



## **POLICY**

### **RHODE ISLAND SCHOOL FOR THE DEAF TITLE IX POLICY AND GRIEVANCE PROCEDURES**

---

#### **Discrimination Based on Sex Prohibited**

The Rhode Island School for the Deaf (“School”) is committed to maintaining an education environment that is safe, supportive, and free from discrimination based on sex, including sexual harassment.

This Policy, which is adopted pursuant to Title IX of the Education Amendments of 1972 ("Title IX"), prohibits discrimination based on sex, including sexual harassment, in connection with all of the academic, extracurricular, athletic, and other programs of the School, including virtual or remote teaching and learning, whether on or off school grounds, including on school buses, at sports games, and on field trips. The Policy applies when conduct violates the Policy itself, and/or when the effects of the misconduct limit or deny a person’s access to the School’s education programs and activities.

The Title IX Grievance Procedures apply only to allegations of conduct that meet basic foundational requirements established under 34 C.F.R. §§ 106.30 and 106.45, known as “jurisdictional” requirements. Specifically, for the procedures to apply, the reported conduct must constitute Title IX Prohibited Conduct, must have occurred within the School’s education program or activity in the United States, and the Complainant must be participating in, or attempting to participate in, an education program or activity of the institution at the time a Formal Complaint is filed. If a report of sex-based misconduct does not meet these requirements, the Title IX Coordinator will assess the matter and may refer or resolve the report under another prompt, equitable, and appropriate process. Regardless of whether Title IX jurisdiction is established, the institution will address all reported sex-based misconduct that may impact or interfere with the safety, well-being, or equal access to educational opportunities for any member of the community.

#### **Title IX Prohibited Conduct**

*Sexual Harassment* – Unwelcome conduct on the basis of sex that satisfies one or more of the following three categories: (a) Quid Pro Quo Sexual Harassment; (b) Hostile Environment Sexual Harassment; and/or (c) Sex-Based Crimes:

- *Quid Pro Quo Sexual Harassment*: When an employee of the institution conditions the provision of an aid, benefit, or service of the institution on the individual's participation in unwelcome sexual conduct; or
- *Hostile Environment Sexual Harassment*: Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the School's education program or activity; or
- *Sex-Based Crimes* occur when conduct constitutes "sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
- *Sexual Assault* includes the sex offenses of Rape, Fondling, Incest, and Statutory Rape.
  - *Rape* – Anal, oral, or vaginal penetration, no matter how slight, with any body part or object, without the effective consent of the complainant, including instances in which the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - *Fondling* – (1) The intentional touching of the clothed or unclothed body parts without consent of the complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation, or (2) the forced touching by the complainant of the respondent's clothed or unclothed body parts, without consent of the complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the complainant is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
  - *Incest* – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by state law.
  - *Statutory Rape* – Sexual intercourse between an adult (age 18+) with a person who is under the statutory age of consent (the age of consent in Rhode Island is 16 years old).
- *Dating Violence* – Violence committed by a respondent who is in or has been in a social relationship of a romantic or intimate nature with the complainant, where the existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship, type of relationship, and frequency of the interaction between the parties involved in the relationship.

- *Domestic Violence* – Violence committed by a person who: is a current or former spouse or intimate partner of the complainant under the family or domestic violence state laws, or a person similarly situated to a spouse of the complainant; is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner; shares a child in common with the complainant; or commits acts against a youth or adult complainant who is protected from those acts under the family or domestic violence state laws.
- *Dating Violence* and *Domestic Violence* may apply to any pattern of coercive behavior that is used by one person to gain power and control over a current or former intimate or dating partner. This pattern of behavior may include, but is not limited to, physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, technological abuse, stalking, isolation, and/or economic control.
- *Stalking* – Engaging in a course of conduct on the basis of sex, that is directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, “course of conduct” means a pattern of conduct composed of two or more acts, evidencing a continuity of purpose, and “substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **Relevant & Related Definitions**

*Complainant* – A person who is alleged to be the victim of conduct that could constitute sexual harassment. To file a Formal Complaint initiating the Title IX grievance process, the Complainant must have been participating or attempting to participate in the School’s education programs and/or activities at the time of filing a Formal Complaint.

*Respondent* – A person who has been reported to be the perpetrator of conduct that could constitute sexual harassment. A Respondent can be another student, a teacher, an administrator, any other School employee, or a third party. Respondents will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

*Reasonable Person* – A hypothetical individual with similar identities and under similar circumstances to the relevant Party, whose perspective is used to evaluate the conduct at issue. The reasonable person standard considers how such an individual, accounting for the totality of the circumstances, would perceive or experience the situation. In applying this standard, the institution may assess conduct from the standpoint of a reasonable person with similar identities to the Complainant (e.g., in cases involving alleged stalking) or with similar identities to the Respondent (e.g., in cases involving alleged incapacitation). This evaluation takes into account the individual’s background, the context of the interaction, and the dynamics between the Parties involved.

*Coercion* – The use of an unreasonable amount of pressure to initiate or continue sexual activity against an individual’s will. Coercion is more than an effort to gain consent, persuade, entice, or attract another person to engage in sexual activity. If coercion, intimidation, threats, and/or physical force is used, there is no consent.

*Consent* – Conscious, informed, freely and voluntarily given communication through mutually understandable words, signs, or actions that clearly indicates a willingness to participate in a specific, mutually agreed-upon sexual activity. Consent must be expressed through communication that is accessible to all Parties and may be conveyed verbally, in sign language, or through other clear affirmative actions. For purposes of this provision, (a) it is the responsibility of the person seeking to initiate sexual contact or activity to obtain such consent, not of the intended recipient of such contact or activity to deny such consent, and (b) valid consent cannot be obtained from a person whose ability to make decisions is incapacitated by alcohol, drugs, or other intoxicants or by mental or physical condition; who is unaware that the sexual contact or conduct is being committed; or who is compelled or coerced to grant consent by force, threat of force, deception, or supervisory or disciplinary authority. Consent is evaluated from the perspective of what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent. Consent can also be withdrawn once given. The individual seeking to withdraw consent must reasonably and clearly communicate the withdrawal. If consent is withdrawn, sexual activity should cease within a reasonably immediate time. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred, and any similar and previous patterns that may be cited as evidence.

*Force* – The use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent. Force also includes threats, intimidation (implied threats), and/or coercion that is intended to overcome resistance or produce consent.

*Incapacitation* – A state where a person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction), provided that the Respondent knew or reasonably should have known of the person’s incapacity. A person cannot consent if they are unable to understand what is happening, disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption. This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

*Violence* – Unwelcome conduct that intentionally or recklessly causes the Complainant physical, emotional, or psychological harm. Legitimate use of violence for self-defense is not chargeable under this Policy because the purpose is safety, not harm.

## **Title IX Coordinator**

The School shall designate an employee to serve as the Title IX Coordinator. The Title IX Coordinator is responsible for coordinating the School’s response to complaints of sex-based discrimination. All questions regarding Title IX or this Policy may be referred to the Title IX Coordinator.

The School shall maintain up-to-date information about the Title IX Coordinator, including their name, title, office address, and contact information, on its website and in student handbooks.

Inquiries about discrimination on the basis of sex and Title IX may be referred to the School's Title IX Coordinator and/or the U.S. Department of Education. The School's current Title IX Coordinator may be reached by contacting:

Mary Pendergast

[mpendergast@rideaf.net](mailto:mpendergast@rideaf.net)

Director of Special Education Services & Title IX Coordinator

401-243-1026

## **Reporting Discrimination and Harassment**

The following procedures apply to students and all employees of the School alleging sex-based discrimination, including sexual harassment.

Any employee who becomes aware of conduct that may violate this policy must immediately notify the Title IX Coordinator, even if no Formal Complaint has been filed, and even if a Complainant requests that the employee do nothing. *An employee's failure to notify the Title IX Coordinator of conduct that may violate this policy is its own violation of this policy and may result in discipline.*

In addition, any other person, including students, may report sex discrimination, including sexual harassment, even if the person reporting is the person alleged to have been the victim of the conduct. A minor student's parent or guardian (including the parent or guardian of a minor complainant, minor respondent, or minor third party) may act on the student's behalf at any point in the School's reporting, investigation, and/or grievance processes.

### *1. Where to report.*

Reporting may be to the Title IX Coordinator or to any trusted employee of the School, such as the Director, an administrator, paraprofessional, extracurricular advisor, or teacher, including the school nurse, counselor, or social worker.

### *2. When to report.*

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

### *3. How to report.*

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

- The Complainant's name (if the person making the report is someone other than the Complainant, include the reporting person's name as well);
- The name of the alleged Respondent;
- A description of the conduct, including the date, time, and location;
- The names of any witnesses; and
- Requested supportive measures, if any.

## **Initial Response to Allegations/Reports of Sex Discrimination and Harassment**

Once the School is on notice of an allegation/report of conduct that may violate this policy, the Title IX Coordinator will contact the Complainant promptly to discuss the availability of supportive measures. The Title IX Coordinator will consider the Complainant's requested supportive measures, if any.

The Title IX Coordinator will also explain the Complainant's option to file a Formal Complaint, and the process for filing a formal complaint. The Title IX Coordinator will explain that the School may have a legal obligation to investigate certain allegations in a Formal Complaint, and

that if a Formal Complaint is not filed, the School may nevertheless investigate the report (either under this or another applicable policy).

Upon receiving a report of Title IX Prohibited Conduct, the School can act to remove a Respondent from its education program or activities, partially or entirely, on an emergency basis, provided that the recipient undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Additionally, the School may place a non-student employee respondent on paid administrative leave during the pendency of a grievance process. This provision may not be construed to modify any rights under state law governing the out of school suspensions of public school students as set forth in R.I. Gen. Laws §§ 16-2-17 & 17.1, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

### **Formal Complaints**

A formal complaint is a written document or electronic submission (such as an e-mail) that alleges sexual harassment against a Respondent and requests that the School conduct an investigation into the allegation and that is signed. A Complainant (or their parent or guardian) can file a Formal Complaint with the Title IX Coordinator in person, by mail, or by e-mail. The Title IX Coordinator can also sign a Formal Complaint on behalf of a Complainant.

Formal Complaints will be investigated and decided according to the procedures set forth below. These procedures are intended to ensure that all investigations and adjudications are:

1. Equitable. This means that both parties will have the same opportunities to present their account to the investigator, to present evidence, and to be accompanied by an advisor (which could be a parent, attorney, or other person of the party's choosing) during every step of the grievance process.
2. Objective. This means that the investigator will be free from actual or perceived bias or conflict of interest. It also means that the investigator will consider both inculpatory and exculpatory evidence; that credibility determinations will not be based on a person's status as a complainant, respondent, or witness; and that the School will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, legally privileged information.
3. Thorough. Investigations and adjudications will be conducted in a comprehensive and fact-driven manner. The burden of collecting evidence rests on the institution rather than on either party. This includes making reasonable efforts to obtain relevant information, interviewing all pertinent witnesses, reviewing both inculpatory and exculpatory evidence, and following up on information provided by either party when appropriate. The investigator will seek clarifying details when necessary and will document the steps taken and information considered. All findings and determinations will reflect a careful and complete assessment of the totality of the circumstances.

4. Prompt. Temporary delays will be only for good cause (such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities).

The School must dismiss a Formal Complaint for purposes of the Title IX grievance process if the allegations, even if proven, would not constitute Title IX sexual harassment as defined under this Policy, if the alleged conduct did not occur within the School's education program or activity, or if the alleged conduct occurred outside of the United States. In addition, the School may dismiss a Formal Complaint or any of its allegations if the Complainant submits a written request to withdraw the complaint or specific allegations, if the Respondent is no longer enrolled in or employed by the School, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination. A dismissal under this section applies only to the Title IX grievance process; however, the reported conduct may still be addressed under another applicable institutional policy or procedure in order to stop the behavior, prevent its recurrence, and remedy its effects.

If the School dismisses a Formal Complaint, the Title IX Coordinator will notify all parties. A party may appeal the School's decision to dismiss a Formal Complaint by following the Appeals Process set forth below. The complaint may also be referred for investigation and possible disciplinary action pursuant to other applicable School policies.

### **Consolidation of Formal Complaints**

The School may consolidate Formal Complaints involving multiple Complainants or multiple Respondents when the allegations arise out of the same facts or circumstances or involve a pattern, collusion, or other shared or similar actions. Consolidation may occur at any stage of the grievance process when it promotes efficiency, fairness, and a comprehensive resolution of the issues. When complaints are consolidated, all parties will be afforded the same rights, access to information, and protections provided under this Policy.

### **Counter-Complaints**

The School shall permit the filing of counter-complaints; however, the School shall ensure that the grievance process is not abused for retaliatory purposes. The Title IX Coordinator will conduct an initial assessment to determine whether the counter-complaint is submitted in good faith. Counter-complaints that are not made in good faith will be dismissed accordingly and may be treated as potential retaliation under this Policy. Counter-complaints determined to be made in good faith will be processed under the same grievance procedures as the original complaint. At the Title IX Coordinator's discretion, such matters may be investigated concurrently with, or subsequent to the investigation of the initial complaint. The Title IX Coordinator may consolidate complaints when appropriate and when the allegations arise out of the same set of facts or meet the criteria for consolidation outlined in this Policy.

### **Collateral Misconduct**

Collateral misconduct includes other forms of prohibited conduct that occur in conjunction with alleged violations of this Policy or that are discovered during the investigation and are reasonably addressed through a single resolution process. Such collateral charges may be

investigated and resolved jointly with the Title IX allegations, at the discretion of the Title IX Coordinator. The Title IX Coordinator may consult with other School officials who typically oversee such conduct to determine the appropriate charges, but the decision to pursue collateral misconduct within the Title IX process remains within the Title IX Coordinator's discretion. Allegations of misconduct that are unrelated to conduct covered by this Policy will typically be addressed separately under the applicable student or employee policies and procedures.

### **Supportive Measures**

Supportive measures are non-disciplinary and non-punitive individualized services offered equitably and without fee or charge to both the Complainant and the Respondent, as appropriate and reasonably available. Such measures are designed to (1) restore or preserve access to the School's education programs and activities, (2) protect the safety of all parties and the educational environment, (3) deter discrimination, harassment, or retaliation, and/or (4) support either party during the grievance procedures under this Policy.

Supportive measures may be provided regardless of whether a Formal Complaint is filed. The School shall promptly contact the Complainant to discuss available supportive measures, and supportive measures are also available to the Respondent upon request or when reasonably necessary to preserve access to educational programs or protect safety.

Examples of supportive measures include but are not limited to: counseling; extensions of deadlines or course-related adjustments; modifications to work or class schedules; campus escort services; mutual restrictions on contact between the parties; and other academic, residential, or workplace accommodations.

### **Investigation and Adjudication of Formal Complaints**

The School will provide prior written notice of the investigation to all parties (known as a Notice of Investigation and Allegations Letter). The notice will include, among other things, a copy of this Policy and a clear statement of the specific allegations. At a minimum, the notice will specify the identities of the parties involved, the conduct allegedly constituting sex-based discrimination or sexual harassment, the date and location of the incident, reference to the specific policy(ies) allegedly violated, the name and role of the investigator, a summary of the steps in the grievance process, a note that both parties may have an advisor of their choice (who may be an attorney) who may accompany them to any meeting or proceeding, a statement that the parties will be provided with an equal opportunity to present witnesses and evidence, notice that the parties will have the opportunity to review and respond to all evidence directly related to the allegations prior to the conclusion of the investigation, a statement that the Respondent shall be presumed not responsible for the alleged conduct until a final determination is made at the conclusion of the process, information about retaliation, including a specific statement that retaliation is prohibited and how to report it, how to request disability accommodations and information about the availability of informal resolution (in certain situations) and that it is not available in cases involving employee-student allegations, and instructions on how to raise concerns about potential bias or conflicts of interest involving the Title IX Coordinator, the Investigator, Decision-maker(s), or Facilitator(s).

The Title IX Coordinator will select an investigator to conduct an investigation into the allegations in the formal complaint. In some instances, the investigator may be an outside investigator.

The investigator will interview the Complainant, the Respondent, and any witnesses, and gather evidence (including documents and electronic data), as appropriate. Examples of evidence that the investigator may consider include e-mails, text messages, social media, photographs, videos, surveillance footage, and medical reports (in cases where a party chooses to waive the privilege covering them). The parties will be permitted to bring an advisor, such as a parent, guardian, counselor or an attorney, with them to interviews, meetings and hearings.

Before completing an investigative report, the investigator will offer both parties the opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. Both parties will have ten (10) days to submit a written response to the evidence, which the investigator will consider prior to completion of the investigative report.

The investigator will create an investigative report that fairly summarizes relevant evidence, and send copies of the report to both parties (and their advisors, if any) for their review and written response.

The investigator will provide a copy of the final investigative report and evidence packet as well as the parties' written responses (if any) to the School's Director, who will act as decision-maker. The decision-maker will offer each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness. The decision-maker will then provide each party with the answers and allow for additional, limited follow-up questions from each party.

The decision-maker will apply a preponderance of the evidence standard to determine whether the alleged sexual harassment occurred. The decision-maker will issue a written decision to both parties at the same time.

If the decision-maker finds that the alleged misconduct occurred, the decision-maker will also determine the appropriate disciplinary consequence for the respondent and the appropriate remedies to address safety, prevent recurrence, and restore or preserve the complainant's equal access to the School's education programs and/or activities. The Title IX Coordinator, possibly in connection with other departments or divisions within the School, will be responsible for implementing the disciplinary consequences and remedies.

### **Option for Informal Resolution**

Where appropriate in light of the nature of the allegations and facts involved, the School may offer the parties the option to pursue an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. All parties must voluntarily agree to the informal resolution after receiving a full written disclosure of the allegations and their options for formal resolution. *The School does not allow informal resolution for matters involving employees and students.* The School will ensure that any individual serving as an informal resolution

facilitator is impartial, appropriately trained, and has no prior involvement in the matter, including having served as the investigator.

### **Appeals Process**

Either party may appeal from the School's decision to dismiss a Formal Complaint or from the decision-maker's determination of responsibility. The appealing party must submit their appeal, in writing, to the Director within ten (10) days of receiving the notice of dismissal or determination of responsibility.

Appeals will only be allowed for the following reasons:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination of responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will be notified of the appeal in writing and will have the opportunity to submit a written statement in support of or challenging the outcome. Appeals will be decided by an appellate decision-maker who shall be assigned by the Director. The outcome of the appeal will be in writing and issued to both parties at the same time.

### **Confidentiality**

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

### **Disciplinary Sanctions and Remedies**

The School must take other appropriate prompt and effective steps to ensure that Prohibited Conduct does not continue or recur within the School's education programs and/or activities. Following a determination of responsibility, the School will implement a range of disciplinary sanctions and remedies, as appropriate to the specific findings and circumstances of the case. Sanctions are designed to be educational, restorative, and/or disciplinary in nature, and may vary in severity based on the conduct and impact. Remedies are designed to restore or preserve the complainant's equal access to the institution's education programs or activities.

Possible disciplinary sanctions and remedies include, but are not limited to, the following:

#### ***Possible Disciplinary Sanctions for Students***

- Written warning or reprimand
- Required educational programs or training
- Probation

- Loss of privileges or restrictions on extracurricular, athletic, or other school-sponsored activities or events
- No-contact orders
- Changes in classroom assignment or scheduling
- Suspension (in-school or out-of-school)

### ***Possible Disciplinary Sanctions for Employees***

- Written warning or reprimand
- Required educational programs or training
- Probation
- Loss of privileges or restrictions on school-sponsored activities or events
- No-contact orders
- Changes in work assignment or scheduling
- Suspension (with or without pay)
- Termination of employment

### ***Possible Remedies***

- Academic support or accommodations
- Extensions of deadlines or course-related adjustments
- Modifications of class schedules, work assignments, etc.
- Increased monitoring or supervision in certain areas
- Campus escort services or safety planning
- Counseling or other supportive resources
- Other measures designed to restore or protect access to educational opportunities

The School retains discretion to implement any other appropriate, proportional, and legally permissible sanction or remedy based on the circumstances of the case. Sanctions and remedies will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any Appeal or the expiration of the window to Appeal, without an Appeal being requested. Respondents are responsible for knowing, completing, and/or adhering to any and all deadlines, dates, and assignments as determined by the decision-maker(s). It is not the responsibility of the decision-maker(s) to follow up with, or subsequently remind, a respondent to complete a sanction. Failure to comply with sanctions will be subject to further disciplinary action.

### **Complaints to External Agencies**

Nothing in this Policy is intended to discourage a Complainant from reporting acts of unlawful sexual harassment or sexual violence to local law enforcement. In the event a Complainant chooses to file a report with local law enforcement in addition to filing a complaint with the School under this policy, then the School will conduct its own investigation, independent of any law enforcement investigation.

In addition, any individual who believes they have been subjected to sex-based discrimination, including sexual harassment and sexual violence, may file a formal complaint with:

The United States Department of Education  
Office for Civil Rights ("OCR")  
Washington DC (Metro)  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1475  
202-453-6020

## **Retaliation and Malicious Reporting Prohibited**

Retaliation means intimidation, threats, coercion, or discrimination against any individual, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing.

The School prohibits retaliation against any individual who makes a report of sex-based discrimination, including sex harassment, or who cooperates in the grievance process. Any individual who believes they have been subjected to retaliation is encouraged to report the retaliation to the Title IX Coordinator or to any other trusted member of the school staff who must promptly report the information to the Title IX Coordinator.

Any individual found to have retaliated against an individual for reporting discrimination or harassment or for cooperating in the grievance process is in violation of this Policy and will be subject to disciplinary action. Similarly, if an investigation results in a finding that the Complainant knowingly and falsely accused another person of discrimination or harassment, the Complainant will be subject to disciplinary action.

## **Employee Training and Requirement of Impartiality**

The Department shall ensure that the Title IX Coordinator and any employee acting as an investigator, decision-maker, or person facilitating an informal resolution process is adequately trained and free from conflicts of interest and bias.

## **Revisions of this Policy**

The Title IX Coordinator reserves the right to propose the making of changes to this document as necessary. If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings. This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

[Title IX of the Education Amendments of 1972]  
[34 C.F.R. § 106.30 et seq.]  
[R.I. Gen. Laws § 16-38-1.1]  
[R.I. Gen. Laws § 16-85-2]