harassment. An employee of PPSD conditions a provision of an aid, benefit, or service of the School on an individual’s participation in unwelcome sexual conduct.

Respondent. An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual Harassment. Unwelcome, sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's Education Program or Activity.

ROLES

Title IX Coordinator: An individual employed by the School designated and authorized to coordinate the recipient's compliance efforts.

Complainant Advisor: An individual selected by the Complainant to represent the Complainant at all times pertinent to an investigation of formal complaint and final determination and any potential appeal.

Decision Maker: An individual appointed by the school department charged with making a final decision of responsibility regarding a formal complaint.

Investigator: A person or entity selected and appointed by the schools to investigate a formal complaint.

Respondent Advisor: An individual selected by the Respondent to represent the Respondent at all times pertinent to an investigation of formal complaint and final determination and any potential appeal.

POLICY

In accordance with Title IX it shall be the policy of PPSD to provide equality of opportunity in the educational programs and activities that it operates. PPSD shall not discriminate in admissions, treatment or access to educational programs, activities and facilities or in regard to employment opportunities on the basis of sex, race, creed, religion, color, national origin, ethnicity, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained guide dog or service animal.

This policy shall apply to conduct directed toward students and other persons associated with PPSD such as, but not limited to, students, employees, the Board of Directors, school volunteers, parents, and independent contractors.

NOTICE OF POLICY

PPSD shall provide notice of this nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how PPSD will respond. Notice must also include the Title IX Coordinator's name or title, email address, office address, and telephone number.

The policy shall be provided to, and published in any handbook provided to the following groups:

- Applicants for admission and employment
- Employees
- Parents/legal guardians
- Unions or professional organizations holding agreements with PPSD

Notice and the Title IX Coordinator's contact information shall be published on PPSD's websites.

GRIEVANCE PROCEDURE FOR REPORTING DISCRIMINATION AND HARASSMENT

PPSD shall have a grievance procedure to ensure prompt and effective investigations into allegations of discrimination, including sexual harassment.

- Any individual who has actual knowledge or knows of allegations of discrimination, including sexual harassment can provide notice to PPSD in person, by mail, by telephone, or by email, using the Title IX Coordinator's contact information and can be made at any time, including non-business hours.
- Any employee who has actual knowledge of sexual harassment or knows of allegations of sexual harassment, must notify the Title IX Coordinator.
- A Complainant may file a Formal Complaint at any time with the Title IX Coordinator.
- In the event that a party other than the Complainant provides the Title IX Coordinator with allegations of sexual harassment or discrimination, the Title IX Coordinator is to sign the complaint triggering an investigation.
- Once a Formal Complaint is filed, an Investigation shall be triggered.

INSTITUTION OF SUPPORTIVE MEASURES

PPSD shall work to provide supportive measures as follows:

- The Title IX Coordinator is responsible for promptly contacting Complainant to discuss the availability of supportive measures, consider the Complainant's wishes, inform the Complainant of the availability of supportive measures with or without filing of a Formal Complaint, and explain the process for filing a Formal Complaint.
- Both Complainant and Respondent shall be treated equitably by PPSD through the offering of supportive measures to both parties and by following the grievance process as provided within this policy.
- Supportive measures are non-disciplinary, non-punitive, individualized services, offered as appropriate and without charge to a Complainant or Respondent. Such measures could include counseling, course modifications, schedule changes and increased monitoring or supervision. These measures are to be designed to restore or preserve equal access to the Education Program or activity without unreasonably burdening the other party.
- The Title IX Coordinator is responsible for promptly contacting Complainant to discuss the availability of supportive measures, consider the Complainant's wishes, inform the Complainant of the availability of supportive measures with or without filing of a Formal Complaint, and explain the process for filing a Formal Complaint.

Supportive measures are non-disciplinary, non-punitive, individualized services, offered as appropriate and without charge to a Complainant or Respondent. Such measures could include counseling, course modifications, schedule changes and increased monitoring or supervision. These measures are to be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party.

EMERGENCY REMOVAL OF STUDENTS

Emergency removal may be granted if PPSD conducts an individualized safety and risk analysis and determines that emergency removal is necessary to protect a student or other individual from an immediate threat to physical health or safety. Immediately upon removal the Respondent shall be afforded an opportunity to challenge the removal decision.

NOTICE OF FORMAL COMPLAINT

Title IX Coordinator shall provide written notice to all parties when a formal complaint has been filed. That notice shall include:

- The grievance process, including any informal resolution process;
- The allegations, including sufficient detail to allow the Respondent to prepare a response;
- A statement that the Respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- The parties' right to have an advisor (who may be an attorney) and to inspect and review evidence; and
- A statement of any provision of the code of conduct that prohibits knowingly making false statements or providing false information in the grievance process.

The Respondent shall be provided notice with sufficient time to prepare a response prior to an initial interview. If the investigation expands, new notice shall be given.

DISMISSAL OF FORMAL COMPLAINT

A Formal Complaint shall be dismissed, and investigation cease if:

- the allegations would not constitute sexual harassment;
- the alleged sexual harassment did not occur in PPSD's education program or activity; or
- the alleged sexual harassment did not occur against a person in the United States.

A Formal Complaint may be dismissed, and investigation cease if:

- the Complainant notifies the Title IX Coordinator at any time that he or she wishes to withdraw the Complaint;
- the Respondent's enrollment or employment ends; or
- specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination.

INFORMAL RESOLUTION

Any informal resolutions are prohibited unless a formal complaint is filed. Upon the filing of a formal complaint, PPSD can offer to conduct an informal resolution without a full investigation so long as both parties are provided written notice of their rights and both parties provide their written,

voluntary consent. No informal resolutions are to be offered in the context of a formal complaint alleging that an employee sexually harassed a student.

INVESTIGATION OF A GRIEVANCE

Upon receipt of a formal complaint, PPSD shall facilitate a prompt investigation. The investigation must allow an equal opportunity for the Complainant and the Respondent to provide information, including witnesses or other evidence, relevant to the investigation of the grievance. Neither party will be restricted from discussing the allegations or gathering and presenting evidence.

The investigator shall provide written notice of the date, time, participants, purpose, and locations of any investigative interview, hearing, or other meeting and shall provide enough time to allow the parties to prepare to participate. Parties shall be provided the same opportunities to have others present during interviews or other related proceedings including an advisor/attorney.

Parties shall be provided at least 10 days to prepare a written response that the investigator must consider along with all evidence collected prior to completing the investigation report. The investigator shall prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to the parties for their review and written response, at least 10 days before a hearing or other determination of responsibility.

In the event that an investigation reveals that the alleged action or actions does 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 PPSD's bullying policies, then the result 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 THE INVESTIGATION AND DETERMINATION

PPSD shall provide each party with the opportunity, after the completion of the investigative report, to submit written, relevant questions that the party wants asked of another party or witness, and provide each party with the answers and provide for limited follow-up questioning.

The Decision Maker shall be an individual other than the Investigator. The Decision Maker shall make determinations based upon the preponderance of the evidence and issue a written determination of responsibility that:

- Identifies the allegations;
- Describes PPSD's procedural steps taken;
- Includes findings of fact;
- Includes conclusions regarding application of the Student Code of Conduct and the Educators Code of Professional Responsibility to the facts;
- For each allegation, includes a statement of, and a rational for, a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to PPSD's educational program or activity will be provided to the Complainant; and
- Includes procedures and permissible basis for appeal.

APPEALS PROCESS

Appeals may be taken by either side for the following reasons:

- Procedural irregularity that affected the outcome;
- New evidence that was not reasonably available at the time of the determination and may have affected the outcome; or
- Conflict of interest on the part of the Title IX Coordinator, Investigator, or Decision Maker that affected the outcome.

The Decision Maker on appeal must be someone other than the Title IX Coordinator, Investigator, or original Decision Maker, appointed by the Board of Directors. PPSD's Appeals Policy will not apply to any appeal taken under this policy.

SANCTIONS

The following sanctions may be imposed upon any member of the community found to have violated this policy.

Student Sanctions

- Warning
- Suspension
- Implementation of PPSD's approved student code of conduct
- Any other sanction as recommended by the Superintendent and authorized by state and federal law and regulation.

Employee Sanctions

- Warning – Written or Verbal
- Implement Performance Improvement Plan
- Required counseling
- Required training or education
- Suspension without pay
- Termination

CONFIDENTIALITY AND RECORD KEEPING

Investigations of discrimination, including harassment, 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 investigations of any complaint under this policy. PPSD shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

All records shall be maintained for a minimum of seven years and shall include a record of why certain actions were or were not taken. All training materials shall be posted on the School's

website.

STATE AND FEDERAL AUTHORITIES

In addition to the process described above, the grieving party 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>