



# Cumberland School Department Policy Manual

STUDENTS

J

HARASSMENT: PERSONNEL/STUDENT RIGHTS AND RESPONSIBILITIES

J-8; Cross reference with G-2

## **PURPOSE**

It is the policy of the Cumberland School Department to maintain an educational and working environment free from unlawful harassment based on gender, race, color, religion, national origin, ancestry, age, sexual orientation, pregnancy, physical or mental disability, citizenship, genetic information, veteran status, gender expression and/or identity, or any other class protected by federal, state or local laws ("Harassment"). The Cumberland School Department prohibits such Harassment, whether at school, school assignments outside of the school, or at school-sponsored functions. All employees, as well as students, visitors, volunteers and contractual agents are prohibited from engaging in harassment of School Department employees, students, visitors, volunteers and contractual agents.

Harassment is unlawful and can be destructive of student and employee morale, and by extension, the work and educational climate. In addition, Harassment impacts the school and department involved. The school or department may experience an atmosphere of fear, intimidation, declining work productivity, office morale and/or reputation for being unwelcoming to certain students or employees. Therefore, no act of Harassment by an employee of the Cumberland School Department is within the scope of his/her authority. Any employee found to have engaged in Harassment will be subject to disciplinary action, up to and including termination of employment.

In addition, any Cumberland School System student found to have engaged in an act or pattern of Harassment may be subject to disciplinary action, up to and including expulsion. Any such Harassment is unacceptable.

Recognizing both the seriousness and sensitivity of the issue, the Cumberland School Department will mount efforts, both formal and informal, to heighten awareness and understanding on the part of students and employees of the issues involved in Harassment and the urgency with which the Cumberland School Committee views it as a potentially pernicious and debilitating force in the school system.

The Cumberland School Department will administer all provisions of this policy without regard to race, religion, color, national origin, gender, age, disability, genetic information, sexual orientation or membership, participation in, or association with the activities of any bargaining unit or any other class protected by federal, state or local laws.

## **SCOPE**

This policy applies to any and all of the School Department's operations.



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## RESPONSIBILITY

The Superintendent and/or his/her designee, has overall responsibility for the implementation of this policy.

The Superintendent and/or his/her designee and building administrators are responsible for the implementation and daily administration of this policy.

The Superintendent, building administrators and administrators at all levels are responsible for enforcing this policy and for assisting in investigating and processing employee and/or student complaints with the utmost priority, consideration and confidentiality for the rights of all concerned. Teachers are equally responsible for enforcing this policy as it applies to students.

Every employee is responsible for promptly reporting to his/her supervisor or the Superintendent and/or his/her designee, any incident of Harassment that he/she is subjected to, witnesses or has credible information that an act covered by this policy is or has taken place.

Every student is responsible for promptly reporting to his/her teacher, building administrator or other adult of his or her choosing within the School Department any incident of Harassment that he/she is subjected to, witnesses or has credible information that an act covered by this policy is or has taken place. The Department will maintain the highest degree of confidentiality possible with respect to such reports, consistent with its obligations to investigate thoroughly and will report its findings in a timely manner.

## DEFINITION OF HARASSMENT

“Harassment” includes communicating, sharing or displaying written or visual material or making verbal comments or engaging in any other conduct which is demeaning or derogatory to a person because of his or her gender, race, color, religion, national origin, ancestry, genetic information, age, sexual orientation, pregnancy, physical or mental disability, citizenship, veteran status, gender expression and/or identity, or any other class protected by federal, state or local laws, including material, comments or conduct intended as humor. The use of Cumberland School Department’s facilities, property or equipment to disseminate, duplicate or display such materials is prohibited.

Sexual harassment includes an instance or instances of unwelcome sexual advances, requests for sexual favors in exchange for favorable treatment or continued employment, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational advancement; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual: or



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3. Submission to or rejection of such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

Sexual harassment may also include explicit sexual propositions, sexual innuendo, suggestive comments, sexually-oriented kidding or teasing, practical jokes, jokes about gender specific traits, foul or obscene printed or visual material, gift giving and physical conduct which intrudes upon the privacy of another's body.

## **ISSUANCE AND CIRCULATION OF POLICY STATEMENT**

The Superintendent and/or his/her designee, is responsible for publicizing this policy to all employees. All employees will receive a copy of this policy.

The building administrators are responsible for publicizing this policy to all students of an appropriate age by inclusion in Student Handbooks and by insuring full discussion in the health curriculum.

The Superintendent and/or his/her designee, is responsible for informing all employees, at the time that this policy is adopted by the Cumberland School Committee and for any subsequent amendments. The notice will emphasize the importance of the policy to the Department, the obligation of every student and employee to report any incident of Harassment, the availability of administrators and other staff members to receive such reports and the confidentiality with which these reports will be treated.

## **EMPLOYEE REPORT AND INVESTIGATION PROCEDURES**

Employees are expected to report Harassment to an administrator at the school, or the Director of Human Resources or the Superintendent, with offices located at 2602 Mendon Road, Cumberland, RI 02864. Persons responsible for reporting are the victim, anyone who witnessed any act covered by this policy and anyone with credible information that an act covered by this policy is or has taken place.

Any person receiving such report of Harassment will promptly inform the Superintendent and/or his/her designee, of any report.

The Superintendent and/or his/her designee will thoroughly investigate the report of Harassment as expeditiously as possible, keeping the matter as confidential as practicable. After investigation, he/she will take whatever action is necessary to remedy any harm done by a proven instance of Harassment and the complaining employee will be notified that an action has been taken. If, after investigation, the Superintendent and/or his/her designee is unable to establish that any act of Harassment has occurred, he/she will meet with the complaining employee(s) individually to explain both the results of the investigation and the School Department's policy on Harassment.



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In addition to or instead of complaining to the above persons, employees have the right to file a charge of discrimination with the federal and state agencies responsible for enforcing the laws against illegal workplace harassment. The names and addresses of those agencies are listed below. Employees should be aware that the time period for filing a charge begins to run from the last date of unlawful harassment and not from the date that the complaint to the Company is resolved.

Rhode Island Commission for Human Rights  
180 Westminster Street  
Providence, RI 02903  
(401) 222-2661

Equal Employment Opportunity Commission  
One Congress St., Room 1001  
Boston, MA 02114  
(617) 565-3200

## **STUDENT REPORT AND INVESTIGATION PROCEDURES**

Students are expected to report Harassment to their teacher, building administrator or other adult of their choosing within the School Department.

The teacher, building administrator or other adult must promptly inform the building administrator and/or Superintendent and/or his/her or their designee of any report of Harassment.

The building administrator and/or Superintendent and/or his/her designee will thoroughly investigate the report of Harassment as expeditiously as possible, keeping the matter as confidential as practicable. All investigations of Harassment involving students and all actions taken thereto shall take into consideration the age of the students involved. After investigation, the building administrator and/or Superintendent and/or his/her designee will take whatever action is necessary to remedy any harm done by a proven incident of Harassment and the complaining student shall be notified that an action was taken. If after investigation, the building administrator and/or Superintendent and/or his/her designee are unable to establish that any act of Harassment has occurred, they will meet with complaining student(s) and with the complained against student(s) or employee(s) individually to explain both the results of the investigation and the School Department's policy on Harassment.

It is the responsibility of every student to cooperate fully with any investigation under this policy.

Parents of students involved in incidents of Harassment shall be advised of any investigation by the Superintendent and/or his/her designee and the results of that investigation.



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## **FREEDOM FROM RETALIATION**

Any member of the Cumberland School Department community has the right to raise concerns or file a complaint of Harassment without fear of retaliation. It is unlawful and it is a violation of School Department policy to retaliate against an individual for filing a complaint of Harassment or for cooperating in a Harassment investigation. Any person who retaliates against an individual reporting Harassment, filing a Harassment complaint, or participating in a Harassment investigation is subject to disciplinary action, up to and including expulsion from school or termination of employment.

*Amended and Approved by Policy & Procedures Sub-Committee: 12/10/2013*

*Amendments Approved by Cumberland School Committee: 12/12/2013*

*Amended and Approved by Policy & Procedures Sub-Committee: 3/11/2014*

*Amendments and Approval by Cumberland School Committee: 3/14/2014*

*Amended and Approved by Policy & Procedures Sub-Committee: 12/6/2016*

*Amendments Approved by Cumberland School Committee: 12/8/2016*

*Amended and Approved by Policy & Procedures Sub-Committee: 10/23/2018*

*Amendments Approved by Cumberland School Committee: 10/25/2018*