

Ashland School Board Regular Meeting
Ashland Elementary School – Heffernan Media Center
Tuesday, September 3, 2024 @ 6:00 p.m.
Policy Review Committee – 5:30 p.m.

AGENDA

- I. CALL TO ORDER
- II. RECORD ROLL
 - Members Present:
 - Members Absent:
 - Others Present:
- III. PLEDGE OF ALLEGIANCE
- IV. PUBLIC COMMENT – *Opened at _____ p.m.*
- V. MINUTES
 - A. Tuesday, August 6, 2024 Regular School Board Meeting Minutes (Action Item) Mrs. Moriarty (*Attachment #1*)

Motion to approve the minutes of the August 6, 2024 Regular School Board Meeting.

Moved by: _____ Second: _____
Vote: _____
- VI. CURRENT BILLS PAYABLE
 - A. General Operating Expenses (Action Item) Mrs. Moriarty (*Attachment #2*)

Motion to approve the payment of bills, manifest # ____.

Moved by: _____ Second: _____
Vote: _____
- VII. ADMINISTRATIVE REPORTS
 - A. Principal's Report/Enrollment Report (Information Item) Mr. Donnelly, Mrs. Moriarty (*Attachment #3*)
- VIII. OLD BUSINESS
 - A. United States Department of Agriculture (Discussion Item) Mrs. Moriarty

IX. NEW BUSINESS

- A. Durham Transportation Contract Extension (Action Item) Mrs. Dolloff
(Attachment #4)

Motion to approve extending the current contract with Durham Transportation through June 30, 2028.

Moved by: _____ Second: _____

Vote: _____

- B. Class Size (Discussion Item) Mrs. Moriarty (Attachment #5)

X. POLICY

- A. Procedures (Information Item) Mrs. Moriarty (Attachment #6)

- ACAA-R1 - Procedure for Student Discrimination and Harassment Complaint
- ACAA-R2 - Procedure for Student Sex Discrimination and Harassment Complaint
- ACAB-R1 - Procedure for Employee Discrimination and Harassment Complaint
- ACAB-R2 - Procedure for Employee Sex Discrimination and Harassment Complaint

- B. First and Final Readings (Action Item) Mrs. Moriarty (Attachment #7)

Motion to approve first and final reading of the following policies:

- ACAA/JBAA – Harassment of Students
- ACAB/GBAA – Harassment of Employees
- AC – Nondiscrimination/Equal Opportunity and Affirmative Action
- JIE – Pregnant Students

Moved by: _____ Second: _____

Vote: _____

- C. First Readings (Action Item) Mrs. Moriarty (Attachment #8)

Motion to approve the first reading of the following policies:

- DH – Bonded Employees
- DN – Disposition of Books, Supplies and Equipment

Moved by: _____ Second: _____

Vote: _____

D. Second Readings (Action Item) Mrs. Moriarty (*Attachment #9*)

Motion to approve second reading of the following policies:

- ACE – Procedural Safeguards: Non-Discrimination on the Basis of Handicap/Disability
- ACF – Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints
- ADB/GBEC – Drug-Free Workplace & Drug-Free Schools
- IHBA – Programs for Pupils with Disabilities
- IHBA-R – Programs for Pupils with Disabilities – Section 504 – Notice of Parent and Student Rights
- JI – Student Rights and Responsibilities

Moved by: _____ Second: _____

Vote: _____

E. Rescind (Action Item) Mrs. Moriarty (*Attachment #10*)

Motion to rescind the following policies:

- AC-R – Nondiscrimination Plan (rescind as policy; retain as procedure)
- GBAA-R - Employee Discrimination/Harassment & Title IX Sexual Harassment Complaint Procedures (replaced by ACAB-R1 and ACAB - R2)
- JBAA-R – Student Discrimination/Harassment & Title IX Sexual Harassment Complaint Procedures (replaced by ACAA-R1 and ACAA-R2)

Moved by: _____ Second: _____

Vote: _____

XI. PUBLIC COMMENT – Closed at _____ p.m.

XII. NONPUBLIC SESSION

A. Nonpublic Session (Action Item) Mrs. Moriarty

R.S.A. 91-A:3 II(c): This includes matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this Board, unless such a person requests an open meeting.

Motion to enter nonpublic session at _____ p.m.

Moved by: _____ Second: _____

Vote: _____

B. Public Session (Action Item) Mrs. Moriarty

Motion to reenter public session at _____ p.m.

Moved by: _____ Second: _____

Vote: _____

XIII. ANNOUNCEMENTS

A. **Tuesday, October 1, 2024**

Ashland School Board @ Ashland Elementary School - Heffernan Media Center.

- Policy Committee - **5:30 p.m.**
- Ashland School Board Regular Meeting – **6:00 p.m.**

XIV. ADJOURNMENT

Motion to adjourn the meeting at _____ p.m.

Moved by: _____ Second: _____

Vote: _____

Ashland School Board Regular Meeting
Ashland Elementary School – Heffernan Media Center
Tuesday, August 6, 2024 @ 6:00 p.m.
Policy Review Committee – 5:15 p.m.
MINUTES

I. CALL TO ORDER

II. RECORD ROLL

Members Present:

Mr. Stephen Heath, Chair
Mrs. Sandra Coleman, Vice-Chair
Mr. Jesse Farris
Mr. Stephen Felton
Mrs. Jennifer Foote

Administrators Present:

Mrs. Mary Moriarty, Superintendent of Schools
Mrs. Ashley Dolloff, Business Administrator
Mr. Guy Donnelly, AES Principal

Members Absent:

None

Others Present:

Mr. Paul Bemis

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENT – *Opened at 6:01 p.m.*

V. MINUTES

A. Tuesday, June 4, 2024 Regular School Board Meeting Minutes

Two grammatical edits were made to the minutes.

Mr. Felton moved, seconded by Mrs. Foote, to approve the minutes of the June 4, 2024 Regular School Board Meeting.

The motion carried 3-0-2, with Mr. Farris and Mrs. Foote abstaining.

VI. CURRENT BILLS PAYABLE

A. General Operating Expenses

Mrs. Coleman inquired about check #32129, and asked if the amount is for one month. Mrs. Moriarty explained that those are expenses for a specific IEP. Mrs. Dolloff noted the amount listed may be a combination of May and June expenses.

Mrs. Foote inquired about check #32080 where it says, "daycare pest inspection." Mrs. Dolloff clarified that this was an inspection of the school.

Mrs. Foote noted the expenses for newspaper job listings, and asked if the district has any information about how many applicants see advertisements in the newspaper compared with online. Mrs. Dolloff said that sometimes applicants do cite the newspaper as being where they found the job. Mrs. Foote wondered if it is still worth advertising in the paper. Mrs. Dolloff said

that the district is very thoughtful about what positions are advertised in the paper.

Mrs. Foote moved, seconded by Mr. Farris, to approve the payment of bills, manifests #2001 and #2017.

The motion carried 5-0.

VII. OLD BUSINESS

A. **United States Department of Agriculture**

Mr. Bemis has been working with AES through the ventilation project and successfully obtained congressional spending from the USDA in the amount of just over 1.3 million for ASD. The project is to build an envelope around the building to prevent heat loss, increase fuel efficiency, and ultimately impact the budget in a positive way. Initially, the district was under the impression that a 20% match was required, and cashflow was a concern.

Mr. Bemis and Mrs. Moriarty met following the June Board meeting and determined that the 20% match was not necessarily required. They then met with the USDA program specialist and learned that two other school districts are in a similar position, with cashflow and the 20% match being a concern. After meeting with the program specialist, they learned that if a district does not complete the project with \$1.3 million, the 20% match is not required, but the project must be considered complete by USDA standards. Mr. Bemis has indicated that they will design the project in such a way that it falls within the parameters of the USDA funding.

Mrs. Moriarty expressed concern that construction projects are notorious for having unexpected problems arise and suggested having Mr. Bemis sign an agreement stating that if costs exceed 1.3 million, his company would be financially responsible. She acknowledged that this request would involve a significant commitment for them.

At the meeting with the USDA representative, Mrs. Moriarty and Mr. Bemis also addressed the issue of cashflow. The USDA funds are provided as reimbursement for bills that the district has paid already. Mrs. Moriarty made the USDA representative aware that a small school district does not have the ability to be that flexible with spending and cashflow. The representative said she would bring that to her colleagues at the USDA, to discuss the possibility of spending down from a block of money instead of reimbursement.

Mrs. Moriarty explained that there are still questions up in the air, but since there have been some updates since the June meeting, she wanted the Board to be aware of the situation. She acknowledged that Mr. Bemis was present to answer any questions the Board may have.

Mr. Heath noted that the Board had previously discussed the different phases, and asked Mr. Bemis what might happen if we got through Phase 1 but could not then complete Phase 2 or 3 for some reason.

Mr. Bemis explained that Phase 1 involves building the envelope, and this alone would lower the district's energy bills. Phase 2 involves putting in heat pumps, replacing the oil system with air source heat pumps and adding solar to offset the electrical costs associated with rooftop solar. The district could also stop at this phase. Phase 3 would be adding batteries and intelligence to the new system, to get to net zero. Each stage gets the district to a better situation, but each phase stands on its own. There is a good probability the district could get funded for all three phases.

Mr. Heath asked what the time frame would be for each phase. Mr. Bemis shared that each phase would hopefully take one year.

Mr. Bemis shared with the Board some additional details of the project, including how each phase would be completed, the materials that would be used, and how the improvements would help the school building become more efficient.

Mr. Heath asked what would happen if after getting through the design phase and then discovering the cost of further work would be higher than anticipated, and the Board concluded that it does not seem practical, where that would put us with the grant money.

Mr. Bemis said that the USDA would pay for the invoices as they arrive. In that situation, they would pay for the design phase only. The design phase would cost about \$100,000. This phase would also include testing.

Mrs. Moriarty emphasized that it will be important to get answers from the USDA regarding cashflow. She also noted that any time construction is being performed, there is a disruption to the learning environment of students. She suggested that the Board wait to take any action until USDA has provided answers regarding cashflow and reimbursement issues, as well as a clarification of what they consider as a complete project. She emphasized that this is not a good year to go after a funding opportunity that would require a 20% match. The Board concurred.

Mr. Bemis noted that there is a lot of money coming through the Inflation Reduction Act, and there is going to be a continued push from the Department of Education to reduce carbon emissions.

VIII. ADMINISTRATIVE REPORTS

A. **Principal's Report/Enrollment Report**

Mr. Donnelly shared his Principal's Report with the Board.

Ashland Elementary School was recently audited by the NH Department of Education to ensure test compliance this year and met all requirements set by the federal and state agencies. Information about school opening will be emailed to families this week through Alma, with a letter attachment. The school has been interviewing for open positions, including paraprofessionals and a part-time special education position, and has identified promising

candidates. Custodians have been diligently working and are making progress to ensure readiness for opening day. The focus of the school year will be on core values, with a particular emphasis on respect and perseverance. An Open House has been scheduled for September 19, with the PTO planning a cookout. The school is excited about the new staff, who will join a day earlier than the rest of the staff to familiarize themselves with AES on August 19, with all staff returning on August 20. A successful summer blast was held this summer, attended by approximately 20 students.

B. Year-to-Date Financial Report

Mrs. Dolloff shared with the Board that a monthly Year-to-Date Financial Report will be made available to the Board beginning in October.

IX. OLD BUSINESS (CONT.)

A. NHSBA Call for Resolutions

The Board agreed not to submit any resolutions at this time.

X. NEW BUSINESS

A. Impact of Village at Mills Pond on Ashland Elementary School

The Board examined the proposal's impact on Ashland Elementary School as outlined in a report provided by the Lakes Region Community Developers.

Mr. Farris moved, seconded by Mrs. Foote, to approve the Superintendent sharing the analysis as presented with the Ashland Planning Board.

The motion carried 5-0.

B. 2024 State Assessment Monitoring

Mrs. Moriarty presented the 2024 State Assessment Monitoring letter from the Department of Education. Ashland Elementary School was found to be compliant in all sections. No action was taken.

XI. POLICY

A. First Readings

Mr. Farris moved, seconded by Mrs. Foote, to approve first reading of the following policies:

- ACE – Procedural Safeguards: Non-Discrimination on the Basis of Handicap/Disability
- ACF – Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints
- ADB/GBEC – Drug-Free Workplace & Drug-Free Schools
- IHBA – Programs for Pupils with Disabilities
- IHBA-R – Programs for Pupils with Disabilities – Section 504 – Notice of Parent and Student Rights
- JI – Student Rights and Responsibilities

The motion carried 5-0.

B. Second Readings

Mrs. Foote moved, seconded by Mr. Felton, to approve second reading of the following policies:

- JICH – Student Drug and Alcohol Policy
- JJG – Non-School Sponsored Contests for Students
- CCB – Organizational Chart
- CF – Role of the Principal
- DA – Fiscal Management Goals
- DB – Annual Budget
- DBC – Budget Preparation
- DBI – Budget Implementation
- DBJ – Transfer of Appropriations
- DI – Fiscal Accounting and Reporting
- DIE – Audits
- DKA – Payroll Procedures

The motion carried 5-0.

XII. PUBLIC COMMENT – Closed at _____ p.m.

XIII. NONPUBLIC SESSION

A. Nonpublic Session

R.S.A. 91-A:3 II(c): This includes matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this Board, unless such a person requests an open meeting.

Mrs. Coleman moved, seconded by Mrs. Foote, to enter nonpublic session at 7:19 p.m. Mr. Heath called the roll.

YES: Mr. Heath, Mrs. Coleman, Mr. Farris, Mr. Felton, Mrs. Foote
NO: --

The motion passed unanimously.

The Board entered nonpublic session at 7:19 p.m.

B. Public Session

Mrs. Colean moved, seconded by Mrs. Foote, to reenter public session at 7:39 p.m. Mr. Heath called the roll.

YES: Mr. Heath, Mrs. Coleman, Mr. Farris, Mr. Felton, Mrs. Foote
NO: --

The motion passed unanimously.

The Board reentered public session at 7:39 p.m.

The Board requested a draft class size policy. Mrs. Moriarty will bring this to the next Board meeting.

XIV. ANNOUNCEMENTS

A. Tuesday, September 3, 2024

Ashland School Board @ Ashland Elementary School - Heffernan Media Center.

- Policy Committee - **5:30 p.m.**
- Ashland School Board Regular Meeting – **6:00 p.m.**

XV. ADJOURNMENT

Mr. Farris moved, seconded by Mrs. Foote to adjourn the meeting at 7:46 p.m.

The motion carried 5-0.

The meeting was adjourned at 7:46 p.m.

Respectfully submitted,

Heather Bullimore, Recording Secretary

**Ashland Accounts Payable Manifest
2024-2025 Fiscal Year**

Manifest #: 2002 Manifest Date: 09/03/2024 Prepared By: Destiny Medici

The Ashland School District is hereby authorized to draw checks against Ashland School District fund for the sum of \$174,393.35 on account of obligations incurred for value received in services and materials as shown and dated on the following check listings:

ASHLAND BOARD

Sandra Coleman, Vice Chairman _____

Jesse Farris _____

Steve Felton _____

Jennifer Foote _____

Stephen Heath, Chairman _____

Fund	Amount
GENERAL FUND	\$ 158,211.74
FOOD SERVICE	\$ 12,909.57
FEDERAL FUNDS	\$ 3,272.04
OTHER FUNDS	\$ _____
	\$ 174,393.35

CHECK NUMBER	CHECK DATE	VENDOR NUMBER	VENDOR NAME	AMOUNT	DESCRIPTIONS
32141	09/03/2024	20853	ALMA	\$ 3,555.47	Yearly subscription renewal with support
32142	09/03/2024	20197	AMAZON CAPITAL SERVICES	\$ 542.06	School counseling supplies and art classroom supplies
32143	09/03/2024	20011	ASHLAND ELECTRIC DEPARTMENT	\$ 3,306.22	Monthly electricity
32144	09/03/2024	20013	BELLETETES INC	\$ 430.64	Maintenance supplies
32145	09/03/2024	20016	ASHLAND WATER & SEWER DEPARTMENT	\$ 199.30	Monthly water and sewer
32146	09/03/2024	21213	BRINES TEAM SALES	\$ 1,680.00	Sports jerseys
32147	09/03/2024	20672	FRESH PICKS CAFE LLC	\$ 4,932.43	Remaining balance for food contract 23-24
32148	09/03/2024	21259	CDW AMPLIFIED	\$ 900.00	Annual renewal for Google Workspace
32149	09/03/2024	20348	CLEAN-O-RAMA	\$ 854.64	Cleaning & maintenance supplies
32150	09/03/2024	20675	CONNECTION FINANCIAL SERVICES	\$ 1,366.76	Chromebook lease
32151	09/03/2024	21235	CONSOLIDATED COMMUNICATIONS	\$ 164.42	Phone service
32152	09/03/2024	21286	DEAD RIVER COMPANY LLC	\$ 1,219.30	Fuel oil
32153	09/03/2024	20044	DEMCO INC	\$ 176.49	Library supplies
32154	09/03/2024	21277	GUY DONNELLY, PETTY CASH	\$ 108.04	Welcome back supplies
32155	09/03/2024	20568	DUNSTAN PEDIATRIC SERVICES	\$ 1,346.56	OT services
32156	09/03/2024	20944	DURHAM SCHOOL SERVICES	\$ 3,718.00	ESY bus transportation
32157	09/03/2024	20825	FRONTLINE TECHNOLOGIES GROUP LLC	\$ 761.99	Professional learning management- 1 year subscription
32158	09/03/2024	20067	GOVCONNECTION, INC.	\$ 1,557.92	Microsoft 365 for Staff
32159	09/03/2024	20614	GREATAMERICA FINANCIAL SERVICES	\$ 932.60	Phone system lease
32160	09/03/2024	20086	HEALTHTRUST	\$ 116,319.56	July & August insurance
32161	09/03/2024	20072	HILLYARD-NEW ENGLAND	\$ 163.76	Cleaning supplies
32162	09/03/2024	21148	JEFF CROWLEY MUDGETT	\$ 1,600.00	Plumbing expenses: lead filters & vacuum breakers installed in bathrooms
32163	09/03/2024	20169	JP PEST SERVICES	\$ 90.00	Pest inspection
32164	09/03/2024	20664	LACONIA DAILY SUN	\$ 93.50	Advertising expense for Special Ed Para
32165	09/03/2024	20839	LACONIA REFRIGERATION COMPANY	\$ 793.75	Kitchen equipment repair
32166	09/03/2024	21265	LENOVO FINANCIAL SERVICES	\$ 8,727.48	Yearly lease payment for Lenovo ThinkPad
32167	09/03/2024	20738	LUNCHTIME SOFTWARE, LLC	\$ 2,690.00	Electronic access for lunch applications & cafeteria POS hosting service
32168	09/03/2024	20099	MSB	\$ 31.45	Administration fee for Medicaid billing
32169	09/03/2024	20818	WESCO RECEIVABLES CORPORATION	\$ 264.24	Electrical supplies
32170	09/03/2024	20997	NORTHEAST RECORD RETENTION, LLC	\$ 112.00	Monthly shredding service
32171	09/03/2024	21164	ONSOLVE	\$ 542.50	One year communications software access
32172	09/03/2024	20793	TIM PAQUETTE	\$ 500.00	Mileage stipend for the year
32173	09/03/2024	20123	PITNEY BOWES GLOBAL FINANCIAL	\$ 153.18	Lease payment for printer
32174	09/03/2024	21306	NATIONAL WILDLIFE FEDERATION	\$ 19.95	Ranger Rick magazine subscription
32175	09/03/2024	20134	SALMON PRESS	\$ 36.00	Subscription renewal: Plymouth Record Enterprise
32176	09/03/2024	20136	SAU #2	\$ 3,323.56	Indirect costs, monthly cell phone bill, and E. Dodge salary/fica expenses
32177	09/03/2024	20138	SCHOLASTIC INC	\$ 198.90	Junior Scholastic subscription
32178	09/03/2024	21300	SINGER MA, LLC	\$ 7,977.14	Kitchen supplies
32179	09/03/2024	20703	TREE SOLUTIONS, LLC	\$ 1,000.00	Tree removal
32180	09/03/2024	20019	VOYA BENEFITS COMPANY/BENEFIT	\$ 1,240.19	Claims billing paid for July
32181	09/03/2024	20877	WASTE MANAGEMENT	\$ 430.02	Dumpster services
32182	09/03/2024	21206	XEROX FINANCIAL SERVICES	\$ 333.33	Lease payment for printer
			TOTAL	\$ 174,393.35	

Attachment #3

Ashland Elementary School Enrollment Report

For September 3, 2024 Meeting

MONTHLY ENROLLMENTS	K	1	2	3	4	5	K - 5 Total	6	7	8	6-8 Total	TOTAL K- 8
January 2024	7	13	18	17	23	25	103	15	23	12	50	153
February 2024	6	12	18	18	24	26	104	15	24	11	50	154
March 2024	6	12	18	18	24	26	104	16	24	11	51	155
April 2024	6	12	18	18	24	26	104	15	24	11	50	154
May 2024	6	12	18	18	24	25	103	16	24	12	52	155
June 2024	6	12	18	18	24	25	103	16	24	12	52	155
August 2024	11	6	13	20	17	24	91	26	18	24	68	159
September 2024	11	8	13	22	15	26	95	28	18	22	68	163

COMPARISONS (FROM JUNE)	K	1	2	3	4	5	S-TOT K - 5	6	7	8	S-TOT 6-8	TOTAL K-8
2012-2013	19	26	15	18	18	18	114	17	18		57	171
2013-2014	20	18	29	13	17	20	117	17	17		51	168
2014-2015	18	18	17	23	12	16	104	20	18		38	142
2015-2016	20	12	16	17	22	11	98	17	17		34	132
2016-2017	26	21	18	14	17	23	119	11	18		29	148
2017-2018	21	22	16	14	12	15	100	19	9		28	128
2018-2019	28	19	26	17	15	15	120	13	21		43	163
2019-2020	23	22	14	28	14	17	118	11	14		25	143
2020-2021	20	23	27	14	24	17	125	18	12	17	47	172
2021-2022	19	17	20	20	24	21	125	17	17	13	47	172
2022-2023	13	16	19	19	24	16	107	23	13	16	52	159
2023-2024	6	12	18	18	24	25	103	16	24	12	52	155

Memorandum

To: Ashland School Board

From: Mary Moriarty, Superintendent

Date: August 27, 2024

Re: Class Size Information

Please find below a table with average class size for areas school and the State of New Hampshire; the data is from New Hampshire Department of Education. Additionally, please see the updated language in the Minimum Standards for Public Education regarding class size. This information is provided for School Board discussion on class size and a potential policy. Presently, the School Board does not have a policy in this area.

School	Average Class Size 2023/2024
Ashland Elementary School	11.6
Campton Elementary School	15.4
Holderness Central School	16.9
Inter-Lakes Elementary School	15.0
Plymouth Elementary School	16.4
Russell Elementary School	9.4
Sandwich Central School	14.9
Thornton Central School	11.7
Waterville Valley	15.0
State of New Hampshire*	?

*Unable to locate current state level data, however, 21/22 state level data reports statewide average class sizes as 16.2 (Grades 1 & 2), 17.6 (Grades 3 & 4), and 17.0 (Grades 5-8).

Ed 306.14 Student-Educator Ratios.

(a) The local school board shall establish student-educator ratios that promote student learning ~~as appropriate~~ for each learning opportunity and learning level based upon school safety policies, content, instructional method, and the characteristics of learners, and the following:

- (1) Kindergarten – grade 2, 25 students or fewer per educator, provided that each school shall strive to achieve the class size of 20 students or fewer per educator;
- (2) Grades 3-5, 30 students or fewer per educator, provided that each school shall strive to achieve the class size of 25 students or fewer per educator; and
- (3) Middle school and high school, 30 students or fewer per educator.

(b) Student-educator ratios may be exceeded for study halls, band and chorus, and other types of large group instruction, including but not limited to lectures and showing of educational television and films.

(c) In the interest of safety, the maximum number of students in laboratory classes in such areas as science and CTE shall be determined by the number of workstations and the size and design of the area.

PROCEDURE: Student Discrimination and Harassment Complaint

The Board has adopted this student procedure in order to provide prompt and equitable resolution of complaints of unlawful discrimination and harassment based on race, color, religion, ancestry or national origin, and disability. Complaints of sex discrimination, including sexual/sex-based harassment, are addressed in *ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure*. In cases where allegations include sex discrimination or sexual/sex-based harassment and one or more other protected categories, ACAA-R2 will be used.

Complaints alleging unlawful discrimination and harassment of an employee are addressed under *ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*.

Any individual who is unsure about whether unlawful discrimination or harassment has occurred, and/or which complaint procedure applies, is encouraged to contact the Human Rights Officer/Title IX Coordinator.

Lisa Holiday, Director of Student Services
103 Main Street, Meredith, NH 03253
(603) 279-3144
lisa.holiday@interlakes.org

Section 1. Definitions

For purposes of this complaint procedure, the following definitions will be used.

- A. “Discrimination”: Treating individuals differently or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
- B. “Harassment”: Oral, written, graphic, electronic, or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe or pervasive so as to interfere with or limit that individual’s ability to participate in the school district’s education program or activities by creating a hostile, intimidating, or offensive environment.
- C. “Complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, religion, ancestry, national origin, or disability.

Section 2. Complaint Procedure

This procedure should be used to address any report or complaint of unlawful discrimination or harassment based on membership in a protected category which does not involve sex discrimination or sexual/sex-based harassment.

A. How to Make a Complaint

1. School employees are required to promptly make a report to the Human Rights Officer/Title IX Coordinator if they have reason to believe that a student has been discriminated against or harassed.
2. Students (and others) who believe that they or another student has been harassed or discriminated against should report their concern promptly to the Human Rights Officer/Title IX Coordinator.
3. The individual making the report must provide basic information concerning the allegation of discrimination or harassment (i.e., date, time, location, individuals involved, nature of the allegation(s)) to the Human Rights Officer/Title IX Coordinator. If the report is made orally, the Human Rights Officer/Title IX Coordinator will document it.
4. If the individual is unsure as to whether unlawful discrimination or harassment has occurred, or needs assistance in preparing a complaint, they are encouraged to discuss the matter with the Human Rights Officer/Title IX Coordinator.
5. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary action, up to and including termination for employees and expulsion for students.
6. Individuals are encouraged to utilize the school district's complaint procedure. However, individuals are hereby notified that they also have the right to report incidents of discrimination or harassment to:
 - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301; telephone 603-271-2767; and/or
 - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Complaint Handling and Investigation

1. The HRO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
 - a. If the allegations include sex discrimination or sexual/sex-based harassment, *ACAA-R2* will be followed instead of this procedure.
2. The HRO/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The HRO/Title IX Coordinator may implement supportive measures for a student to reduce the risk of further discrimination or harassment of the student while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved, changing class schedules, or other steps.

4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the HRO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Board Chair, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator shall consult with the HRO/Title IX Coordinator as appropriate during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation.
7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement will be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation will be completed within forty (40) school days of receiving the complaint, if practicable.
11. The investigator will provide a written report and findings to the HRO/Title IX Coordinator.

C. Findings and Subsequent Actions

1. The HRO/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the HRO/Title IX Coordinator, in consultation with the Superintendent, shall:
 - a. Determine what remedial action(s), if any, are required to end the discrimination or harassment, remedy its effect, and prevent recurrence; and
 - b. Determine what disciplinary action(s) should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either:
 - a. Prejudicial procedural error; or

- b. The discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five (5) school days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five (5) school days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.

[REMOVE] NOTE TO LOCAL BOARDS: THE BOARD MAY CONSIDER WHETHER TO ALLOW APPEALS OF THE SUPERINTENDENT'S DECISIONS TO THE BOARD. WE RECOMMEND DISCUSSING THIS OPTION WITH LEGAL COUNSEL BEFORE DRAFTING SUCH LANGUAGE. [REMOVE]

5. The Superintendent's decision on the appeal will be provided to the parties within ten (10) school days, if practicable. The Superintendent's decision is final.

E. Records

The HRO/Title IX Coordinator will keep a written record of the complaint process and actions taken.

PROCEDURE: Student Sex Discrimination/Harassment Complaint

The Board has adopted this student procedure in order to provide prompt and equitable resolution of reports and complaints of unlawful sex discrimination, including allegations of sexual harassment and other forms of sex-based harassment, as described in Policies *AC – Nondiscrimination/Equal Opportunity and Human Rights* and *ACAA – Harassment of Students*.

Although the specific provisions under Title IX and New Hampshire law differ somewhat in regard to sex discrimination and sexual/sex-based harassment, the Board has chosen to address all such complaints under this procedure, which meets all Title IX and New Hampshire law requirements.

Complaints alleging unlawful discrimination or harassment of a student on the basis of other protected categories (race, color, religion, ancestry or national origin, and disability) are addressed under *ACAA-R1 – Student Discrimination and Harassment Complaint Procedure*.

Complaints alleging unlawful discrimination and harassment of an employee are addressed under *ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*.

Any individual who is unsure about whether unlawful discrimination or harassment has occurred and/or which complaint procedure applies is encouraged to contact the Human Rights Officer/Title IX Coordinator.

Lisa Holiday, Director of Student Services
103 Main Street, Meredith, NH 03253
(603) 279-3144
lisa.holiday@interlakes.org

Section 1. Definitions

For purposes of this complaint procedure, the following definitions will be used.

- A. “Complainant” means: (1) the student victim of alleged sex discrimination (including sexual/sex-based harassment); or (2) other victim of alleged sex discrimination (including sexual/sex-based harassment) who was participating or attempting to participate in the school district’s education programs or activities at the time of the alleged sex discrimination.
- B. “Complaint” under the Title IX regulations: An oral or written request to the [school district] to investigate and make a determination about alleged discrimination under Title IX.” An oral request for investigation should be documented by the Human Rights Officer/Title IX Coordinator.

[REMOVE] NOTE TO LOCAL BOARDS: THE FOLLOWING DEFINITION RE: CONFIDENTIAL EMPLOYEES HAS BEEN ADDED BECAUSE OF NEW REQUIREMENTS IN THE TITLE IX REGULATIONS. [REMOVE]

- C. “Confidential employee” means: (1) an employee of the school district whose communications are privileged or confidential under federal or state law. The employee’s confidential status, for purposes of Title IX, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) an

employee of the school district designated as confidential for the purpose of providing services to persons related to sex discrimination (in which case the employee's confidential status applies only to information received about sex discrimination in connection with providing those services).

- D. "Discrimination": Treating individuals differently or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
- E. "Gender identity": The gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."
- F. "Parental status": The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) a biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person."
- G. "Party": A complainant or respondent.
- H. "Pregnancy and related conditions" include "(1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions."
- I. "Respondent": A person who is alleged to have violated the school district's prohibition on sex discrimination.
- J. "Retaliation": Intimidation, threats, coercion, or discrimination against any person by the school district, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or services under the [school district's] education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participating or refused to participate in any manner in an investigation, proceeding, or other action taken by a school district in regard to allegations of sex discrimination."
- K. "Sex-based harassment" under Title IX: Harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that meets one of the following:
 - 1. "Quid pro quo" harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on the individual's participation in unwelcome sexual conduct.
 - 2. "Hostile environment" harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the school district's education program or activity (i.e., creates a hostile environment). A school district is obligated to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside

the recipient's education program or activity. Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors.

- i. Factors to consider in regard to the creation of a “hostile environment”: “(i) the degree to which the conduct affected the complainant’s ability to access the [school district’s] education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties’ ages, roles within the [school district’s] education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other sex-based harassment in the [school district’s] education program or activity.”
3. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined below or in the Title IX regulations.
 - i. “Sexual assault” is an offense classified as a forcible or nonforcible sex offense under the uniform reporting system of the Federal Bureau of Investigation. Such offenses include but are not limited to rape, sodomy, sexual assault with an object, and fondling.
 - ii. “Dating violence” is violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.”
 - iii. “Stalking”: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person’s safety or the safety of others; or (b) suffer substantial emotional distress.”
 - L. “Sexual harassment” under New Hampshire law: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s educational benefits;
 2. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
 3. Such conduct has the purpose and effect of substantially interfering with a student’s academic performance, or creates an intimidating, hostile, or offensive environment.
 - M. “Sexual orientation”: Under New Hampshire law means “having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality.” Sexual orientation is also covered by Title IX.
 - N. “Gender identity”: Under New Hampshire law, means “a person’s gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth.
 - O. “Student”: A person enrolled in the school district.

[REMOVE] NOTE TO LOCAL BOARDS: THE TITLE IX REGULATIONS DO NOT INCLUDE A DEFINITION OF CONSENT. IF A BOARD WISHES TO INCLUDE SUCH A DEFINITION, WE SUGGEST DISCUSSING THIS WITH LEGAL COUNSEL. [REMOVE]

Section 2. Complaint Procedure

This procedure should be used to address any report or complaint of sex discrimination or sexual/sex-based harassment of a student.

A. Reports of Alleged Sex Discrimination or Sexual/Sex-Based Harassment

1. Any school district employee (except for designated confidential employees) who receives a report or has reason to believe that a student may have been discriminated against or harassed on the basis of sex is required to promptly notify the Human Rights Officer/Title IX Coordinator.
2. Confidential employees who receive a report that a student may have experienced sex discrimination or sexual/sex-based harassment must inform the person making the report that the employee is designated “confidential” and inform them of the circumstances in which the employee is not required to make a report to the Human Rights Officer/Title IX Coordinator. The confidential employee will provide the reporter with the Human Rights Officer/Title IX Coordinator’s contact information and explain that the Human Rights Officer/Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process, or initiate an investigation under this complaint procedure.
3. Students (and others) who believe that they or another student has been discriminated against or harassed on the basis of sex should report their concern promptly to the Human Rights Officer/Title IX Coordinator. The report will be documented by the Human Rights Officer/Title IX Coordinator.
4. The individual making the report should provide basic, available information orally or in writing concerning the allegation (i.e., individuals involved, date, time, location, and type of allegation). If the information is conveyed orally, the Human Rights Officer/Title IX Coordinator will document it.
5. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, they are encouraged to discuss the matter with the Human Rights Officer/Title IX Coordinator.
6. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal/state nondiscrimination laws and Board policies, and any retaliation will result in disciplinary action, up to and including termination for employees and expulsion for students.
7. The Superintendent will be promptly notified of all reports of alleged discrimination or harassment of a student.
8. Students and others are encouraged to utilize this complaint procedure. However, individuals are hereby notified that they also have the right to report incidents of discrimination or harassment to:
 - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 (telephone: 603-271-2767); and/or

- Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Processing of Complaints

1. The Human Rights Officer/Title IX Coordinator will treat complainants and respondents equitably through the complaint procedure.
2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Human Rights Officer/Title IX Coordinator will meet with the alleged victim to discuss the allegations and supportive measures that may be appropriate in the particular circumstances and to explain the complaint procedure.

If the alleged victim is unknown to the Human Rights Officer/Title IX Coordinator, the person who made the report will be notified of the availability of the complaint procedure.

3. Supportive Measures
 - a. Supportive measures are individualized measures designed to ensure the student can continue to access educational programs and activities (including but not limited to: requiring no contact between individuals, changing schedules, classes, extracurricular activities, etc.).
 - b. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school district's educational environment or to provide support during the complaint procedure or an informal resolution process. The school district may not impose such measures for punitive or disciplinary reasons.
 - c. Supportive measures may be continued even if a complaint or informal resolution process is not initiated, or after the conclusion of such processes, if appropriate under the circumstances.
 - d. Complainants and respondents must be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee must not be the Human Rights Officer/Title IX Coordinator and must have the authority to modify or reverse the decision.
 - e. Complainants and respondents also have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change.
 - f. The school district will not disclose information about supportive measures to persons other than the person to whom they apply unless it is necessary to provide a supportive measure or to restore or preserve a party's access to education programs and activities.
 - g. If a complainant or respondent is a student with a disability, the Human Rights Officer/Title IX Coordinator will consult with one or more members of the student's IEP team or Section 504 Team, if any, to determine how to comply with the requirements of the IDEA and Section 504 in implementing supportive measures.
4. If the Human Rights Officer/Title IX Coordinator reasonably determines that the conduct alleged does not involve illegal discrimination or harassment, the school district is not obligated to initiate the complaint process and may dismiss the complaint (See Subsection C.1. below). If the alleged conduct potentially violates other laws, Board policies/procedures,

or professional expectations (in the case of employees), the matter may be referred to the Superintendent and/or other appropriate administrator(s) to address as deemed appropriate.

5. In response to a complaint alleging prohibited sex discrimination or sexual/sex-based harassment, the Human Rights Officer/Title IX Coordinator will initiate the complaint process or the informal resolution process (if available and appropriate) according to this procedure. When feasible, the decision to initiate an investigation or informal resolution process or dismiss the complaint will be made within ten (10) school days of receipt of the complaint.
6. In certain circumstances, the Human Rights Officer/Title IX Coordinator may initiate the investigation process, even when the alleged victim chooses not to, after any or all allegations are withdrawn by the alleged victim, or when an informal resolution process is not initiated or is terminated. To make this fact-specific determination, the Human Rights Officer/Title IX Coordinator will consider, at a minimum:
 - a. The complainant's request not to proceed with initiating a complaint;
 - b. The complainant's reasonable safety concerns regarding initiating a complaint;
 - c. The risk that additional acts of discrimination or harassment would occur if a complaint is not initiated;
 - d. The severity of the alleged discrimination or harassment, including whether the discrimination, if established, would require the removal of a respondent from school or imposition of another disciplinary sanction to end the discrimination or harassment and prevent its recurrence;
 - e. The age and relationship of the parties, including whether the respondent is an employee of the school district;
 - f. The scope of the alleged discrimination or harassment, including information suggesting a pattern, ongoing discrimination/harassment, or discrimination/harassment alleged to have impacted multiple individuals;
 - g. The availability of evidence to assist a decisionmaker in determining whether discrimination or harassment occurred; and
 - h. Whether the school district could end the alleged discrimination or harassment and prevent its recurrence without initiating the complaint procedure.

If, after considering these and any other factors that may be relevant, the Human Rights Officer/Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other individuals or that the alleged conduct prevents the school district from ensuring equal access to its education programs and activities, the Human Rights Officer/Title IX Coordinator may initiate a complaint.

7. If the Human Rights Officer/Title IX Coordinator initiates a complaint, the complainant will receive prior notice and any reasonable safety concerns will be addressed.
8. The Human Rights Officer/Title IX Coordinator will confirm the initiation of an investigation or informal resolution process in writing to both parties. The communication will include: a) a copy of the complaint procedure; b) sufficient information available at the time to allow the parties to respond to the allegations (including the identities of the parties involved, the conduct alleged to constitute sex discrimination or sexual/sex-based harassment, and the date(s) and location(s) of the alleged incident(s); c) notice that retaliation is prohibited; and d) notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

9. Regardless of whether an investigation is initiated, the Human Rights Officer/Title IX Coordinator will take appropriate, prompt, and effective steps to ensure that discrimination or harassment does not continue or recur. The Human Rights Officer/Title IX Coordinator will also coordinate supportive measures as appropriate.
10. If a complainant or respondent is a student with a disability, the Human Rights Officer/Title IX Coordinator will consult with one or more members of the student's IEP team or 504 Team, if any, to determine how to comply with the requirements of the IDEA and Section 504 during the course of the complaint procedure.
11. If the Human Rights Officer/Title IX Coordinator decides to investigate additional allegations of discrimination or harassment made by the complainant against the respondent after the parties receive notice of the complaint, the Human Rights Officer/Title IX Coordinator will notify the parties of the additional allegations in writing.
12. The Human Rights Officer/Title IX Coordinator may consolidate complaints of discrimination or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.
13. The school district will presume that the respondent is not responsible for alleged discrimination or harassment until a determination is made at the conclusion of the investigation.
14. The school district will take reasonable steps to protect the privacy of the parties and witnesses during the complaint procedure and will comply with applicable state and federal privacy laws. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family; confidential employees/resources; or otherwise prepare for and participate in the complaint procedure.

C. Dismissal of Complaints

1. The Human Rights Officer/Title IX Coordinator may dismiss a complaint in the following circumstances:
 - a. The school district is unable to identify a respondent after taking reasonable steps to do so;
 - b. The respondent is not participating in the school district's education programs and activities, or is not employed by the school district;
 - c. The complainant voluntarily withdraws any or all allegations in the complaint, the Human Rights Officer/Title IX Coordinator declines to initiate a complaint and determines that, without the complainant's withdrawn allegations, the alleged conduct remaining, if any, would not constitute discrimination or harassment even if proven; or
 - d. The Human Rights Officer/Title IX Coordinator determines that the conduct alleged in the complaint, even if proven, would not constitute discrimination or harassment under state/federal laws and regulations.

2. Upon dismissal, the Human Rights Officer/Title IX Coordinator will promptly notify the complainant (and the respondent, if they had received notice of the complaint allegations) of the basis for the dismissal, and provide the opportunity to appeal the dismissal.
3. Dismissals may be appealed on the following bases:
 - a. Procedural irregularity that would change the outcome;
 - b. New evidence that would change the outcome and that was not reasonably available when the dismissal [or determination in the case] was made; and
 - c. The Human Rights Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally, or the individual complainant or respondent that would change the outcome.
4. An appeal of a complaint dismissal must be made in writing to the Human Rights Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.
5. If the dismissal is appealed, the Human Rights Officer/Title IX Coordinator shall:
 - a. Notify the respondent of the appeal if they had received notice of the complaint allegations;
 - b. Implement the appeal procedure equally for the parties;
 - c. Ensure that the trained decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
 - d. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
 - e. Notify the parties in writing of the result of the appeal and the rationale for it within five (5) school days, if feasible.
6. When a complaint is dismissed, the Human Rights Officer/Title IX Coordinator will, at a minimum:
 - a. Offer supportive measures to the complainant and respondent if appropriate; and
 - b. Take other prompt and effective steps, as appropriate to ensure that discrimination or harassment does not continue or recur within the school district's program or activity.
7. The Human Rights Officer/Title IX Coordinator will document actions taken during the appeal process.

D. Emergency Removal of a Student

The Superintendent may remove a student from education programs and activities on an emergency basis during the complaint procedure, provided:

1. There is a determination, following an individualized safety and risk analysis, that a student respondent presents an imminent and serious threat to the health or safety of a complainant, or any students, employees, or other persons arising from the allegations of discrimination or harassment, that justifies emergency removal.
2. The respondent and the student's parent/legal guardian will be provided with an immediate opportunity to challenge the decision following the removal, and has the burden of demonstrating that such removal is unreasonable.

3. Any such removal shall be made in compliance with any applicable disability laws, including the IDEA, Section 504, and the Americans with Disabilities Act.
4. The Human Rights Officer/Title IX Coordinator will document actions taken during the emergency removal process.

[Note: An employee may be placed on administrative leave during a complaint procedure, pursuant to the school district's customary process regarding administrative leave of employees]

E. Informal Resolution Process

1. Informal resolution is not permitted in cases where a student is the complainant and an employee is the respondent to alleged sex discrimination or harassment.
2. The Human Rights Officer/Title IX Coordinator may, if appropriate, offer the parties the opportunity to resolve the complaint through an informal resolution process at any point prior to an investigation or determination of responsibility. Engaging in an informal resolution process is voluntary on the part of each party. The Human Rights Officer/Title IX Coordinator also may decline to pursue an informal resolution despite a party's request (for example, if the alleged conduct presents a future risk of harm to the complainant or others).
3. Both (or all) parties must voluntarily agree in writing to participate in an informal resolution process, and a party may withdraw from the process at any time. The parties will not be required to attend meetings together unless they voluntarily agree to do so.
4. Before initiating an informal resolution process, the Human Rights Officer/Title IX Coordinator will ensure that the parties receive notice of: i.) the allegations; ii.) the requirements of the informal resolution process; iii.) the right of any party to withdraw from the process and initiate or resume the investigation process; iv.) that the parties' agreement to an informal resolution would preclude them from initiating or resuming the investigation; v.) potential terms that may be requested or offered in an informal resolution agreement, including notice that an agreement is binding on the parties; and vi.) what information the school district will maintain regarding the informal resolution process.

[Note: Informal resolutions can take many forms depending on the particular case, including but not limited to: restrictions on contact between the parties; facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; restrictions on attendance or participation in programs and activities; disciplinary actions or requirements to engage in specific services; or supportive measures.]

5. The facilitator for the informal resolution process must be trained; cannot be the same person as the investigator or decisionmaker in the matter; and must not have a conflict of interest or bias regarding parties to such matters generally or to an individual complainant or respondent.
6. The Superintendent must agree to the terms of any informal resolution reached between the parties, considering whether the resolution is in the best interest of the parties and the school district in light of the particular circumstances, applicable laws/regulations, and Board policies.

7. If an informal resolution agreement is reached, it will be agreed to in writing by both parties and the Human Rights Office/Title IX Coordinator. Any such agreement is final and binding on the parties.

F. Investigation Process

[REMOVE] NOTE TO LOCAL BOARDS: THE TITLE IX REGULATIONS DO NOT PROHIBIT THE HUMAN RIGHTS OFFICER/TITLE IX COORDINATOR FROM INVESTIGATING COMPLAINTS OR BEING THE DECISIONMAKER. HOWEVER, WHEN IT IS FEASIBLE, LOCAL BOARDS MAY WANT TO ASSIGN INVESTIGATION AND DECISIONMAKING DUTIES TO OTHERS.

WE HAVE WRITTEN SECTIONS F AND G WITH THE INVESTIGATION ROLE SEPARATE FROM THE HUMAN RIGHTS OFFICER/TITLE IX COORDINATOR ROLE, AND WITH FLEXIBILITY FOR THE SCHOOL DISTRICT TO UTILIZE A DECISIONMAKER SEPARATE FROM THE INVESTIGATOR. IF THE SCHOOL DISTRICT WISHES TO CONSOLIDATE ONE OR MORE OF THESE ROLES, OR TO HAVE FIXED ASSIGNMENTS FOR CERTAIN ROLES, WE RECOMMEND DISCUSSING THIS WITH LEGAL COUNSEL AND MAKING CHANGES AS NEEDED IN SECTIONS F AND G. [REMOVE]

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Human Rights Officer/Title IX Coordinator. The investigator shall not have a conflict of interest or bias against complainants or respondents generally, or an individual complainant or respondent, and will consult with the Human Rights Officer/Title IX Coordinator during the investigation process.
2. Any complaint about an employee who holds a supervisory position will be investigated by a person not subject to that supervisor's authority. Any complaint about the Superintendent will be submitted to the Board Chair, who will consult with legal counsel concerning the handling and investigation of the complaint.
3. The burden is on the school district, and not the parties, to gather sufficient evidence (through the investigation) in order to determine whether illegal discrimination or harassment occurred.
4. The investigator shall provide an opportunity for the complainant and respondent to be heard as part of the investigation. The parties will not be required to attend meetings together.
5. The parties may suggest witnesses be interviewed and/or submit materials that they believe are relevant to the allegations and complaint.
6. The investigator will evaluate evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
 - a. The Title IX regulations define "relevant" as "related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred."

7. The following types of evidence, and questions seeking that evidence, are impermissible:
- a. Evidence that is protected under a privilege recognized by federal or state law, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing.
 - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment to the party or witness, unless the school district obtains that party's or witness's voluntary, written consent for use in the complaint procedure; and
 - a. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed alleged sexual/sex-based harassment or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sexual/sex-based harassment. The fact of prior sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

[REMOVE] NOTE TO LOCAL BOARDS: TITLE IX REGULATIONS PERMIT THE SCHOOL DISTRICT TO PROVIDE THE PARTIES WITH AN OPPORTUNITY TO REVIEW THE EVIDENCE OR TO PROVIDE THE PARTIES WITH "AN ACCURATE DESCRIPTION OF THE EVIDENCE." WE GENERALLY RECOMMEND THAT RELEVANT, PERMISSIBLE EVIDENCE BE REVIEWED BY THE PARTIES RATHER THAN PROVIDING THEM WITH A DESCRIPTION OF THE EVIDENCE BECAUSE, IF A DESCRIPTION IS PROVIDED, THE PARTIES MAY STILL REQUEST TO REVIEW THE EVIDENCE ITSELF. WE RECOMMEND DISCUSSING THIS ISSUE WITH LEGAL COUNSEL IF A BOARD WANTS TO PROVIDE DESCRIPTIONS OF THE EVIDENCE INSTEAD. [REMOVE]

8. The investigator will provide each party with the opportunity to review the evidence that is relevant to the allegations of discrimination or harassment (and not otherwise impermissible), and to respond to it.
9. The Human Rights Officer/Title IX Coordinator and investigator will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the complaint procedure. Disclosure of such information and evidence for the purposes of administering administrative proceedings or litigation related to the complaint is authorized.

[REMOVE] NOTE TO LOCAL BOARDS: IF THE INVESTIGATOR ALSO MAKES DISCIPLINE/REMEDY DECISIONS, PARAGRAPH 16 SHOULD INCLUDE THIS INFORMATION. [REMOVE]

10. The investigator will conclude the investigation and issue a written report to the Human Rights Officer/Title IX Coordinator within forty (40) school days, if feasible.
 - a. If the investigator has been charged with making a determination of responsibility/non-responsibility with respect to each allegation, such determination(s) and the reasons, therefore, shall be included in the report.

11. Extensions of time may be granted to complete the investigation if approved by the Human Rights Officer/Title IX Coordinator for reasonable cause. Notice of any extension and the reasons, therefore, will be provided to the parties.

G. Determinations of Responsibility

1. The standard used to determine whether illegal discrimination or harassment occurred is the preponderance of the evidence standard (“more likely than not”).

[REMOVE] NOTE TO LOCAL BOARDS: THE FOLLOWING PARAGRAPHS SHOULD BE ADAPTED AS NECESSARY TO REFLECT A SCHOOL DISTRICT’S PRACTICES IN REGARD TO WHO MAKES RESPONSIBILITY DETERMINATIONS AND/OR DISCIPLINARY DECISIONS. [REMOVE]

2. The decisionmaker will review the investigation report, the evidence gathered (as appropriate), and will have the discretion to conduct additional interviews of parties and/or witnesses if needed to assess credibility.
3. The decisionmaker will make a written determination of responsibility/non-responsibility in regard to each allegation and the reasons therefore, which shall be shared with the Human Rights Officer/Title IX Coordinator and the parties.
4. In general, the Human Rights Officer/Title IX Coordinator will notify the parties of the determination decision(s) within five (5) school days of the determination being reached. Reasonable extensions of time may be approved by the Human Rights Officer/Title IX Coordinator for good reason. The notification will include the permissible bases for appeal and the deadline for receipt of appeals.
5. If there is a determination that the respondent is responsible for violations, the appropriate administrator will make decisions as to appropriate disciplinary action and remedies.
6. The Human Rights Officer/Title IX Coordinator shall, as appropriate:
 - a. Coordinate the provision and implementation of remedies to a complainant and any other persons if necessary to provide equal access to the school district’s educational programs and activities that had been limited or denied by discrimination or harassment;
 - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - c. Take other appropriate prompt and effective steps if necessary to ensure discrimination and harassment does not continue or recur.
7. A determination of responsibility becomes final on the date that the Human Rights Officer/Title IX Coordinator provides the parties with the written determination of the results of the appeal, if an appeal is filed. If an appeal is not filed, the determination of responsibility becomes final on the date on which the appeal would no longer be considered timely.
8. The school district will not discipline a party, witness, or others participating in the complaint procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination that sex discrimination or sexual/sex-based harassment occurred.

H. Remedies, Discipline, and Other Actions

[REMOVE] NOTE TO LOCAL BOARDS: THE TITLE IX REGULATIONS CONTINUE TO REQUIRE SCHOOL DISTRICTS TO PROVIDE A RANGE OF REMEDIES AND DISCIPLINE THAT MAY BE UNDERTAKEN IN RESPONSE TO A FINDING OF RESPONSIBILITY FOR SEX-BASED HARASSMENT. THE LANGUAGE HERE REFLECTS TYPICAL RANGES, BUT THE SPECIFIC ACTIONS CAN BE MODIFIED TO REFLECT LOCAL PRACTICE. [REMOVE]

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education programs and activities following the decisionmaker's determination(s). Such remedies may include supportive measures and may include other appropriate measures, depending on the determination(s) and the needs of the complainant. The Human Rights Officer/Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the complainant.

2. Discipline and Other Actions

Examples of disciplinary and other actions that may be imposed on a student when there is a determination that they are responsible for one or more violations of sexual/sex-based harassment include suspension, expulsion, restorative justice, required education or counseling, and other measures.

Examples of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations of sexual/sex-based harassment include: written warning, probation, counseling, demotion, suspension without pay, termination.

I. Appeals

1. After the conclusion of the investigation and decisionmaker determination(s), the complainant or respondent may seek an appeal of the findings based on the following factors:
 - a. Procedural irregularity that would change the outcome;
 - b. New evidence that would change the outcome and that was not reasonably available when the determination was made; and
 - c. The Human Rights Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
2. The appeal must be made in writing to the Human Rights Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.
3. The Superintendent is responsible for making a determination on the appeal. The Superintendent will conduct an impartial review of the appeal, including consideration of the written record in the case, and may consult with legal counsel or other school district officials in making their decision.
4. The Superintendent will issue the appeal determination in writing within ten (10) school days of receipt of the appeal, if feasible.
5. The Superintendent's decision is final.

Section 3. Recordkeeping

The Human Rights Officer/Title IX Coordinator shall maintain a record of documents and action in each case, and records of trainings provided, for a period of seven (7) years.

PROCEDURE: Employee Discrimination and Harassment Complaint

The Board has adopted this employee procedure in order to provide prompt and equitable resolution of complaints of unlawful discrimination and harassment based on race; color; religion; ancestry or national origin; age; disability; and genetic information. Complaints of sex discrimination, including sexual/sex-based harassment, are addressed in *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*. In cases where allegations include sex discrimination or sexual/sex-based harassment and one or more other protected categories, *ACAB-R2* will be used.

Complaints alleging unlawful discrimination and harassment of an employee are addressed under *ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*.

Any individual who is unsure about whether unlawful discrimination or harassment has occurred, and/or which complaint procedure applies, is encouraged to contact the Human Rights Officer/Title IX Coordinator.

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Section 1. Definitions

For purposes of this complaint procedure, the following definitions will be used.

- A. “Discrimination”: Treating individuals differently or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
- B. “Harassment”: Oral, written, graphic, electronic, or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe or pervasive so as to interfere with or limit that individual’s ability to participate in the school district’s education program or activities by creating a hostile, intimidating, or offensive environment.
- C. “Complaint” is defined as an allegation that an employee has been discriminated against or harassed on the basis of race, color, religion, ancestry, national origin, age, disability, or genetic information.

Section 2. Complaint Procedure

This procedure should be used to address any report or complaint of unlawful discrimination or harassment based on a protected category which does not involve sex discrimination or sexual/sex-based harassment.

A. How to Make A Complaint

1. An employee who believes they have been unlawfully discriminated against or harassed is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and requesting that the behavior stop. This will not prevent the employee from making an immediate complaint to the Human Rights Officer/Title IX Coordinator.
2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the Human Rights Officer/Title IX Coordinator.
3. The individual making the report must provide basic information concerning the allegation of discrimination or harassment (i.e., date, time, location, individuals involved, nature of the allegation(s)) to the Human Rights Officer/Title IX Coordinator. If the report is made orally, the Human Rights Officer/Title IX Coordinator will document it.
4. If the individual is unsure as to whether unlawful discrimination or harassment has occurred, or needs assistance in preparing a complaint, they are encouraged to discuss the matter with the Human Rights Officer/Title IX Coordinator.
5. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary action, up to and including termination.
6. Employees are encouraged to utilize the school district's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:
 - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301; telephone: 603-271-2767; and/or
 - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Complaint Handling and Investigation

1. The Human Rights Officer/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.

- a. If the allegations include sex discrimination or sexual/sex-based harassment, *ACAB-R2* will be followed instead of this procedure.
2. The Human Rights Officer/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The Human Rights Officer/Title IX Coordinator may implement supportive measures for an employee to reduce the risk of further discrimination or harassment of the employee while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals, temporarily moving work locations or changing schedules, etc.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Human Rights Officer/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority.
5. Any complaint about the Superintendent should be submitted to the Board Chair, who should consult with legal counsel concerning the handling and investigation of the complaint.
6. The investigator shall consult with the Human Rights Officer/Title IX Coordinator as appropriate during the investigation process.
7. The respondent will be provided with an opportunity to be heard as part of the investigation.
8. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
9. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement will be applied.
10. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
11. The investigation will be completed within forty (40) school days of receiving the complaint, if practicable.
12. The investigator will provide a written report and findings to the Human Rights Officer/Title IX Coordinator.

C. Findings and Subsequent Actions

1. The Human Rights Officer/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the Human Rights Officer/Title IX Coordinator, in consultation with the Superintendent, shall:
 - a. Determine what remedial action(s), if any, are required to end the discrimination or harassment, remedy its effects, and prevent recurrence; and
 - b. Determine what disciplinary action(s) should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either:
 - a. Prejudicial procedural error; or
 - b. The discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five (5) school days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five (5) school days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.

[REMOVE] NOTE TO LOCAL BOARDS: THE BOARD MAY CONSIDER WHETHER TO ALLOW APPEALS OF THE SUPERINTENDENT'S DECISIONS TO THE BOARD. WE RECOMMEND DISCUSSING THIS OPTION WITH LEGAL COUNSEL BEFORE DRAFTING SUCH LANGUAGE. [REMOVE]

5. The Superintendent's decision on the appeal will be provided to the parties within ten (10) school days, if practicable. The Superintendent's decision is final.

E. Records

The Human Rights Officer/Title IX Coordinator will keep a written record of the complaint process and actions taken.

PROCEDURE: Employee Sex Discrimination/Harassment Complaint

The Board has adopted this employee procedure in order to provide prompt and equitable resolution of reports and complaints of unlawful sex discrimination, including allegations of sexual harassment and other forms of sex-based harassment, as described in Policies *AC – Nondiscrimination/Equal Opportunity* and *Human Rights and ACAB – Harassment of Employees*.

Although the specific provisions under Title IX and New Hampshire law differ somewhat in regard to sex discrimination and sexual/sex-based harassment, the Board has chosen to address all such complaints under this procedure, which meets all Title IX and New Hampshire law requirements.

Complaints alleging unlawful discrimination or harassment of an employee on the basis of other protected categories (race, color, religion, ancestry or national origin, age, disability, and genetic information) are addressed under *ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure*.

Complaints alleging unlawful discrimination and harassment of an employee are addressed under *ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination and Sexual/Sex-Based Harassment Complaint Procedure*.

Any individual who is unsure about whether unlawful discrimination or harassment has occurred, and/or which complaint procedure applies is encouraged to contact the Human Rights Officer/Title IX Coordinator.

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Section 1. Definitions

For purposes of this complaint procedure, the following definitions will be used.

- A. “Complainant” means: (1) the employee victim of alleged sex discrimination (including sexual/sex-based harassment); or (2) other victim of alleged sex discrimination (including sexual/sex-based harassment) who was participating or attempting to participate in the school district’s education programs or activities at the time of the alleged sex discrimination.
- B. “Complaint” under the Title IX regulations: An oral or written request to the [school district] to investigate and make a determination about alleged discrimination under Title IX.” An oral request for investigation should be documented by the Human Rights Officer/Title IX Coordinator.

[REMOVE] NOTE TO LOCAL BOARDS: THE FOLLOWING DEFINITION RE: CONFIDENTIAL EMPLOYEES HAS BEEN ADDED BECAUSE OF NEW REQUIREMENTS IN THE TITLE IX REGULATIONS. [REMOVE]

- C. “Confidential employee” means: (1) an employee of the school district whose communications are privileged or confidential under federal or state law. The employee’s confidential status, for purposes of Title IX, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) an

employee of the school district designated as confidential for the purpose of providing services to persons related to sex discrimination (in which case the employee's confidential status applies only to information received about sex discrimination in connection with providing those services).

- D. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
- E. "Gender identity": The gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."
- F. "Parental status": The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) a biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person."
- G. "Party": A complainant or respondent.
- H. "Pregnancy and related conditions" includes "(1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions."
- I. "Respondent": A person who is alleged to have violated the school district's prohibition on sex discrimination.
- J. "Retaliation" under Title IX: Intimidation, threats, coercion, or discrimination against any person by the school district, an employee or other person authorized by the recipient to provide aid, benefit, or services under the [school district's] education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participating or refused to participate in any manner in an investigation, proceeding, or other action taken by a school district in regard to allegations of sex discrimination."
- K. "Sex-based harassment" under Title IX: Harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that meets one of the following:
 - a. "Quid pro quo" harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on the individual's participation in unwelcome sexual conduct.
 - b. "Hostile environment" harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the school district's education program or activity (i.e., creates a hostile environment). A school district is obligated to address a sex-based hostile environment under its education program or activity,

even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity. Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors.

- i. Factors to consider in regard to the creation of a “hostile environment”: “(i) the degree to which the conduct affected the complainant’s ability to access the [school district’s] education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties’ ages, roles within the [school district’s] education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other sex-based harassment in the [school district’s] education program or activity.”
- c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined below.
 - i. “Sexual assault” is an offense classified as a forcible or nonforcible sex offense under the uniform reporting system of the Federal Bureau of Investigation. Such offenses include but are not limited to rape, sodomy, sexual assault with an object, and fondling.
 - ii. “Dating violence” is violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.”
 - iii. “Domestic violence” is defined in the Title IX regulations as “Felony or misdemeanor crimes committed by a person who: (a) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim; (b) is cohabitating, or has cohabitated with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult who is protected from those acts under the family or domestic violence laws of the jurisdiction.”
 - iv. “Stalking”: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person’s safety or the safety of others; or (b) suffer substantial emotional distress.”
- L. “Sexual harassment” under New Hampshire law: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee’s educational benefits;
 - b. Submission to or rejection of such conduct by an employee is used as the basis for decisions on educational benefits; or
 - c. Such conduct has the purpose and effect of substantially interfering with an employee’s academic performance or creates an intimidating, hostile, or offensive environment.
- M. “Sexual orientation” under New Hampshire law means “having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality.” Sexual orientation is also covered by Title IX.

- N. “Gender identity” under New Hampshire law means “a person’s gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth.” Gender identity is also covered by Title IX.

[REMOVE] NOTE TO LOCAL BOARDS: THE TITLE IX REGULATIONS DO NOT INCLUDE A DEFINITION OF CONSENT. IF A BOARD WISHES TO INCLUDE SUCH A DEFINITION, WE SUGGEST DISCUSSING THIS WITH LEGAL COUNSEL. [REMOVE]

Section 2. Complaint Procedure

This procedure should be used to address any report or complaint of sex discrimination or sexual/sex-based harassment of an employee.

A. Reports of Alleged Sex Discrimination or Sexual/Sex-Based Harassment

1. Any school district employee (except for designated confidential employees) who receives a report or has reason to believe that an employee may have been discriminated against or harassed on the basis of sex is required to make a report to the Human Rights Officer/Title IX Coordinator.
2. Confidential employees who receive a report that an employee may have experienced sex discrimination or sexual/sex-based harassment must inform the person making the report that the employee is designated “confidential” and inform them of the circumstances in which the employee is not required to make a report to the Human Rights Officer/Title IX Coordinator. The confidential employee will provide the reporter with the Human Rights Officer/Title IX Coordinator’s contact information and explain that the Human Rights Officer/Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process, or initiate an investigation under this complaint procedure.
3. Employees who believe that they have been discriminated against or harassed on the basis of sex should report their concern promptly to the Human Rights Officer/Title IX Coordinator. The report will be documented by the Human Rights Officer/Title IX Coordinator.
4. The individual making the report should provide basic, available information orally or in writing concerning the allegation (i.e., individuals involved, date, time, location, and type of allegation). If the information is conveyed orally, the Human Rights Officer/Title IX Coordinator will document it.
5. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, they are encouraged to discuss the matter with the Human Rights Officer/Title IX Coordinator.
6. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal/state nondiscrimination laws and Board policies, and any retaliation will result in disciplinary action, up to and including termination.

7. The Superintendent will be promptly notified of all reports of alleged discrimination or harassment of an employee.
8. An employee who believes they have been discriminated against or harassed on the basis of sex is encouraged to utilize this complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:
 - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 (telephone: 603-271-2767); and/or
 - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Processing of Complaints

1. The Human Rights Officer/Title IX Coordinator will treat complainants and respondents equitably through the complaint procedure.
2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Human Rights Officer/Title IX Coordinator will meet with the alleged victim to discuss the allegations and supportive measures that may be appropriate in the particular circumstances and to explain the complaint procedure.

If the alleged victim is unknown to the Human Rights Officer/Title IX Coordinator, the person who made the report will be notified of the availability of the complaint procedure.

3. Supportive Measures
 - a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (including but not limited to: requiring no contact between individuals, temporarily moving work locations, and changing schedules).
 - b. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school district's educational environment or to provide support during the complaint procedure or an informal resolution process. The school district may not impose such measures for punitive or disciplinary reasons.
 - c. Supportive measures may be continued even if a complaint or informal resolution process is not initiated, or after the conclusion of such processes, if appropriate under the circumstances.
 - d. Complainants and respondents must be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee must not be the Human Rights Officer/Title IX Coordinator and must have the authority to modify or reverse the decision.
 - e. Complainants and respondents also have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change.
 - f. The school district will not disclose information about supportive measures to persons other than the person to whom they apply unless it is necessary to provide a

supportive measure or to restore or preserve a party's access to education programs and activities.

4. If the Human Rights Officer/Title IX Coordinator reasonably determines that the conduct alleged does not involve illegal discrimination or harassment, the school district is not obligated to initiate the complaint process and may dismiss the complaint (See Subsection C.1. below). If the alleged conduct potentially violates other laws, Board policies/procedures, or professional expectations (in the case of employees), the matter may be referred to the Superintendent and/or other appropriate administrator(s) to address as deemed appropriate.
5. In response to a complaint alleging prohibited sex discrimination or sexual/sex-based harassment, the Human Rights Officer/Title IX Coordinator will initiate the complaint process, or the informal resolution process (if available and appropriate), according to this procedure. When feasible, the decision to initiate an investigation or informal resolution process, or dismiss the complaint, will be made within ten (10) school days of receipt of the complaint.
6. In certain circumstances, the Human Rights Officer/Title IX Coordinator may initiate the investigation process, even when the alleged victim chooses not to, after any or all allegations are withdrawn by the alleged victim, or when an informal resolution process is not initiated or is terminated. To make this fact-specific determination, the Human Rights Officer/Title IX Coordinator will consider, at a minimum:
 - a. The complainant's request not to proceed with initiating a complaint;
 - b. The complainant's reasonable safety concerns regarding initiating a complaint;
 - c. The risk that additional acts of discrimination or harassment would occur if a complaint is not initiated;
 - d. The severity of the alleged discrimination or harassment, including whether the discrimination, if established, would require the removal of a respondent from school or imposition of another disciplinary sanction to end the discrimination or harassment and prevent its recurrence;
 - e. The age and relationship of the parties, including whether the respondent is an employee of the school district;
 - f. The scope of the alleged discrimination or harassment, including information suggesting a pattern, ongoing discrimination/harassment, or discrimination/harassment alleged to have impacted multiple individuals;
 - g. The availability of evidence to assist a decisionmaker in determining whether discrimination or harassment occurred; and
 - h. Whether the school district could end the alleged discrimination or harassment and prevent its recurrence without initiating the complaint procedure.

If, after considering these and any other factors that may be relevant, the Human Rights Officer/Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other individuals, or that the alleged conduct prevents the school district from ensuring equal access to its education programs and activities, the Human Rights Officer/Title IX Coordinator may initiate a complaint.

7. If the Human Rights Officer/Title IX Coordinator initiates a complaint, the complainant will receive prior notice and any reasonable safety concerns will be addressed.

8. The Human Rights Officer/Title IX Coordinator will confirm the initiation of an investigation or informal resolution process in writing to both parties. The communication will include: a) a copy of the complaint procedure; b) sufficient information available at the time to allow the parties to respond to the allegations (including the identities of the parties involved, the conduct alleged to constitute sex discrimination or sexual/sex-based harassment, and the date(s) and location(s) of the alleged incident(s); c) notice that retaliation is prohibited; and d) notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.
9. Regardless of whether an investigation is initiated, the Human Rights Officer/Title IX Coordinator will take appropriate, prompt, and effective steps to ensure that discrimination or harassment does not continue or recur. The Human Rights Officer/Title IX Coordinator will also coordinate supportive measures, as appropriate.
10. If the Human Rights Officer/Title IX Coordinator decides to investigate additional allegations of discrimination or harassment made by the complainant against the respondent after the parties receive notice of the complaint, the Human Rights Officer/Title IX Coordinator will notify the parties of the additional allegations in writing.
11. The Human Rights Officer/Title IX Coordinator may consolidate complaints of discrimination or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.
12. The school district will presume that the respondent is not responsible for alleged discrimination or harassment until a determination is made at the conclusion of the investigation.
13. The school district will take reasonable steps to protect the privacy of the parties and witnesses during the complaint procedure and will comply with applicable state and federal privacy laws. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, confidential employees/resources, or otherwise prepare for and participate in the complaint procedure.

C. Dismissal of Complaints

1. The Human Rights Officer/Title IX Coordinator may dismiss a complaint in the following circumstances:
 - a. The school district is unable to identify a respondent after taking reasonable steps to do so;
 - b. The respondent is not participating in the school district's education programs and activities, or is not employed by the school district;
 - c. The complainant voluntarily withdraws any or all allegations in the complaint, the Human Rights Officer/Title IX Coordinator declines to initiate a complaint and determines that, without the complainant's withdrawn allegations, the alleged conduct remaining, if any, would not constitute discrimination or harassment even if proven; or

- d. The Human Rights Officer/Title IX Coordinator determines that the conduct alleged in the complaint, even if proven, would not constitute discrimination or harassment under state/federal laws and regulations.
2. Upon dismissal, the Human Rights Officer/Title IX Coordinator will promptly notify the complainant (and the respondent, if they had received notice of the complaint allegations) of the basis for the dismissal, and provide the opportunity to appeal the dismissal.
3. Dismissals may be appealed on the following bases:
 - a. Procedural irregularity that would change the outcome;
 - b. New evidence that would change the outcome and that was not reasonably available when the dismissal [or determination in the case] was made; and
 - c. The Human Rights Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally, or the individual complainant or respondent that would change the outcome.
4. An appeal of a complaint dismissal must be made in writing to the Human Rights Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.
5. If the dismissal is appealed, the Human Rights Officer/Title IX Coordinator shall:
 - a. Notify the respondent of the appeal if they had received notice of the complaint allegations;
 - b. Implement the appeal procedure equally for the parties;
 - c. Ensure that the trained decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
 - d. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
 - e. Notify the parties in writing of the result of the appeal and the rationale for it within five (5) school days, if feasible.
6. When a complaint is dismissed, the Human Rights Officer/Title IX Coordinator will, at a minimum:
 - a. Offer supportive measures to the complainant and respondent if appropriate; and
 - b. Take other prompt and effective steps, as appropriate to ensure that discrimination or harassment does not continue or recur within the school district's program or activity.
7. The Human Rights Officer/Title IX Coordinator will document actions taken during the appeal process.

D. Administrative Leave

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable state laws, school policies, and collective bargaining agreement provisions.

2. Any decision to place an employee respondent on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
3. The Human Rights Officer/Title IX Coordinator will document actions taken during the administrative leave process.

[Note: The Superintendent may remove a student from education programs and activities on an emergency basis during the complaint procedure in accordance with the procedures set forth in ACAA-R2, Section 2.D]

E. Informal Resolution Process

1. Informal resolution is not permitted in cases where a student is the complainant and an employee is the respondent to alleged sex discrimination or harassment [such cases should be addressed under Procedure *ACAA-R2*].
2. The Human Rights Officer/Title IX Coordinator may, if appropriate, offer the parties the opportunity to resolve the complaint through an informal resolution process at any point prior to an investigation or determination of responsibility. Engaging in an informal resolution process is voluntary on the part of each party. The Human Rights Officer/Title IX Coordinator also may decline to pursue an informal resolution despite a party's request (for example, if the alleged conduct presents a future risk of harm to the complainant or others).
3. Both (or all) parties must voluntarily agree in writing to participate in an informal resolution process, and a party may withdraw from the process at any time. The parties will not be required to attend meetings together unless they voluntarily agree to do so.
4. Before initiating an informal resolution process, the Human Rights Officer/Title IX Coordinator will ensure that the parties receive notice of: i.) the allegations; ii.) the requirements of the informal resolution process; iii.) the right of any party to withdraw from the process and initiate or resume the investigation process; iv.) that the parties' agreement to an informal resolution would preclude them from initiating or resuming the investigation; v.) potential terms that may be requested or offered in an informal resolution agreement, including notice that an agreement is binding on the parties; and vi.) what information the school district will maintain regarding the informal resolution process.

[Note: Informal resolutions can take many forms, depending on the particular case, including but not limited to: restrictions on contact between the parties; facilitated discussions between the parties; restorative justice; acknowledgement of responsibility by a respondent; apologies; disciplinary actions against a respondent or requirements to engage in specific services; or supportive measures.]

5. The facilitator for the informal resolution process: must be trained; cannot be the same person as the investigator or decisionmaker in the matter; and must not have a conflict of interest or bias regarding parties to such matters generally or to an individual complainant or respondent.
6. The Superintendent must agree to the terms of any informal resolution reached between the parties, considering whether the resolution is in the best interest of the parties and the school

district in light of the particular circumstances, applicable laws/regulations, and Board policies.

7. If an informal resolution agreement is reached, it will be agreed to in writing by both parties and the Human Rights Office/Title IX Coordinator. Any such agreement is final and binding on the parties.

F. Investigation Process

[REMOVE] NOTE TO LOCAL BOARDS: THE TITLE IX REGULATIONS DO NOT PROHIBIT THE HUMAN RIGHTS OFFICER/TITLE IX COORDINATOR FROM INVESTIGATING COMPLAINTS OR BEING THE DECISIONMAKER. HOWEVER, WHEN IT IS FEASIBLE, LOCAL BOARDS MAY WANT TO ASSIGN INVESTIGATION AND DECISIONMAKING DUTIES TO OTHERS.

WE HAVE WRITTEN SECTIONS F AND G WITH THE INVESTIGATION ROLE SEPARATE FROM THE HUMAN RIGHTS OFFICER/TITLE IX COORDINATOR ROLE, AND WITH FLEXIBILITY FOR THE SCHOOL DISTRICT TO UTILIZE A DECISIONMAKER SEPARATE FROM THE INVESTIGATOR. IF THE SCHOOL DISTRICT WISHES TO CONSOLIDATE ONE OR MORE OF THESE ROLES, OR TO HAVE FIXED ASSIGNMENTS FOR CERTAIN ROLES, WE RECOMMEND DISCUSSING THIS WITH LEGAL COUNSEL AND MAKING CHANGES AS NEEDED IN SECTIONS F AND G. [REMOVE]

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Human Rights Officer/Title IX Coordinator. The investigator shall not have a conflict of interest or bias against complainants or respondents generally, or an individual complainant or respondent, and will consult with the Human Rights Officer/Title IX Coordinator during the investigation process.
2. Any complaint about an employee who holds a supervisory position will be investigated by a person not subject to that supervisor's authority. Any complaint about the Superintendent will be submitted to the Board Chair, who will consult with legal counsel concerning the handling and investigation of the complaint.
3. If the complaint is against an employee of the school district, any rights conferred under an applicable bargaining agreement will be applied, to the extent they do not conflict with the requirements of Title IX and accompanying regulations.
4. The burden is on the school district, and not the parties, to gather sufficient evidence (through the investigation) in order to determine whether illegal discrimination or harassment occurred.
5. The investigator shall provide an opportunity for the complainant and respondent to be heard as part of the investigation. The parties will not be required to attend meetings together.
6. The parties may suggest witnesses to be interviewed and/or submit materials that they believe are relevant to the allegations and complaint.

7. The investigator will evaluate evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
 - a. The Title IX regulations define "relevant" as "related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred."
8. The following types of evidence, and questions seeking that evidence, are impermissible:
 - a. Evidence that is protected under a privilege recognized by federal or state law, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing.
 - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment to the party or witness, unless the school district obtains that party's or witness's voluntary, written consent for use in the complaint procedure; and
 - a. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed alleged sexual/sex-based harassment or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sexual/sex-based harassment. The fact of prior sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

[REMOVE] NOTE TO LOCAL BOARDS: TITLE IX REGULATIONS PERMIT THE SCHOOL DISTRICT TO PROVIDE THE PARTIES WITH AN OPPORTUNITY TO REVIEW THE EVIDENCE OR TO PROVIDE THE PARTIES WITH "AN ACCURATE DESCRIPTION OF THE EVIDENCE." WE GENERALLY RECOMMEND THAT RELEVANT, PERMISSIBLE EVIDENCE BE REVIEWED BY THE PARTIES RATHER THAN PROVIDING THEM WITH A DESCRIPTION OF THE EVIDENCE BECAUSE, IF A DESCRIPTION IS PROVIDED, THE PARTIES MAY STILL REQUEST TO REVIEW THE EVIDENCE ITSELF. WE RECOMMEND DISCUSSING THIS ISSUE WITH LEGAL COUNSEL IF A BOARD WANTS TO PROVIDE DESCRIPTIONS OF THE EVIDENCE INSTEAD. [REMOVE]

9. The investigator will provide each party with the opportunity to review the evidence that is relevant to the allegations of discrimination or harassment (and not otherwise impermissible), and to respond to it.
10. The Human Rights Officer/Title IX Coordinator and investigator will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the complaint procedure. Disclosure of such information and evidence for the purposes of administering administrative proceedings or litigation related to the complaint are authorized.

[REMOVE] NOTE TO LOCAL BOARDS: IF THE INVESTIGATOR ALSO MAKES DISCIPLINE/REMEDY DECISIONS, PARAGRAPH 16 SHOULD INCLUDE THIS INFORMATION. [REMOVE]

11. The investigator will conclude the investigation and issue a written report to the Human Rights Officer/Title IX Coordinator within forty (40) school days, if feasible.
 - a. If the investigator has been charged with making a determination of responsibility/non-responsibility with respect to each allegation, such determination(s) and the reasons, therefore, shall be included in the report.
12. Extensions of time may be granted to complete the investigation if approved by the Human Rights Officer/Title IX Coordinator for reasonable cause. Notice of any extension and the reasons, therefore, will be provided to the parties.

G. Determinations of Responsibility

1. The standard used to determine whether illegal discrimination or harassment occurred is the preponderance of the evidence standard (“more likely than not”).

[REMOVE] NOTE TO LOCAL BOARDS: THE FOLLOWING PARAGRAPHS SHOULD BE ADAPTED AS NECESSARY TO REFLECT A SCHOOL DISTRICT’S PRACTICES IN REGARD TO WHO MAKES RESPONSIBILITY DETERMINATIONS AND/OR DISCIPLINARY DECISIONS. [REMOVE]

2. The decisionmaker will review the investigation report, the evidence gathered (as appropriate), and will have the discretion to conduct additional interviews of parties and/or witnesses if needed to assess credibility.
3. The decisionmaker will make a written determination of responsibility/non-responsibility in regard to each allegation and the reasons therefore, which shall be shared with the Human Rights Officer/Title IX Coordinator and the parties.
4. In general, the Human Rights Officer/Title IX Coordinator will notify the parties of the determination decision(s) within five (5) school days of the determination being reached. Reasonable extensions of time may be approved by the Human Rights Officer/Title IX Coordinator for good reason. The notification will include the permissible bases for appeal and the deadline for receipt of appeals.
5. If there is a determination that the respondent is responsible for violations, the appropriate administrator will make decisions as to appropriate disciplinary action and remedies.
6. The Human Rights Officer/Title IX Coordinator shall, as appropriate:
 - a. Coordinate the provision and implementation of remedies to a complainant and any other persons if necessary to provide equal access to the school district’s educational programs and activities that had been limited or denied by discrimination or harassment;
 - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

- c. Take other appropriate prompt and effective steps if necessary to ensure discrimination and harassment does not continue or recur.
- 7. A determination of responsibility becomes final on the date that the Human Rights Officer/Title IX Coordinator provides the parties with the written determination of the results of the appeal, if an appeal is filed. If an appeal is not filed, the determination of responsibility becomes final on the date on which the appeal would no longer be considered timely.
- 8. The school district will not discipline a party, witness, or others participating in the complaint procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination that sex discrimination or sexual/sex-based harassment occurred.

H. Remedies, Discipline, and Other Actions

[REMOVE] NOTE TO LOCAL BOARDS: TITLE IX REGULATIONS CONTINUE TO REQUIRE SCHOOL DISTRICTS TO PROVIDE A RANGE OF REMEDIES AND DISCIPLINE THAT MAY BE UNDERTAKEN IN RESPONSE TO A FINDING OF RESPONSIBILITY FOR SEX-BASED HARASSMENT. THE LANGUAGE HERE REFLECTS TYPICAL RANGES, BUT THE SPECIFIC ACTIONS CAN BE MODIFIED TO REFLECT LOCAL PRACTICE. [REMOVE]

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education programs and activities following the decisionmaker's determination(s). Such remedies may include supportive measures and may include other appropriate measures, depending on the determination(s) and the needs of the complainant. The Human Rights Officer/Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the complainant.

2. Discipline and Other Actions

Examples of disciplinary and other actions that may be imposed on a student when there is a determination that they are responsible for one or more violations of sexual/sex-based harassment include suspension, expulsion, restorative justice, required education or counseling, and other measures.

Examples of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations of sexual/sex-based harassment include: written warning, probation, counseling, demotion, suspension without pay, termination.

I. Appeals

- 1. After the conclusion of the investigation and decisionmaker determination(s), the complainant or respondent may seek an appeal of the findings based on the following factors:
 - a. Procedural irregularity that would change the outcome;
 - b. New evidence that would change the outcome and that was not reasonably available when the determination was made; and
 - c. The Human Rights Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

2. The appeal must be made in writing to the Human Rights Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.
3. The Superintendent is responsible for making a determination on the appeal. The Superintendent will conduct an impartial review of the appeal, including consideration of the written record in the case, and may consult with legal counsel or other school district officials in making their decision.
4. The Superintendent will issue the appeal determination in writing within ten (10) school days of receipt of the appeal, if feasible.
5. The Superintendent's decision is final.

Section 3. Recordkeeping

The Human Rights Officer/Title IX Coordinator shall maintain a record of documents and action in each case, and records of trainings provided, for a period of seven (7) years.

FOUNDATIONS AND BASIC COMMITMENTS

ACAA/JBAA

(4152.1)

Category: Priority/Required by Law

Harassment of Students

The school district prohibits harassment of students on the basis of:

- Race;
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin; and
- Disability.

Such conduct is a violation of Board policy and may constitute illegal discrimination under state and/or federal laws.

School employees, fellow students, volunteers, visitors to the schools, and other individuals with whom students may interact in order to pursue or engage in education programs and activities, are required to refrain from such conduct.

A. Harassment

Harassment includes but is not limited to, verbal abuse and other unwelcome, offensive conduct based on the protected categories listed above. Harassment that rises to the level of physical assault, battery, and/or abuse, and/or bullying behavior are also addressed in Board Policies JICIA – Weapons, Violence and School Safety and JICK – Bullying.

B. Sexual/Sex-Based Harassment

Sexual Harassment and other forms of Sex-Based Harassment are addressed under federal and state laws/regulations. The scope and definitions of sexual/sex-based harassment under these laws differ, as described below.

1. Sex-Based Harassment Under Title IX

Under the federal Title IX law and its accompanying regulations, sex-based harassment includes harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that is:

- a. “Quid pro quo” harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service (such as a better grade or college recommendation) on the individual’s participation in unwelcome sexual conduct.
- b. “Hostile environment” harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offense, and is so severe or pervasive that it limits or denies an individual’s ability to participate in or benefit from the school district’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-based inquiry

that includes consideration of a number of factors (identified in *ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure*).

- c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined in applicable federal laws/regulations.

2. Sexual Harassment Under New Hampshire Law

Under New Hampshire law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature in the following situations:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
- b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
- c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance, or creates an intimidating, hostile, or offensive environment.

C. Reports and Complaints of Harassment

All employees (except employees designated by the school district as "confidential employees" in regard to sexual/sex-based harassment complaints) are required to report possible incidents of harassment involving students to the Human Rights Officer/Title IX Coordinator. Failure to report such incidents may result in disciplinary action.

Students, parents/guardians, and other individuals are strongly encouraged to report possible incidents of harassment involving students to the Human Rights Officer/Title IX Coordinator so that they can be appropriately addressed.

The Human Rights Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment has occurred.

Reports of discrimination and harassment of students shall be addressed through *ACAA-R1 – Discrimination and Harassment of Students Complaint Procedure*. Reports of sex discrimination, including sexual/sex-based harassment, are addressed in *ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure*.

~~Harassment of students because of age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion or economic status is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.~~

~~School employees, fellow students, volunteers, visitors to the schools, and other persons with whom students may interact in order to pursue or engage in education programs and activities, are required to refrain from such conduct.~~

~~Harassment and sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment and sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.~~

A. Harassment

~~Harassment includes, but is not limited to, verbal abuse and other offensive conduct based on of age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion or economic status. Harassment that rises to the level of physical assault, battery and/or abuse and bullying behavior are also addressed in Board Policy JCK—Bullying and/or other applicable policies.~~

~~B. Sexual Harassment~~

~~Sexual harassment is addressed under federal and state laws/regulations. The scope and definitions of sexual harassment under these laws differ, as described below.~~

~~1. Title IX Sexual Harassment~~

~~Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district's education programs and activities:~~

- ~~a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual's participation in unwelcome sexual conduct;~~
- ~~b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or~~
- ~~c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.~~

~~2. Other Forms of Sexual Harassment~~

~~Some forms of sexual harassment may not meet the definition under Title IX (see paragraph 1, above) but is still prohibited under New Hampshire law.~~

~~The District defines other forms of "sexual harassment" as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:~~

- ~~a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;~~
- ~~b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or~~
- ~~c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.~~

~~C. Reports and Complaints of Harassment or Sexual Harassment~~

~~All school employees are required to report possible incidents of harassment or sexual harassment involving students to the Title IX Coordinator. Failure to report such incidents may result in disciplinary action.~~

~~Students, parents/legal guardians and other individuals are strongly encouraged to report possible incidents of harassment or sexual harassment involving students to the Title IX Coordinator. The Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.~~

~~All reports and complaints of harassment or sexual harassment against students shall be addressed through the Student Discrimination/Harassment and Title IX Sexual Harassment Procedures (JBAA-R).~~

Legal References:

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107.

Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as amended by 34 C.F.R. § 104.7.

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, as amended by 34 C.F.R. § 106.

Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. § 12291(a)(3) – definition of stalking; 34 U.S.C. § 12291(a)(8) – definition of domestic violence)

Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c to 2000c-9.

New Hampshire Human Rights Act, RSA 354-A:7, RSA 354-A:27-28.

Adopted: 04/05/16

Amended: 06/10/21

PRC: 08/06/24

Harassment and Sexual Harassment of School Employees

The school district prohibits harassment of employees on the basis of:

- Race;
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin;
- Age;
- Disability; and
- Genetic information.

Such conduct is a violation of Board policy and may constitute illegal discrimination under state and/or federal laws.

A. Harassment

Harassment includes but is not limited to, verbal abuse, threats, physical assault/battery, and other unwelcome, offensive conduct based on the protected categories listed above. Harassment that rises to the level of physical assault, battery, and/or abuse is also addressed in Board Policy JICIA – Weapons, Violence and School Safety.

B. Sexual/Sex-Based Harassment

Sexual Harassment and other forms of Sex-Based Harassment are addressed under federal and state laws/regulations. The scope and definitions of sexual/sex-based harassment under these laws differ, as described below.

1. Sex-Based Harassment Under Title IX

Under the federal Title IX law and its accompanying regulations, sexual/sex-based harassment includes harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that is:

- a. “Quid pro quo” harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service (such as a promotion or favorable evaluation) on the individual’s participation in unwelcome sexual conduct.
- b. “Hostile environment” harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offense, and is so severe or pervasive that it limits or denies an individual’s ability to participate in or benefit from the school district’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors (identified in ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure).

- c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined in applicable federal laws/regulations.

2. Sexual Harassment Under New Hampshire Law

Under New Hampshire law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- c. Such conduct has the purpose and effect of substantially interfering with an employee's work performance or creates an intimidating, hostile, or offensive environment.

C. Reports and Complaints of Harassment

Any employee who believes they have been harassed or sexually harassed is strongly encouraged to make a report to the Human Rights Officer/Title IX Coordinator.

The Human Rights Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment has occurred.

All reports and complaints of discrimination/harassment of employees shall be addressed through ACAB-R1 – Discrimination and Harassment of Employees Complaint Procedure or ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure.

~~Harassment of school employees because of sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion, or genetic information are prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.~~

~~Any employee who engages in harassment or sexual harassment shall be subject to disciplinary action, up to and including discharge.~~

A. Harassment

~~Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, genetic information or disability.~~

B. Sexual Harassment

~~Sexual harassment is addressed under federal and state laws and regulations. The scope and definitions of sexual harassment under these laws differ, as described below.~~

1. Title IX Sexual Harassment

~~Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit's education programs and activities:~~

- a. ~~“Quid pro quo” sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual’s participation in unwelcome sexual conduct;~~
- b. ~~“Hostile environment” sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual’s equal access to the school unit’s education programs and activities; or~~
- c. ~~Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.~~

~~2. Sexual Harassment Under Title VII and New Hampshire Law~~

~~Under another federal law, Title VII, and under New Hampshire law/regulations, sexual harassment is defined differently. The New Hampshire Commission for Human Rights law states that “[u]nwelcome sexual advances, requests for sexual favors, and other verbal, non verbal or physical conduct of a sexual nature constitutes sexual harassment when:~~

- a. ~~Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;~~
- b. ~~Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or~~
- c. ~~Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”~~

~~C. Reports and Complaints of Harassment or Sexual Harassment~~

~~Any employee who believes they have been harassed or sexually harassed is encouraged to make a report to the Human Rights Officer/Title IX Coordinator. The Human Rights Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.~~

~~All reports and complaints regarding harassment or sexual harassment of employees shall be addressed through the Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (GBAA-R).~~

Legal References:

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106 Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)
Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended
Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)
Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
RSA 354-A:7
NH Code Admin. R. Ed. 303.01(i) and (j)
Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg to 2000gg-6.

Adopted: 04/05/16
Amended: 06/10/21
PRC Review: 08/06/24

Non-Discrimination/Equal Opportunity and Affirmative Action Policy Statement

The school district does not discriminate on the basis of sex and other protected categories in its education programs and activities, as required by federal and state laws and regulations.

The school district prohibits discrimination, including harassment, of school employees on the basis of:

- Race;
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin;
- Age;
- Disability; and
- Genetic information.

The school district prohibits discrimination, including harassment, of students on the basis of:

- Race (including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists, and locks);
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin; and
- Disability.

The Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students, and other individuals having access rights to school premises, programs, and activities.

The school district has designated and authorized a Title IX Coordinator who is responsible for ensuring compliance with all federal and state requirements prohibiting discrimination, including sexual/sex-based harassment. The Title IX Coordinator is a person with direct access to the Superintendent.

The school district has implemented complaint procedures for resolving complaints of discrimination and harassment under this policy. The school district provides required notices of non-discrimination policies and complaint procedures, how they can be accessed, and the school

district's compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents, and other interested parties.

A. ~~Prohibition Against Discrimination of Students in Educational Programs and Activities.~~

~~Under New Hampshire law and Board policy, no person shall be excluded from, denied the benefits of, or subjected to discrimination in the District's public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin. Discrimination, including harassment, against any student in the District's education programs, on the basis of any of the above classes, or a student's creed, is prohibited. Finally, there shall be no denial to any person of the benefits of educational programs or activities, on the basis of any of the above classes, or economic status.~~

~~Harassment of students other than on the basis of any of the classes or categories listed above is prohibited under Board policy JICK Bullying and Cyberbullying Pupil Safety and Violence Prevention.~~

B. ~~Equal Opportunity of Employment and Prohibition Against Discrimination in Employment.~~

~~The School District is an Equal Opportunity Employer. The District ensures equal employment opportunities without regard to age, color, creed, disability, gender identity, marital status, national origin, pregnancy, race, religion, sex, or sexual orientation. The District will employ individuals who meet the physical and mental requirements, and who have the education, training, and experience established as necessary for the performance of the job as specified in the pertinent job description(s).~~

~~Discrimination against and harassment of school employees because of age, sex, race, creed, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry, sexual orientation, or gender identity are prohibited. Additionally, the District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.~~

C. ~~Policy Application.~~

~~This Policy is applicable to all persons employed or served by the District. It applies to all sites and activities the District supervises, controls, or where it has jurisdiction under the law, including where it (a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or (b) occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event, as set forth in Board policy JICK, Pupil Safety and Violence Prevention. Examples of sites and activities include all District buildings and grounds, school buses and other vehicles, field trips, and athletic competitions.~~

D. ~~Plan to Prevent, Assess, the Presence of, Intervene In, and Respond to Incidents of Discrimination.~~lv, the "Plan"

~~The Superintendent shall develop and provide to the School Board for approval, a coordinated written District Plan (the "Plan") to prevent, assess the presence of, intervene in, and respond to incidents of discrimination. Annually, "the Plan" and revisions will be presented to the School Board for Approval.~~

E. ~~Human Rights, Title IX, 504 and other Coordinators or Officers.~~

~~The Superintendent shall assure that District and/or building personnel are assigned to the positions listed below. Each year, the Superintendent shall share an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, postal and physical addresses.~~

~~Human Rights Officer: Lisa Holiday, Director of Student Services~~

~~SAU #2
103 Main Street Suite 2
Meredith, NH 03253
603-279-7947
lisa.holiday@interlakes.org~~

~~Title IX Coordinator Lisa Holiday, Director of Student Services
SAU #2
103 Main Street Suite 2
Meredith, NH 03253
603-279-7947
lisa.holiday@interlakes.org~~

~~504 Coordinator Lisa Holiday, Director of Student Services
SAU #2
103 Main Street Suite 2
Meredith, NH 03253
603-279-7947
lisa.holiday@interlakes.org~~

F. Complaint and Reporting Procedures.

~~Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should contact the District Human Rights Officer, or otherwise as provided in the policies referenced below under this same heading.~~

~~Any employee who has witnessed, or who has reliable information that another person may have been subjected to discrimination, harassment, or bullying in violation of this policy has a duty to report such conduct to his/her immediate supervisor, the District Human Rights Officer, or as provided in one of the policies or administrative procedures referenced below under this same heading. Additionally, employees who observe an incident of harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.~~

~~Investigations and resolution of any complaints shall be according to the policies listed below and related administrative procedures or regulations. Complaints or reports regarding matters not covered in one or the other of those policies should be made to the District Human Rights Officer.~~

- ~~1. Reports or complaints of sexual harassment or sexual violence by employees or third-party contractors should be made under Board policy GBAA;~~
- ~~2. Reports or complaints of sexual harassment or sexual violence by students should be made under Board policy JBAA;~~
- ~~3. Reports or complaints of discrimination on the basis of disability should be made under Board policy ACE, except for complaints regarding facilities accessibility by disabled non-students or employees, which should be made under Board policy KED; and~~
- ~~4. Reports or complaints of bullying or other harassment of pupils should be made under Board policy JCK.~~

G. Alternative Complaint Procedures and Legal Remedies.

~~At any time, whether or not an individual file a complaint or report under this Policy, an individual may file a complaint with the Office for Civil Rights (“OCR”), of the United States Department of Education, or with the New Hampshire Commissioner for Human Rights.~~

- ~~1. Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921; Telephone number: (617) 289-0111; Fax number: (617) 289-0150; Email: OCR.Boston@ed.gov~~
- ~~2. New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301; Telephone number: (603) 271-2767; Email: humanrights@nh.gov~~

~~Notwithstanding any other remedy, any person may contact the police or pursue a criminal prosecution under state or federal criminal law.~~

H. Retaliation Prohibited.

~~No reprisals or retaliation of any kind will be taken by the Board or by any District employee against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless that person knew the complaint or report was false or knowingly provided false information.~~

I. Administrative Procedures and Regulations.

~~The Superintendent shall develop such other procedures and regulations as are necessary and appropriate to implement this Policy.~~

J. Notice of Compliance.

~~The Superintendent will provide notice of compliance with federal and state civil rights laws to all applicants for employment, employees, students, parents, and other interested persons, as appropriate.~~

Legal References:

~~Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1965, 42 U.S.C. §§ 2000e to 2000e-17.~~
~~Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, as amended by 34 C.F.R. § 106.~~
~~Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7.~~
~~Age Discrimination in Employment Act, 29 U.S.C. §§ 623-634.~~
~~Equal Pay Act of 1963, 29 U.S.C. § 206.~~
~~Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as amended by 34 C.F.R. § 104.7.~~
~~Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107.~~
~~Genetic Information Nondiscrimination Act of 2008, 29 U.S.C. §§ 2000ff to 2000ff-11.~~
~~Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg to 2000gg-6.~~
~~New Hampshire Human Rights Act, RSA 354-A:7, 354-A:27-28~~

~~RSA 186:11, XXXIII, Discrimination~~
~~RSA 193:38, Discrimination in Public Schools~~
~~RSA 193-F, Student Safety and Violence Protection Act~~
~~RSA 275:71, Prohibited Conduct by Employer~~
~~RSA 354-A, State Commission for Human Rights~~
~~The Age Discrimination in Employment Act of 1967, 29 U.S.C. 621, et seq.~~
~~The Rehabilitation Act of 1973, 29 U.S.C. 705 and 794~~
~~Title II of The Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq.~~
~~Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000e~~
~~Title VII of The Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq~~

~~Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq~~
~~NH Dept of Ed. Rule 303.01 (i), School Board Substantive Duties~~

Adopted: 12/02/14
Board Review: 04/03/18
Amended: 12/07/21
PRC Review: 08/06/24

Pregnant Students

The Board has adopted this policy to comply with its obligations not to discriminate in its education programs and activities against students based on a student's current, potential, or past pregnancy or related conditions. The Title IX Coordinator is responsible for implementing this procedure, in consultation with the Superintendent, Human Rights Officer, and others as appropriate.

For the purposes of this policy, pregnancy or related conditions include:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

A. Notifications

When a student or their parent/guardian informs any school district employee of a student's pregnancy or related condition(s), the employee must promptly provide the student or the parent/legal guardian with the Title IX Coordinator's contact information so that the Title IX Coordinator can take any necessary actions to ensure the student's equal access to the school district's education programs and activities. The employee should also notify the Title IX Coordinator of the pregnancy or related condition(s), unless the employee reasonably believes that the Title IX Coordinator has already been notified.

Once the Title IX Coordinator is informed of a student pregnancy, they shall inform the student (or the parent/legal guardian if they informed the Title IX Coordinator), of the school district's obligations (outlined below) and provide a copy of Board Policy AC.

B. Reasonable Modifications

1. Reasonable modifications to the school district's policies, procedures, and practices shall be made to prevent sex discrimination and ensure equal access to education programs and activities, based on the student's individualized needs. The Title IX Coordinator will consult with the student regarding any such modifications. Modifications that fundamentally alter the nature of an education program or activity are not considered "reasonable" under Title IX regulations.
2. The student has the discretion to accept or decline each reasonable modification offered. If a student accepts a modification, the Title IX Coordinator will see that it is implemented.
3. Reasonable modifications may include, but are not limited to:
 - a. Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions (such as eating, drinking, or using the restroom);
 - b. Intermittent absences to attend medical appointments;
 - c. Access to online or homebound education;
 - d. Change in schedule or course sequence;
 - e. Extensions of time for coursework and rescheduling of tests and examinations;
 - f. Allowing a student to sit or stand, or carry or keep water nearby;
 - g. Counseling;
 - h. Changes in physical space or supplies (such as access to a larger desk or a footrest);

- i. Elevator access; and/or
- j. Other reasonable changes in policies, procedures, or practices.

C. Voluntary Access to Separate and Comparable Portions of Education Programs or Activities

1. If the school district offers a separate and comparable portion of an education program or activity, the student must voluntarily agree to participate in such program or activity.

D. Voluntary Leave of Absence

1. The school district shall allow a student to voluntarily be absent from school to cover, at a minimum, the period of time deemed medically necessary by the student's licensed health care provider.
2. When the student returns to the school district's education programs and activities, they shall be reinstated to the academic status, and to the extent practical, any extracurricular status, that they held prior to the voluntary leave.

E. Lactation Space

1. The student shall be able to access a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by the student for expressing breast milk or breastfeeding as needed.

F. Limits on Requiring Documentation

1. The Title IX Coordinator shall not require supporting documentation from the student, except to the extent it is necessary and reasonable to determine the reasonable modifications to make or to determine whether additional specific actions are needed.
2. Examples of situations where requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action under this procedure is obvious, such as when a pregnant student needs a larger uniform or desk, needs break time, etc. Supporting documentation is also not necessary and reasonable if a specific action is available to other students who are not pregnant or have related conditions.
3. The Title IX Coordinator shall not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in a class, program, or extracurricular activity unless:
 - a. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
 - b. The school district requires such certification of all participating students; and
 - c. The information obtained is not used as a basis for discrimination against the student.

Legal References:

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688; 34 C.F.R. § 106.40.
RSA 193:38.
RSA 354-A:27-28.

FISCAL MANAGEMENT

DH
3550

Bonded Employees and Officers

At the time of his/her appointment or reappointment, the Ashland School District will arrange for a Public Officials Bond to cover the District for acts or omissions of the treasurer and assistant treasurer, if any, in an amount as recommended by the Department of Revenue Administration. The cost of the bond will be paid by the District through the Schedule Bond Coverage of the Property and Liability coverage package insurance.

Crime Loss Coverage. ~~Any With respect to~~ employees that handle money, ~~such as Student Activity Funds~~ that are not required by RSA to be bonded, the District will maintain crime loss coverage through its property and liability coverage package. ~~will be covered under the Property and Liability Insurance's Crime Coverage Blanket Bond.~~

Legal Reference:

197:22 Treasurer's Bond

Approved: 12/02/14
PRC Review: 09/03/19
PRC Review: 08/06/24

Disposition of Books, Supplies, and Equipment

When any district-owned instructional materials, supplies, and equipment or other property becomes unusable, obsolete, or no longer needed; a reasonable value for an item (individually or in the aggregate) shall be determined by the Principal and ~~Assistant Superintendent~~Business Administrator based on research and current market values. Recommendations for disposal will be based on the following guidelines:

- ~~1.~~ The Board will take action on an item (individually or in the aggregate) if the value is determined to be \$1,000 or more. The disposal of items with a value below \$1,000 is at the discretion of the Principal.
- ~~2. A list of all proposed disposals will be provided to the school board at the end of each school year.~~

When practical, ~~the~~ items shall be donated to Ashland town departments or charitable organizations.

Fixed asset inventories shall be amended to reflect changes in values through disposal. In the event the equipment was purchased with monies from a federal grant, the Code of Federal Regulations will govern the disposal of such equipment.

Sale of real estate will be by the vote of the electorate of the School District at an annual or special School District meeting, and the revenue derived there from shall be returned to the general fund to defray costs of current expenses.

Legal Reference:

Code of Federal Regulations 34 Section 80.32 Education: Equipment

Adopted: 08/04/15
Amended: 02/04/20
PRC: 08/05/24

FOUNDATIONS AND BASIC COMMITMENTS

ACE
6170**Procedural Safeguards: Non-Discrimination on the Basis of Handicap/ Disability**

The Board will comply with all state and federal laws and regulations regarding the education of students with a handicap or disability who reside within the Ashland School District. In addition, all staff, students, parents and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook- (relative to the Individuals with Disabilities Education Act), or to the Model Process for 504 Plan Development (Section 504 of the Rehabilitation Act of 1973).

More specific information regarding the Districts programs and procedures relative to programs for students with disabilities is found in Board policy IHBA and procedural document IHBA-R.

Legal References:**NH Dept of Ed Regulation**

NH Department of Ed. Admin. Rules, Ed 1120

Federal Regulations

34 C.F.R. Part 104

Federal Statutes

29 U.S.C. §794

42 U.S.C. 12101, et seq.

Section 504, 29 U.S.C. 701, et. seq.

Description

Procedural Safeguards

Description

Nondiscrimination on the Basis of Handicap

Description

Rehabilitation Act of 1973

Title II of The Americans with Disabilities Act of 1990

Section 504 of The Rehabilitation Act of 1973

Legal References:

NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards

34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap

Section 504 of The Rehabilitation Act of 1973

Proposed: 10/02/01
Approved: 01/03/02
Reviewed: 03/02/04
Reviewed: 04/03/12
Reviewed: 11/05/13
Reviewed: 11/07/17
Amended: 12/07/21

Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints**USDA Non-Discrimination Statement (copied to Policy AC).**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. (*See note at end of this Section A.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: [USDA Form AD-3027](#) (linked tested 2024/5/9), from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **Mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
2. **Fax:**
(833) 256-1665 or (202) 690-7442; or
3. **Email:**
Program.Intake@usda.gov

NOTE: the above listed classes are those for which protections are extended under USDA regulations. Although the USDA only receives complaints relative to claims of discrimination based upon those classes, additional state and federal laws, as well as Board policy AC [] extend protections against discrimination to additional classes of persons. See policy AC [**] for further information regarding those additional classes and related grievance procedures.*

B. Additional Discrimination Complaint Information.

1. Any person or representative alleging discrimination based on a prohibited basis relative to any of the District's food service programs has the right to file a complaint within 180 days of the alleged discriminatory action.
2. District staff who receive a complaint alleging illegal discrimination in the district's nutrition program will forward the complaint to the District's [Human Rights Officer immediately, who shall note whether the allegation was made verbally or in person and will transcribe the complaint if it is not provided in writing. As required by the USDA, the Human Rights Officer forward the complaint to the USDA Office of the Assistant Secretary for Civil Rights immediately and will not first attempt to resolve the complaint prior to contacting the USDA.

C. Notice of Non-Discrimination Statement and Program Rights.

The Superintendent shall ensure that all materials and resources that are used to inform the public about any USDA supported Food and Nutrition Service (FNS) program include the complete, most current USDA non-discrimination statement in its exact wording. The statement may be accessed at: [USDA Non-discrimination Statement \(Other Programs\)](#) (link tested 2024/5/9).

At a minimum, the full USDA non-discrimination statement must be included on the following materials related to USDA programs:

- > FNS Application Form(s)
- > Notification of Eligibility or Ineligibility
- > Expiration of Certification Notification
- > Discontinuance Notification
- > Program (Home) Web Page
- > Other Public Information

If the size of the material is too small to include the full USDA Non-Discrimination statement (e.g., newspaper printing of menus), the material must at a minimum include the following statement in print the same size font as the main text: *"This institution is an equal opportunity provider."*

D. Display of "And Justice for All" Poster.

The USDA requires that its "And Justice for All" non-discrimination poster is prominently displayed in each location where FNS meals are most frequently provided (e.g., school cafeteria). Each poster must be no smaller than 11" x 17" and placed in a location that enables program participants to read the text regarding civil rights complaints without obstruction.

FOUNDATIONS AND BASIC COMMITMENTS

ACF
(New)

Category: Priority/Required by Law

Legal References:

Written: 5/30/2024

Drug-Free Workplace

1. All District workplaces are drug- and alcohol-free. All employees and contracted personnel are prohibited from:
 - a. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of any controlled substance or drug while on or in the workplace, including employees possessing a "medical marijuana" card.
 - b. Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.
2. For purposes of this policy, a "controlled substance or drug" means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or New Hampshire Controlled Drug Act RSA 318-B.
3. For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.
4. As a condition of employment, each employee and all contracted personnel will:
 - a. Abide by the terms of this policy respecting a drug- and alcohol-free workplace, including any administrative rules, regulations or procedures implementing this policy; and
 - b. Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.
5. In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:
 - a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
 - b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
 - c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency

from which the District receives contract or grant moneys of an employee/contracted personnel's conviction, within ten (10) days after receiving notice of the conviction.

The processes for disciplinary action shall be those provided generally to other misconduct for the employee/contractor personnel as may be found in applicable collective bargaining agreements, individual contracts, School Board policies, contractor agreements, and or governing law. Disciplinary action should be applied consistently and fairly with respect to employees of the District and/or contractor personnel as the case may be.

C. **Drug-Free School Zone**

Pursuant to New Hampshire's "Drug-Free School Zone" law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell prescribe administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a "drug-free school zone". The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B, I, and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.

OPTIONAL - MAY ONLY BE ADOPTED UPON REQUEST BY A SYRINGE SERVICE PROGRAM ADMINISTRATOR - see (3) of NHSBA revision note for September 2018 above. Notwithstanding above paragraph, the board grants an exception to allow for a Syringe Service Program within the boundaries of the Drug-Free Zone of the _____ [name of particular School], and as requested by _____ [name of organization], a syringe service program administrator/operator as that terms is used in RSA 318-B:43 and 45

D. **Implementation and Review**

- a. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
- b. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5.a, b and d; (ii) determine the effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.

Legal References:

- ~~41 U.S.C. §101, et. Seq. Drug free workplace requirements for Federal contractors, and Federal grant recipients~~
- ~~RSA Chapter 193-B Drug Free School Zones~~
- ~~N.H. Admin. Code, Ed. Part 316~~

NH Statutes

RSA Chapter 193-B

NH Dept of Ed Regulation

N.H. Admin. Code, Ed. Part 316

Federal Statutes

41 U.S.C. §101, et. seq.

Description

Drug Free School Zones

Description

Procedure to mark drug-free school zones

Description

Drug-free workplace requirements for Federal contractors, and Federal grant recipients

Written: 08/96
 Amended: 10/01/96
 Reviewed: 12/04/01; 10/07/03; 06/01/04
 Amended: 01/04/11; 11/01/16; 10/05/21, 11/01/22

Programs for Pupils with Disabilities**A. PROGRAMS AND SERVICES**

The District shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the district, required under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans With Disabilities Act (Title II), and New Hampshire Law. These laws include procedures for identification, evaluation, placement, and delivery of services to children with disabilities.

Disabilities are defined differently under the IDEA than under Section 504 and Title II. While the IDEA focuses on special educational services for children with disabilities and the related rights afforded to eligible students and their parents, Section 504 and Title II focus on the focus on the nondiscrimination rights of students as well as other individuals with disabilities who are not students, such as family members with disabilities, and members of the public with disabilities seeking information from, or access to, the services, programs, and activities of the public school.

Such rights can include the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met.

While all students who are eligible for special education and related services under the IDEA are protected by Section 504 and Title II, not all students protected by Section 504 and Title II are eligible for services under the IDEA. In other words, students may be disabled within the meaning of Section 504 and Title II even though they do not requires services and specially designed instruction pursuant to the IDEA.

An IDEA-eligible student is entitled to receive special education and related services when the student reaches three years of age and continues until the student's 22nd birthday or until such time as he/she receives a regular high school diploma, whichever occurs first, or until the student's Individualized Education Program (IEP) Team determines that the student no longer requires special education in accordance with federal and state law. At the discretion of the Superintendent and/or his/her designee, students who reach the age of 22 during the academic year may be allowed to complete the remainder of the school year.

B. NOTICE OF PROCEDURAL SAFEGUARDS

1. **IDEA SAFEGUARDS.** For IDEA-eligible students, the District utilizes the New Hampshire Special Education Procedural Safeguards, which can be accessed through the New Hampshire Department of Education website or obtained from the District's Student Services Office.

The District will provide a copy of New Hampshire Procedural Safeguards in Special Education to the parents/guardians of a child with a disability one time per year. This is typically done at each annual IEP team meeting. A copy shall also be given to the parents:

- a. Upon initial referral or parent request for evaluation;
- b. Upon receipt of the first request for a due process hearing filed in a school year;
- c. Upon receipt of the first State complaint in a school year;

- d. Upon request by a parent; and
- e. In accordance with the discipline procedures in §300.530(h).
- f.

Further information regarding special education procedures and services is available through the District Student Services Office, and in the District's Special Education Policy and Procedures Manual, a copy of which is available through that office.

2. **SECTION 504 SAFEGUARDS.** For procedural safeguards relative to Section 504, the District utilizes the "Notice of Parent and Student Rights Under Section 504", and administrative document coded as IHBA-R.

The Superintendent or Superintendent's designee shall assure that the Notice of Parent and Student Rights Under Section 504 is updated annually to reflect current contact information consistent with the annual update of policy AC-E. The District shall provide a copy of the Notice of Parent and Student Rights Under Section 504 to the parents/guardians of a child with a disability one time per year. This is typically done at each Section 504 team meeting.

Legal References:

NH Statutes

RSA 186-C

NH Dept of Ed Regulation

N.H. Code of Admin. Rules, Sect. Ed. 1100

Federal Regulations

34 C.F.R. § 300 et seq.

Federal Statutes

20 U.S.C. §§1400 et seq.

29 U.S.C. §794

42 U.S.C. 12101, et seq.

Description

[Special Education](#)

Description

[Standards for the Education of Students With Disabilities](#)

Description

[Assistance to the States for the Education of Children with Disabilities](#)

Description

[Individuals with Disabilities Education Law](#)

[Rehabilitation Act of 1973](#)

[Title II of The Americans with Disabilities Act of 1990](#)

- d. Upon request by a parent; and
- e. In accordance with the discipline procedures in §300.530(h).
- f.

Further information regarding special education procedures and services is available through the District Student Services Office, and in the District's Special Education Policy and Procedures Manual, a copy of which is available through that office.

2. **SECTION 504 SAFEGUARDS.** For procedural safeguards relative to Section 504, the District utilizes the "Notice of Parent and Student Rights Under Section 504", and administrative document coded as IHBA-R.

The Superintendent or Superintendent's designee shall assure that the Notice of Parent and Student Rights Under Section 504 is updated annually to reflect current contact information consistent with the annual update of policy AC-E. The District shall provide a copy of the Notice of Parent and Student Rights Under Section 504 to the parents/guardians of a child with a disability one time per year. This is typically done at each Section 504 team meeting.

Legal References:

NH Statutes

RSA 186-C

NH Dept of Ed Regulation

N.H. Code of Admin. Rules, Sect. Ed. 1100

Federal Regulations

34 C.F.R. § 300 et seq.

Federal Statutes

20 U.S.C. §§1400 et seq.

29 U.S.C. §794

42 U.S.C. 12101, et seq.

Description

[Special Education](#)

Description

[Standards for the Education of Students With Disabilities](#)

Description

[Assistance to the States for the Education of Children with Disabilities](#)

Description

[Individuals with Disabilities Education Law](#)

[Rehabilitation Act of 1973](#)

[Title II of The Americans with Disabilities Act of 1990](#)

Programs for Pupils with Disabilities – Section 504 – Notice of Parent and Student RightsNotice of Parent and Student Rights under Section 504 Rehabilitation Act of 1973

The Rehabilitation Act of 1973, commonly referred to as “Section 504,” is a nondiscrimination statute enacted by the United States Congress. The purpose of the act is to prohibit discrimination and to ensure that disabled students have educational opportunities and benefits comparable to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having a physical or mental impairment that substantially limits a major life activity such as, but not limited to learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Dual Eligibility: Many students will be eligible for education services under both Section 504 and the Individuals With Disabilities Education Act (IDEA). Students who are eligible under IDEA have many specific rights that are not available to students who are eligible solely under Section 504. An explanation of procedural safeguards for New Hampshire students eligible for services under the IDEA may be found in the "New Hampshire Special Education Procedural Safeguards Handbook available through the school district's Special Education/Student Services _____ Office/Department and sets out the rights assured by IDEA.

It is the purpose of this notice to set out the rights assured by Section 504 to those disabled students who do not qualify under IDEA. The enabling regulations for Section 504 as set out in 34 CFR Part 104 provides parents and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. (34 CFR §104.32)
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. (34 CFR §104.33)
3. Your child has the right to free educational services except for those fees that are also imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or to pay for services provided to a disabled student. (34 CFR §104.34)
4. Your child has a right to placement in the least-restrictive environment. (34 CFR §104.34)

INSTRUCTION

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(NEW)

Category – Priority/Required by Law

5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 CFR §104.34)
6. Your child has a right to an evaluation prior to an initial Section 504 placement and prior to any subsequent significant change in placement. (34 CFR §104.34)
7. Testing and other evaluation procedures must conform to the requirements of 34 CFR §104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, such as assessment, aptitude and achievement tests, teacher recommendations, physical condition or medical reports, student grades, progress reports, parent observations, and anecdotal reports. (34 CFR §104.35)
8. Placement decisions must be made by a group of persons (i.e., the Section 504 Committee) including persons knowledgeable about your child, the meaning of the least-restrictive environment, and comparable facilities. (34 CFR §104.36)
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 CFR §104.35) You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. (34 CFR §104.36)
10. You have the right to examine relevant records. (34 CFR §104.36)
11. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with the opportunity for parental participation in the hearing and representation by an attorney. (34 CFR §104.36)
12. If you wish to challenge the actions of the district's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Coordinator within 30 calendar days from the time you receive written notice of the Section 504 Committee's action(s).

[name]

[contact information]

*NOTE: This information should match the information provided in the annually updated AC-E {**}, and should be included in student/parent handbooks.*

A hearing will be scheduled before an impartial hearing officer, and you will be notified in writing of the date, time, and place for the hearing.

INSTRUCTION

IHBA-R(1)

(NEW)

Category – Priority/Required by Law

13. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. (34 CFR §104.36)
14. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
15. You also have the right to file a complaint with the Office of Civil Rights. The address of the Regional Office with jurisdiction in New Hampshire is:

Office for Civil Rights
U.S. Department of Education,
5 Post Office Square
Boston, Massachusetts 02109-3921
Tel: (617) 289-0111
TTY: (877) 521-2172
FAX: (617) 289-0150
OCR.Boston@ed.gov
Web Contact: www.ed.gov

Legal References:

NH Statutes

RSA 186-C

NH Dept of Ed Regulation

N.H. Code of Admin. Rules, Sect. Ed.
1100

Federal Regulations

34 C.F.R. § 300 et seq.

Federal Statutes

20 U.S.C. §§1400 et seq.

29 U.S.C. §794

42 U.S.C. 12101, et seq.

Description

[Special Education](#)

Description

[Standards for the Education of Students With Disabilities](#)

Description

[Assistance to the States for the Education of Children with Disabilities](#)

Description

[Individuals with Disabilities Education Law](#)

[Rehabilitation Act of 1973](#)

[Title II of The Americans with Disabilities Act of 1990](#)

INSTRUCTION

IHBA-R(1)

(NEW)

Category – Priority/Required by Law

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14. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
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[Individuals with Disabilities Education Law](#)

[Rehabilitation Act of 1973](#)

[Title II of The Americans with Disabilities Act of 1990](#)

STUDENTS

JI

(NEW)

Category: Priority/Required by Law

Student Rights and Responsibilities

Student rights and responsibilities shall be published annually in the applicable student handbook, and will be made available in another language or presented orally upon request. Student disciplinary procedures will be implemented pursuant to Board Policies JIC (#5131) and JICD (#5149).

Legal References:

NH Statutes

RSA 189:15

NH Dept of Ed Regulation

*NH Code of Admin. Rules, Sect. Ed
317.04(b)*

NH Code of Admin., Sect. Ed 306.04(a)(3)

NH Code of Admin., Sect. Ed 306.04(f)

Description

Regulations

Description

Disciplinary Procedures

Student Discipline

Student Discipline

Written: 05/11/23

Reviewed: 05/23/23

Adopted: 06/13/23

PRC: 05/30/24

FOUNDATIONS AND BASIC COMMITMENTS

AC-R

*Category: Priority/Required by Law***Plan to: Prevent Discrimination; Assess the Presence of Discrimination; Intervene & Respond to Incidents of Discrimination****Introduction**

NH RSA 193:38 Discrimination in Public Schools states, “No person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in public schools because of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or national origin, all as defined in RSA 354-A. Any person claiming to be aggrieved by a discriminatory practice prohibited under this section, including the attorney general, may initiate a civil action against a school or school district in superior court for legal or equitable relief, or with the New Hampshire commission for human rights as provided in RSA 354-A:27-28.

The purpose of this Plan is to “prevent, assess the presence of, intervene in, and respond to incidents of discrimination on the basis of age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, national origin, or any other classes protected under RSA 354-A”. RSA 193:39

Relevant School Board Policies

- [Policy AC Non-Discrimination Policy Statement](#)

Prevent Discrimination

- Provide annual training to staff on issues surrounding discrimination, including how to identify potentially discriminatory behavior.
- Provide annual training to the **TBD** Committee on reviewing complaints of discrimination, determining if a pattern of discrimination exists or if isolated event(s), and responding to results of review.
- Provide age-appropriate lessons to students through Guidance on discrimination.

Complaint Procedures for Discrimination

Complaints alleging discrimination against any person (student, family, employee, visitor etc.) based on a protected category should be addressed through the complaint procedures listed below.

- [Policy GBAA-R Employee Discrimination/Harassment & Title IX Sexual Harassment Complaint Procedures](#)
- [Policy JBAA-R Student Discrimination/Harassment & Title IX Sexual Harassment Procedures](#)

Any individual who is unsure about whether discrimination has occurred and/or or which complaint procedure applies is encouraged to contact:

Patricia “Trish” Temperino, Assistant Superintendent
 Title IX Coordinator/Human Rights Officer
 103 Main Street – Suite 2
 Meredith, NH 03253
 Telephone: (603) 279-7947
 Email: trish.temperino@interlakes.org

Alternative Complaint Procedures and Legal Remedies

At any time, whether or not an individual files a complaint or report pursuant to School District policies, an individual may file a complaint with the Office for Civil Rights (“OCR”), of the United States Department of Education, or with the New Hampshire Commissioner for Human Rights.

Office for Civil Rights, U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109 – 3921
Telephone: (617) 289 – 0111
Fax: (617) 289 – 0150
Email: OCR.Boston@ed.gov

New Hampshire Commission for Human Rights
2 Industrial Park Drive
Concord, NH 03301
Telephone: (603) 271 – 2767
Email: humanrights@nh.gov

Assess the Presence of Discrimination

A **TBD** Committee will be in place and will comprise of the Human Rights Officer, Title IX Coordinator, Human Resource Director, School Principal, Athletic Director, Guidance Counselor, Director of Student Services, and Superintendent. The **TBD** Committee will meet once per school year to review any reports filed within the time period, the response to reports, and review any other knowledge or concerns presented regarding discrimination. The review will include analyzing complaints to determine if any possible patterns of discrimination exist or if incidents are isolated in nature and whether additional response is warranted. Minutes of these meetings will be recorded. Identifying student information shall not be included in the minutes.

Interventions/Responses to Discrimination

If there is a finding that discrimination occurred, the Human Rights Officer/Title IX Coordinator, in consultation with the Superintendent:

- Shall determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
- Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
- Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

Appendix / Legal References:

[Policy GBAA-R Employee Discrimination/Harassment & Title IX Sexual Harassment Complaint Procedures](#)

[Policy JBAA-R Student Discrimination/Harassment & Title IX Sexual Harassment Procedures](#)

NH RSA 193:38

NH RSA 193:39

NH RSA 354-A:27-28

Adopted: 12/07/21

Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures

The Board has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints of discrimination and harassment, including sexual harassment, as described in policies AC – Nondiscrimination Policy Statement and GBAA – Harassment and Sexual Harassment of School Employees.

The complaint procedures may also be used, to the extent applicable, by visitors, including parents, volunteers and others having lawful access to the schools who wish to make a complaint of discrimination or harassment.

Complaints alleging harassment or discrimination against students based on a protected category should be addressed through the Board's Sexual Harassment -Students (JBAA).

Any individual who is unsure about whether discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact the Title IX Coordinator.

Lisa Holiday, Director of Student Services
103 Main Street – Suite 2
Meredith, NH 03253
(603) 279-3144
lisa.holiday@interlakes.org

Section 1. Definitions

For purposes of these complaint procedures, the following definitions will be used. The Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

A. Discrimination/Harassment Complaint Procedure Definitions

1. "Discrimination or harassment": Discrimination or harassment on the basis of an individual's membership in a protected category, which, for employees, includes race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability.
2. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
3. "Harassment": Oral, written, graphic, electronic or physical conduct relating to an individual's actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual's ability to participate in the school district's programs or activities by creating a hostile, intimidating or offensive environment.
4. "Sexual harassment": Under New Hampshire law, this means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
 - b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or

- c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.
5. "Sexual orientation": Under New Hampshire law, this means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality."
6. "Gender identity": Under New Hampshire law, this means "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth."
7. "Complaint" is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability (and in regard to sex, conduct not otherwise addressed in the Title IX regulations and Section 3 of ACAB-R).

"Employee": Whenever the term "employee" is used in Section 2, it includes visitors or others who have a lawful basis to make a complaint of discrimination or harassment.

B. Title IX Sexual Harassment Complaint Procedure Definitions

1. "Title IX sexual harassment": Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district's education programs and activities:
 - a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
 - b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school district's education programs and activities; or
 - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. "Report": Under the Title IX regulations, any individual may make a report of sexual harassment involving an employee, whether the individual is the alleged victim or not. A report must be made to the Title IX Coordinator. A report triggers certain actions by the Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a "Formal Complaint" is filed.
3. "Formal Complaint": Under Title IX, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of GBAA-R. Only a school employee (and in certain circumstances, the Title IX Coordinator) may file a formal complaint.
4. "Employee": For the purpose of this procedure, "employee" means an applicant for employment or a current employee of the school district.

Section 2. Discrimination/Harassment Complaint Procedure

This procedure should be used for any complaint of unlawful harassment or discrimination based on a protected category which does not involve Title IX sexual harassment.

A. How to Make A Complaint

1. An employee who believes they have been unlawfully harassed or discriminated against (as such terms are defined in Section 1.A.1-3) is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive, and requesting that the behavior stop.

This shall not prevent the employee from making an immediate complaint to the HRO/Title IX Coordinator.

2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the Title IX Coordinator. A written complaint must include basic information concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation).
3. Employees who are unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss the matter with the Title IX Coordinator.
4. Employees will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary measures, up to and including discharge.
5. Any employee who believes they have been discriminated against or harassed is encouraged to utilize the school district's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 (telephone 271-2767) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Complaint Handling and Investigation

1. The Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The Title IX Coordinator may implement supportive measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved; changing a work location or changing a work schedule.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.

8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the Title IX Coordinator.

C. Findings and Subsequent Actions

1. The Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the Title IX Coordinator, in consultation with the Superintendent:
 - a. Shall determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
 - b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

E. Records

The Title IX Coordinator shall keep a written record of the complaint process.

Section 3. Title IX Sexual Harassment Complaint Procedure

This section should be used only for complaints of Title IX sexual harassment as defined in Section 1.B.1.

A. How to Make A Report

1. Any individual who believes an employee has been sexually harassed (as this term is defined in Section 1.B.1) may make a report to the Title IX Coordinator.
2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.

- a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (such as requiring no contact between individuals, temporarily moving work locations or changing schedules, etc.).
 - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
3. The school district cannot provide an informal resolution process for resolving a report until a formal complaint is filed.
4. Employees will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge.
5. Any employee who believes they have been the victim of sexual harassment is encouraged to utilize the school district's complaint procedures. However, employees are hereby notified that they also have the right to report sexual harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 (telephone 271-2767) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).
6. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

B. How to Make A Formal Complaint

1. An alleged victim may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who alleged engaged in sexual harassment, description of allegation).

Employees who need assistance in preparing a formal written complaint, are encouraged to consult with the Title IX Coordinator.
2. In certain circumstances, the Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school district). In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.
3. In accordance with the Title IX regulations, the Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; b) if the conduct alleged did not occur within the scope of the school district's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by the school district; or c) there are specific circumstances that prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint.
5. If a formal complaint is dismissed under this Title IX procedure, the Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.

6. If the conduct alleged potentially violates other laws, Board policies and/or professional expectations, the school district may address the conduct under Section 2 or another applicable policy/procedure.

C. Administrative Leave

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable State laws, school policies and collective bargaining agreement provisions.
2. Any decision to place an employee respondent on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:
 - Notice regarding the complaint procedure and the availability of an informal resolution process;
 - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five calendar **[or business]** days);
 - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
 - Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
 - Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and
 - Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

E. Informal Resolution Process

After a formal complaint has been filed, and if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time.

The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the school district. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

F. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school district, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school district does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
 - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
 - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.

- j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.
6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

G. Determination of Responsibility

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.
 - a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The decision maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").
5. The decision maker shall issue a written determination, which shall include the following:
 - a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
 - b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
 - c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
 - d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant;
 - e. The school district's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school district provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

H. Remedies, Discipline and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education programs and activities following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

2. Discipline and Other Actions

The following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

I. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker 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.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school district officials in making their decision.
3. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary action(s).

J. Records

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

Legal References:

*Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)*

Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. § 12291(a)(3) – definition of stalking; 34 U.S.C. § 12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)
Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended
Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)
Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
RSA 186:11; and 354-A
NH Code Admin. R. Ed. 303.01(i) and (j)

Adopted: 06/10/21
PRC Review: 04/06/23

Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures

The Board has adopted these student procedures in order to provide prompt and equitable resolution of reports and complaints of unlawful discrimination and harassment of students, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and ACAA – Harassment and Sexual Harassment of Students.

Complaints alleging harassment or discrimination against employees or third parties based on a protected status should be addressed through the Board's Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (GBAA-R).

Any individual who is unsure about whether unlawful discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact the Title IX Coordinator.

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Section 1. Definitions

For purposes of these complaint procedures, the following definitions will be used. The Human Rights Officer/Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

A. Discrimination/Harassment Complaint Procedure Definitions

1. "Discrimination or harassment": Discrimination or harassment on the basis of an individual's membership in a protected category, which, for students, includes age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion or economic status are prohibited.
2. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
3. "Harassment": Oral, written, graphic, electronic or physical conduct relating to an individual's actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual's ability to participate in the school district's programs or activities by creating a hostile, intimidating or offensive environment.
4. Other forms of "sexual harassment": this means unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
 - b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
 - c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.

5. “Sexual orientation”: Under New Hampshire law, this means “having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality.”
6. “Gender identity”: Under New Hampshire law, this means “a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.”
7. “Complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, religion, ancestry, national origin or disability (and not otherwise addressed in the Title IX regulations and Section 3 of JBAA-R).
8. Complaints of bullying not involving the protected categories or definitions described above may be addressed under Board Policy JICK – Bullying and Cyberbullying of Students.

B. Title IX Sexual Harassment Complaint Procedure Definitions

1. “Sexual Harassment”: Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district’s education programs and activities:
 - a. “Quid pro quo” sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual’s participation in unwelcome sexual conduct;
 - b. “Hostile environment” sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive *and* objectively offensive that it effectively denies an individual’s equal access to the school district’s education programs and activities; or
 - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. “Report”: Under the Title IX regulations, any individual may make a report of sexual harassment involving a student, whether the individual is the alleged victim or not. School employees are required to report possible incidents of sexual harassment involving a student. A report must be made to the Human Rights Officer/Title IX Coordinator. A report triggers certain actions by the Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a “Formal Complaint” (as defined below) is filed.
3. “Formal Complaint”: Under the Title IX regulations, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAA-R. Only a student and/or their parent/legal guardian (and in certain circumstances, the Title IX Coordinator) may file a formal complaint.
4. “Student”: For the purposes of this procedure, a student an individual who is enrolled or participating in the school district’s education programs and activities, or is attempting to enroll or participate.

Section 2. Unlawful Discrimination/Harassment Complaint Procedure

This procedure should be used for any complaint of unlawful harassment or discrimination complaint based on a protected category which does not involve Title IX sexual harassment.

A. How to Make A Complaint

1. School employees are required to promptly make a report to the Title IX Coordinator if they have reason to believe that a student has been discriminated against or harassed.
2. Students (and others) who believe that they, or another student has been harassed or discriminated against should report their concern promptly to the Title IX Coordinator, or to the building principal (who will report the matter to the Title IX Coordinator).
3. The individual making the report must provide basic information in writing concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation) to the Title IX Coordinator.
4. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, they are encouraged to discuss the matter with the Title IX Coordinator.
5. Individuals will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary action, up to and including discharge for employees, and expulsion for students.
6. Individuals are encouraged to utilize the school district's complaint procedure. However, individuals are hereby notified that they also have the right to report incidents of discrimination or harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301, and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Complaint Handling and Investigation

1. The Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The Title IX Coordinator may implement supportive measures to a student to reduce the risk of further discrimination or harassment to a student while an investigation is pending. Examples of supportive measures include, but are not limited to ordering no contact between the individuals involved or changing classes.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.

7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the Title IX Coordinator.

C. Findings and Subsequent Actions

1. The Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the Title IX Coordinator, in consultation with the Superintendent shall:
 - a. Determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
 - b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

E. Records

The Title IX Coordinator shall keep a written record of the complaint process.

Section 3. Title IX Sexual Harassment Complaint Procedure

This section should be used for complaints of as defined in Section 1.B.1.

A. How to Make A Report

1. School employees who have reason to believe that a student has been subjected to sexual harassment is required to promptly make a report to the Title IX Coordinator.
2. Students, parents/legal guardians or other individuals who believe a student has been sexually harassed are encouraged to make a report to the Title IX Coordinator.

3. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
 - a. Supportive measures are individualized measures designed to ensure the student can continue to access educational programs and activities (such as requiring no contact between individuals or changing classes).
 - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
4. The school district cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.
5. Individuals will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge for employees, or expulsion for students.
6. Any student (or their parent/legal guardian) who believes they have been the victim of sexual harassment is encouraged to utilize the school district's complaint procedure. However, students (and their parents/legal guardians) are hereby notified that they also have the right to report sexual harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).
7. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

B. How to Make A Formal Complaint

1. An alleged student victim and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation, etc.).

Students who need assistance in preparing a formal written complaint are encouraged to consult with the Title IX Coordinator.
2. In certain circumstances, the Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school district. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.
3. In accordance with the Title IX regulations, the Title IX Coordinator must dismiss a formal complaint if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; or b) if the conduct alleged did not occur within the scope of the school district's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the Title IX Coordinator may dismiss a formal complaint if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by or enrolled in the

school district; or c) there are specific circumstances that prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint.

5. If a formal complaint is dismissed under this procedure, the Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.
6. If the conduct alleged in a formal complaint potentially violates other laws, Board policies and/or professional expectations, the school district may address the conduct under the applicable policy/procedure.

C. Emergency Removal or Administrative Leave

The Superintendent may remove a student respondent from education programs and activities on an emergency basis during the complaint procedure:

- a. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
 - b. The respondent (and their parent/legal guardian) will be provided notice of the emergency removal, and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency removal was unreasonable.
2. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable State laws, school policies and collective bargaining agreement provisions.
 3. Any decision to remove a respondent from education programs and activities on an emergency basis or place an employee on administrative leave shall be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice shall include:
 - Notice regarding the complaint procedure and the availability of an informal resolution process;
 - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days).
 - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
 - Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
 - Notice that knowingly making false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action;

- Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
- 2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
- 3. The Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

E. Informal Resolution Process

After a formal complaint has been filed, and if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the school district. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

F. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school district, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.

- d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school district does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
 - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten days to submit a written response.
 - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review. The Parties may submit written responses to the report within ten business days of receipt.
 - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.
6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

G. Determination of Responsibility

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.
 - a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The decision maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").
5. The decision maker shall issue a written determination, which shall include the following:
 - a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
 - b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
 - c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;

- d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant;
 - e. The school district's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school district provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

H. Remedies, Discipline and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district's education programs and activities following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

2. Discipline and Other Actions – Students

The following are of the types of discipline and other actions that may be imposed on a student when there is a determination that they are responsible for one or more violations involving sexual harassment:

- In or out of school suspension.
- Expulsion.
- Restorative justice.
- Requirement to engage in education or counseling program.

3. Discipline and Other Actions – Employees

The following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

I. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker 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.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall notify the other party in writing of the appeal and will allow both parties to submit a written statement in support of, or challenging, the determination of the decision maker.
3. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school district officials in making their decision.
4. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary or other action(s).

J. Records

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

Legal Reference:

Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
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Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
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