

Harassment Policies

Revised
08/15/13

PROVIDENCE SCHOOL DEPARTMENT POLICY ON **PERSONAL HARASSMENT**

In order to emphasize the importance of mutual respect within our community, the Providence School Department has developed the following policy on personal harassment:

- All members of the Providence School Department community – faculty, staff and students – are expected to treat each other with dignity and respect, and are entitled to freedom from any kind of personal harassment. No form of harassment will be tolerated whether related to race, gender, sexual orientation, ethnicity, nationality, language, religion, physical appearance, physical or mental capacity.
- Harassment is defined as unwelcome, harmful behavior towards another person, which is found to be annoying, bothersome, or physically and/or emotionally injurious.
- Forms of harassment can include verbal/written remarks, symbols, caricatures, physical contact, gestures, innuendo, gossip, phone calls, etc. The important point is that a victim of harassment feels uncomfortable, intimidated, or physically or emotionally hurt as a result of someone else's behavior, regardless of intent.
- The penalties associated with harassment may include an evaluation of the harasser, suspension or expulsion, and possible police/court involvement.
- Anyone who feels he/she is a victim of harassment should bring the matter to the immediate attention of an appropriate school official (your school's Principal), or Charles Ruggerio, Esq., Labor & Employment Counsel, who serves as the district's EEO/Affirmative Action Officer.

A POLICY STATEMENT OF THE
PROVIDENCE SCHOOL DEPARTMENT

SEXUAL ORIENTATION HARASSMENT

It is the Policy of the Providence School Department that no student shall be excluded from, discriminated against, or harassed in any educational program, activity or facility in a public school on account of sexual orientation or perception of same. This policy shall apply to admissions, guidance, recreational and extra-curricular activities as well as all public educational programs, and activities.

Each school is mandated to review programs, services, and activities to assure that such offerings are conducted in a manner that is free of inadvertent or intentional bias. Each school is also urged to prohibit harassment based on sexual orientation through the development and enforcement of appropriate student and staff behavior and disciplinary policies.

EEO/AA Officer will be available to assist schools in the development and implementation of appropriate policies consistent with the School Department's Policy Prohibiting Discrimination Based on Sexual Orientation.

HARASSMENT ON THE BASIS OF SEXUAL ORIENTATION

Harassment on the basis of an individual's sexual preferences or orientation is prohibited. Words, actions, or other verbal, written, or physical conduct which ridicules, scorns, mocks, intimidates, or otherwise threatens any individual because of his or her sexual orientation/ preference constitutes homophobic harassment when it has the purpose of effect of unreasonably interfering with the work performance or creating an intimidating, hostile, or offensive environment.

In order to provide guidance and direction to schools concerning the implementation of this policy, the Providence School Department has developed and will disseminate the following recommendations to its schools:

- 1.) Schools are encouraged to develop policies protecting gay and lesbian students from harassment, violence and discrimination.
- 2.) Schools are encouraged to offer training to school personnel in violence prevention and suicide prevention.
- 3.) Schools are encouraged to offer school-based support groups for gay, lesbian and heterosexual students.
- 4.) Schools are encouraged to provide school-based counseling for family members of gay and lesbian students.

COMPLAINT PROCEDURE

The EEO Officer is charged with the responsibility of accepting and investigating allegations of discrimination and harassment from employees and students that are based on race, sex, age, color, religion, national origin, sexual orientation and disability.

- 1) All allegations and/or complaints shall be received and investigated by the EEO Officer. All complaints must be in writing and describe the action, which has caused the employee or student to believe that there has been discrimination or harassment. The EEO Officer, upon determination that there is reasonable cause to believe that discrimination /harassment has occurred, will attempt to resolve the complaints internally.
- 2) The department administrator/supervisor concerned will be notified of the alleged discrimination or harassment and, within ten days of receipt, shall act upon the charge. Unless the administrator/supervisor is alleged to have committed a prohibited act, whereby the Senior Executive Director of Human Resources shall consider appropriate action.
- 3) The EEO Officer and the Senior Executive Director of Human Resources (in the case of employees) or the Student Affairs Administrator (in the case of students) upon completion of the investigation, shall make a determination of the findings and make recommendations for corrective action to the appropriate parties.
- 4) Should the complaint not be resolved by the EEO Officer and either the Senior Executive Director of Human Resources or the Student Affairs Administrator, then the Superintendent shall be advised and the parties will be advised of other enforcement agencies.
- 5) All complaints filed under this section shall remain confidential except to the extent necessary to conduct a review of the findings.
- 6) The EEO Officer and either the Senior Executive Director of Human Resources or the Student Affairs Administrator shall recommend discipline where appropriate under this section in accordance with the Human Resources policies and procedures or the code of behavior of the Providence School Department.

JORGE O. ELORZA
Mayor

CHRISTOPHER N. MAHER
Superintendent



Providence Public School District
Division of Human Capital
797 Westminster Street
Providence, RI 02903-4045
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fax 401.456.9284
www.providenceschools.org

COMPLAINT FORM

Filed with: Providence School Department Intake Intake Date: _____
Division of Human Capital
797 Westminster Street
Providence, Rhode Island 02903
Phone: (401) 456-9100 x11187; Fax: (401) 456-9284
Raymond.Lambert@ppsd.org

Complainants Name: _____

Address: _____ School: _____

Home Telephone #: _____ Work Telephone #: _____

Name and Position of person (s) against whom the charge is made:

Statement of alleged facts:

Witnesses to the alleged facts: _____

Have you filed a complaint with any other office or agency? () YES () NO

If so, please list name: _____

The above statement is true to the best of my knowledge and belief.

Signature of Complainant Date

Person receiving complaint Date

An Equal Opportunity Employer. The Providence School Department does not discriminate on the basis of race, age, sex, religion, sexual orientation, gender identity or expression, national origin, color, disability or veteran status. Vision: The Providence Public School District will be a national leader in educating urban youth. Mission: The Providence Public School District will prepare all students to succeed in the nation's colleges and universities, and in their chosen professions.

HARASSMENT

Harassment in school occurs when a student or adult's behavior or inappropriate language creates a hostile, offensive or intimidating school environment. A single incident, depending on its severity, may constitute illegal harassment.

A hostile, offensive or intimidating school environment may be created by behaviors such as the following:

- Degrading, demeaning, insulting or abusive verbal statements or writings of a sexual or racial nature or related to a student's race, color, religion, national origin, ethnic background, gender, sexual orientation or disability;
- Graffiti, slogans or other visual displays (such as swastikas and burning crosses) which contain racial, ethnic, religious slurs or insults based on the student's gender, sexual orientation or disability;
- Treatment of a student in a more or less favorable way because the student submitted to or rejected sexual advances or requests for a social relationship; and
- Unwelcome sexual advances, including same-gender harassment.

DISCRIMINATION

Every student is entitled to equal educational opportunities. A student may not be subjected to discipline or more severe punishment for wrongdoing nor denied the same rights as other students because of his or her race, color, religion, national origin, ethnic background, gender, sexual orientation or disability, including in:

- Course Registration
- Guidance Counseling and Course Instruction
- Extra-Curricular Activities and Athletic Programs

Student with Disabilities

Students with disabilities are protected under federal and state law from discrimination. Such students are entitled to: (1) have their programs and activities in a physically accessible location; (2) be ensured "effective communication," including, where necessary, the provision of additional aids and services; and (3) reasonable modification of a school's policies and practices, where necessary, to receive an equal opportunity education. Students with special educational needs may be entitled to an individualized educational program (IEP).

HATE CRIMES

You have the right to attend school without being the victim of physical violence, threats of harm, intimidation or damage to your personal property. A hate crime occurs when you or a fellow student is targeted for physical assault, threat of bodily harm or intimidation, at least in part because you are a member of a different race, color, religion, ethnic background, national origin, gender or sexual orientation from the offender or because you have a disability.

Certain types of language or conduct may indicate the potential that a hate crime has occurred. Some indicators that a crime was hate-motivated include:

- Use of racial, ethnic, religious, sexual or anti-gay slurs;
- Use of symbols of hate, such as a swastika or a burning cross;
- Similar behavior by the wrongdoer toward other students from the same racial, ethnic or religious group or against students of the same sexual orientation or gender; and
- Where the incident occurs while the victim was participating in an activity promoting a racial, religious, ethnic/national origin, disability, gender or sexual orientation group, such as a meeting of the National Association for the Advancement of Colored People (NAACP), membership in a students' gay rights alliance or in a disability rights demonstration.

Hate crimes most frequently occur in the following ways:

- A physical attack or a threat of bodily harm, on the basis of a student's race, color, religion, national origin, ethnic background, gender, sexual orientation or disability;
- Intimidating or threatening language based on a student's race, color, religion, national origin, ethnic background, gender, sexual orientation or disability; or

Damage to a students' personal property or belongings because of the student's race, color, religion, national origin, ethnic background, gender, sexual orientation or disability

**WHAT YOU SHOULD DO IF YOU ARE
A VICTIM OF HATE CRIME, HARASSMENT OR
DISCRIMINATION**

If you have been physically attacked, threatened with physical harm or discriminated against while in school or while participating in a school-related activity, because of your race, color, religion, national origin, ethnic background, gender, sexual orientation or disability, or if you witness these acts against another student:

Notify your local police in an emergency or if you or another student's personal safety is in danger.

- In all circumstances where you are the subject of any serious incident of harassment or any incident involving intimidation, threat of violence or physical attack, you should notify a school official (your school's Principal).
- For non-serious forms of harassment or discrimination only, you may want to try to speak with the person you feel has harassed you or discriminated against you – for example, the teacher, coach, other student or administrator – to request that the offensive conduct stop. **Only do this if you feel safe and are comfortable doing so.** If you do not feel safe or comfortable doing this alone, ask someone you trust – such as a parent, a good friend, a family member, the school nurse, a teacher or your guidance counselor – to accompany you.
- Talk about the situation with your parents, your guardian or another adult whom you trust.
- If there is still a problem, make an appointment with your school principal to explain why you believe your rights have been violated.
- If your principal feels that your rights are not being violated, or if you are unable to meet with him or her, talk with the EEO/Affirmative Action Officer.
- If you still feel that your concerns are not being appropriately addressed, you may file a formal complaint with your school superintendent and the school committee. Your school committee must respond to you in writing within 30 days of your filing a complaint.
- You may also request an investigation of your complaint by contacting the Rhode Island Human Rights Commission or the EEO/Affirmative Action Officer who handles harassment and discrimination complaints in your school district.

TITLE IX

- 1) In March of 1997, the Office of Civil Rights for the U.S. Department of Education release new guidelines for educators on Title IX, the federal statute that bars sex discrimination in public schools that receive federal funding. For the first time, these guidelines make clear that one form of anti-gay harassment in schools – namely harassment that creates a sexually hostile environment – is illegal under Title IX.

- 2) Although Title IX does not prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian students may constitute sexual harassment prohibited by Title IX. For example, if students heckle another student with comments based the student's sexual orientation (e.g., "gay students are not welcome at this table in the cafeteria"), but their actions or language does not involve sexual conduct, their actions would not be sexual harassment covered by Title IX. On the other hand, harassing conduct of a sexual nature directed toward gay or lesbian students (e.g., if a male student or a group of male students target a lesbian student for physical sexual advances) may create a sexually hostile environment and, therefore, may be prohibited by Title IX. It should be noted that Rhode Island prohibits discrimination on the basis of sexual orientation. Also, under certain circumstances, courts may permit redress for harassment on the basis of sexual orientation under other Federal legal authority. As an example of alternative protections under federal law the guidelines cite the school harassment case, *Nabozny v. Podlesny*, 92 F. 3d 446 (7th Cir. 1996), in this case federal equal protection law was used to challenge public schools officials' failure to take action against anti-gay abuse in a school, resulting in a near-million dollar recovery from the officials.

- 3) Title IX is a federal statute taken very seriously by educators around the country, because it can be a basis for legal liability for schools (and payment of monetary damages), either through complaint to the Office of Civil Rights ("OCR") or in court. Accordingly, it is likely that after this important precedent educators in general will now consider anti-gay harassment more seriously than in the past. The bottom line is this: there are different sources of law to challenge anti-gay harassment in general in schools, but where the harassment is specifically "of a sexual nature", it may be illegal under Title IX and the school may be liable for monetary damages. In addition to liability under Title IX, schools may incur liability for harassing conduct by school employees, teachers, and student under federal and state constitutional law as well as under federal, state and local anti-discrimination laws.