

Monadnock Regional School District & SAU #93

School Board Agenda

February 18, 2025

In-Person MRMHS Library 7:00 pm

ZOOM

Meeting ID: 841 2331 3370

Passcode: 699940

Phone: +1 646 931 3860

The public is encouraged to attend MRSD Board meetings.

Comments are welcome during the 'Public Comments' portions of the agenda.

"We collaborate not just to teach, but also to engage and educate every student in our district in an environment that is challenging, caring, and safe, while fostering lifelong learning."

1. CALL THE MEETING TO ORDER 7:00
2. PUBLIC COMMENTS (15 minutes)
3. #celebrateMRSD
 - a. Indoor Track: State Champion
4. MATTERS FOR INFORMATION & DISCUSSION
 - a. Standing agendas:
 - i. Superintendent Goals
 - ii. Board Meeting Calendar & Goals
 - iii. School Resource Officer (Status Update)
 - iv. Staffing Update
 - b. Annual Board & Superintendent Evaluations
 - c. Committee Appointments
 - d. Policies 1st Read:
 - i. ACAC: Prohibition of Sexual Harassment: Policy & Grievance Procedures
 - ii. AC: Nondiscrimination, Equal Opportunity Employment & Anti-Discrimination Plan
 - iii. AC-R(2):Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information
 - iv. ACA: Discrimination and Harassment Grievance Procedure
 - v. ACN: Accommodation of Lactation Needs
 - vi. GBAM: Accommodation of Pregnancy and Related Medical Conditions: Personnel
 - vii. IHBCA: Accommodation of Pregnancy and Related Medical Conditions: Students
 - viii. Motion to adopt policy eff. 3/5/25
 1. IKL - Academic Honesty & Integrity
 - ix. Motion to update policies eff. 7/1/25
 1. EEAA - Video And Audio Surveillance On School Property
 2. EHAA - Computer Security, E-Mail And Internet Communications
 3. JICL/GBEF - Technology Acceptable Use
 4. JICJ/JICM/GBEH/GBEBE - Authorized Communication Devices (A.K.A. "The Cell Phone Policy")
 - e. Warrant Article 1 / Budget Adjustment Plan
5. MATTERS THAT REQUIRE BOARD ACTION
 - a. * Working Session: Warrant Article 1 Marketing
 - b. * Approve 2025/26 School Calendar
 - c. * Approve the Consent Agenda
 - i. February 1, 2025 Pre/Post Deliberative Minutes
 - ii. February 4, 2025 Minutes
 - iii. Manifest
 - iv. Budget Transfers
6. SETTING NEXT MEETING'S AGENDA
 - a. March 4, 2025
7. PUBLIC COMMENTS (15 minutes)
8. NON-PUBLIC SESSIONS under RSA 91-A:3. II
 - a. Additional non-public sessions, TBD as required
9. ADJOURNMENT

SINGLE DISTRICT SCHOOL ADMINISTRATIVE UNITS

RSA 94-C:3 – Single District School Administrative Units; Exemption. Single district school administrative units shall be considered the same as a single school district and shall be exempt from meeting the requirements of this chapter, except that they shall provide superintendent services pursuant to RSA 194-C:4

NONPUBLIC SESSIONS

RSA 91-A:3– II. Only the following matters shall be considered or acted upon in nonpublic session:

- (a) **The dismissal, promotion, or compensation of any public employee** or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.
- (b) The **hiring** of any person as a public employee.
- (c) Matters which, if discussed in public, would likely adversely affect the **reputation** of any person, other than a member of the public body itself, unless such person requests an open meeting.
- (d) Consideration of the **acquisition, sale, or lease of real or personal property** which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
- (e) **Consideration or negotiation of pending claims or litigation** which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled.
- (i) Consideration of matters relating to the **preparation for and the carrying out of emergency functions**, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
- (j) **Consideration of confidential, commercial, or financial information** that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.
- (k) Consideration by a school board of entering into a **student or pupil tuition contract** authorized by RSA 194 or RSA 195-A,
- (l) **Consideration of legal advice provided by legal counsel**, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

CALENDAR OF UPCOMING MRSD MEETINGS:

02/18/2025	MRSD/SAU 93 School Board	7:00 pm	MRMHS Library
02/26/2025	Education Committee	7:00 pm	SAU Conference Room
03/04/2025	MRSD/SAU 93 School Board	7:00 pm	MRMHS Library

March 11th, 2025 Election Day

Meetings will be in person for all Board & Committee Members. The public is encouraged & welcome to attend either in person or through Zoom. Public comments are welcome in person during the ‘Public Comments’ portions of the agenda.

**** Please note: All Committee Meeting dates, times, and locations are posted in the SAU 93 Reception Lobby, on the MRSD website calendar, and in the schools and towns of MRSD. In the event of a snow day, the school board meeting will be planned for the following school day.****

Policy Motions and Actions from February 11, 2025

ACAC: Prohibition of Sexual Harassment: Policy and Grievance Procedures

MOTION: *To waive first read and update policy ACAC with NHSBA sample policy.*

- Policy required by law
 - Replaced July 2024 sample ACAC with a revised version of the 2020 sample ACAC. The reversion to the 2020 sample was necessitated by an order of the U.S. District Court for the District of Eastern Kentucky on January 9, 2025 (see *State of Tennessee, et al. v Cardona, et al.*, No. 2: 24-072-DCR) which nullified the 2024 Title IX Regulations (for a more complete discussion, see the Introduction above to this Summary). Revisions to the 2020 sample include: (a) change in title; (b) clarifying the different definitions of prohibited “sexual harassment” under (1) Title IX and (2) other board policies and/or state or federal laws; (c) additional revisions to better connect with related sample policies created or updated since the original 2020 version of ACAC..
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AC: Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan

MOTION: *To update policy AC with NHSBA sample.*

- Policy required by law
 - Revised in response to nullification of 2024 Title IX regulations (described more fully in the Introduction above to this Summary), with additional revisions to clarify some responsibilities of districts. Revisions include: (a) removal of the specific Title IX notice formerly in Section I.4 that had been required under the now nullified 2024 Title IX regulations; and (b) added language in paragraph D(4) to reflect the Boy Scouts of America Equal Access Act, and added the Act as a reference.
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AC-R(2): Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information

MOTION: *To replace policy AC-E and AC-R with updated NHSBA sample policy AC-R(2), retiring AC-E and AC-R.*

- Policy required by law

- Revisions included: (a) removal of notice that had been required by Title IX regulations passed in 2024 and nullified in January 2025 (for a more complete discussion, see the Introduction above to this Summary, above); (b) moving Title IX Coordinator contact information back to the main contact list section; and (c) change in the mailing address of the New Hampshire Department of Education.
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ACA: Discrimination and Harassment Grievance Procedure

MOTION: *To update policy ACA with NHSBA sample policy.*

- Policy Required by law
 - Revised sample ACA (a) to better align with other discrimination policies/procedures; (b) added language describing the grounds for appeal that a party may assert in a Level III appeal; and (c) added a definition of "complaint" and moved the information about how to file complaints from the Level III appeal section to the definition of "Complaint."
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ACN: Accommodation of Lactation Needs

MOTION: *To update policy ACN with committee edit.*

- Policy Required by law
 - Sample ACN is revised to reflect the nullification of the 2024 Title IX regulations which resulted in the reinstatement of the 2020 Title IX regulations (described more fully in the Introduction above to this Summary),. Although the protections in the 2024 Title IX regulations for pregnant individuals are no longer specifically required, this policy remains a requirement as to employees under the PUMP Act and is recommended practice under federal and state nondiscrimination laws.
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GBAM: Accommodation of Pregnancy and Related Medical Conditions: Personnel

MOTION: *To update policy GBAM with NHSBA sample policy.*

- Recommended Policy
- Revised to reflect the nullification of the 2024 Title IX regulations, which resulted in the reinstatement of the 2020 Title IX regulations (all described more fully in

the Introduction above). The 2024 Title IX Regulations had required specific provisions relative to pregnancy and pregnancy related conditions. Although those specific provisions no longer apply, the Pregnant Workers Fairness Act (for employers with 15 or more employees) requires accommodation of employees who are pregnant or who have conditions related to pregnancy or childbirth. Accordingly, the policy remains recommended to comply with that law, as well as other state and federal non-discrimination laws.

IHBCA: Accommodation of Pregnancy and Related Medical Conditions: Students

MOTION: *To adopt policy IHBCA NHSBA sample policy.*

- Recommended policy
 - The only changes were to the revision notes which were revised to reflect the vacatur of the 2024 Title IX regulations, which resulted in the reinstatement of the 2020 Title IX regulations (described more fully in the Introduction to this Summary. Although the provisions that had been contained in the 2024 Title IX regulations concerning accommodation of pregnant students are no longer specifically included in the regulations, this policy remains a recommended practice to facilitate compliance with both federal and state nondiscrimination laws.
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Policy work not requiring board action:

JJIC: Eligibility for Interscholastic Athletics

MOTION: *Refer NHSBA policy JJIC to administration to possibly receive legal council on the two choices outlined by NHSBA which each contain risk.*

- Policy Required by law
 - This would be a new policy
 - There are two versions suggested by NHSBA, both with legal risk.
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Book	A: Foundations and Basic Commitments
Section	Series A
Title	Title IX Prohibition of Sex Discrimination and Sex-Based Harassment: Policy and Grievance Procedure
Code	ACAC
Status	Active
Adopted	September 1, 2020
Last Revised	August 20, 2024

Title IX Prohibition of Sex Discrimination and Sex-Based Harassment: Policy and Grievance Procedure

This policy and grievance procedure applies to all reports or complaints of sex discrimination, including reports or complaints of sex-based harassment. The “Title IX Grievance Procedure” (or sometimes simply the “Grievance Procedure”) is Section III. Instructions for making a report of sex discrimination or sex-based harassment are found in Section II.G, and instructions for making a “Complaint” and initiating the formal investigation and determination process are found in Section III.A.

Definitions of “sex discrimination” and “sex-based harassment,” along with examples of what might constitute sex-based harassment, are found in Section II.D of this Policy.

I. TITLE IX “NONDISCRIMINATION POLICY” (copied to policy AC)

The Monadnock Regional School District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admissions/enrollment, or in employment.

A full version of the Title IX Notice of Nondiscrimination with name and contact information for the Title IX Coordinator is found on the District website, in policy AC-R(2), and school handbooks, and additional information regarding District nondiscrimination policies, statements, and procedures can be found in Policy AC. By locating information regarding all nondiscrimination resources in one place, the District intends to clearly communicate the protections, resources, and procedures to which individuals are legally entitled.

II. DISTRICT POLICY PROHIBITING AND RESPONDING TO SEX DISCRIMINATION INCLUDING SEX-BASED HARASSMENT

A. Introduction and General Purpose.

Sex discrimination of any type, including sex-based harassment, or to any extent is strictly prohibited by the District whether or not such conduct or behavior rises to the level of conduct prohibited under Title IX. Retaliation for reporting sex discrimination or participating in the Grievance Procedure set out in Section III of this Policy, among other things, is also strictly prohibited by the District. For discriminatory or harassing conduct which does not meet the definition of sex discrimination or sex-based harassment under Title IX and this Policy, the District’s response will be governed under other applicable laws and policies per Board policy AC, the policies referenced therein, and applicable codes of conduct or handbooks.

Title IX and various other state and federal statutes prohibit discrimination on the basis of sex. Title IX obligates all recipients to comply with Title IX and the Department’s Title IX regulations, with some limited exceptions set out in the statute and regulations. When “Title IX” is referenced in this policy, the term refers to Title IX and the regulations. Accordingly, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, co-curricular, extra-curricular, research, occupational training, or other education program or activity operated by the District. Sex-based harassment is a form of sex discrimination and is likewise prohibited.

If the District has knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, it must respond promptly and effectively. Conduct that occurs under the District’s education program or activity includes conduct that is subject to the District’s disciplinary authority. As part of the general prohibition on sex discrimination, the District has an obligation to address sex-based harassment, including such conduct that creates a hostile environment under its education program or activity.

B. Title IX Notice of Nondiscrimination and Grievance Procedures.

The District’s Title IX Notice of Nondiscrimination may be found in Board policy AC and on the District’s website at www.mrsd.org. Additional information regarding District nondiscrimination policies, statements, and procedures can also be found in Policy AC. By locating all nondiscrimination resources in one place, the District intends to clearly communicate the protections and resources to which individuals are legally entitled.

C. Application of This Policy.

This Policy applies to all students, employees, and any third party who contracts with the District to provide services to District students or employees, upon District property or during any school program or activity. Additionally, the protections extend to any other person who was participating or attempting to participate in the District’s education program or activity at the time of the alleged sex discrimination.

The prohibitions and obligations under this policy apply to all sex discrimination as defined in Title IX that occurs within the District’s education programs or activities. The context of behavior can impact whether conduct falls within the definitions of sex discrimination and sex-based harassment prohibited under Title IX, and of conduct of a sexual nature that is offensive or hostile in itself, but which is not sex discrimination prohibited under Title IX. However, all conduct of the kind listed in the definition of “sex-based harassment” in Section II.D, is prohibited under this policy, as well as under various other Board policies and applicable codes of conduct. However, for purposes of its Title IX obligations the

District must address reports or complaints of conduct which MAY constitute sex discrimination or sex-based harassment as set forth in this policy and the Title IX Grievance Procedure set out in Section III. Except when the context in this policy suggests otherwise, or as used in other laws (e.g., Title VII) or other Board policies (e.g., policy JICK) which pertain to harassment all references to “sex-based harassment” in this policy mean sex-based harassment that meets the definition below.

Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law.¹ Volunteers and visitors who engage in sex discrimination will be directed to leave school property and/or be reported to law enforcement and/or the NH Division of Children, Youth and Families (DCYF), as appropriate. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

D. Definitions

As used in this Policy and the Title IX Grievance Process, the terms below shall have the meaning ascribed.

“Complainant” is an individual who is alleged to be the victim of conduct that could constitute sex discrimination, whether or not that person files a report or Complaint. This person must be a District student or employee, or a person who was participating or attempting to participate in District education programs or activities at the time of the alleged sex discrimination. A parent, legal guardian or other person legally authorized to act on behalf of a complainant may also be a complainant. See Section III.B for persons eligible to make a Complaint.

“Complaint” means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination. Note that a person who makes a Complaint is not necessarily eligible to be a “complainant.” See Section III.B for persons eligible to make a Complaint.

“Dating violence” is defined in sub-paragraph 2.b of the definition of “Sex-based harassment”, below.

“Domestic violence” is defined in sub-paragraph 2.c of the definition of “Sex-based harassment,” below.

“Days” shall mean calendar days, but shall exclude non-weekend days on which the SAU office is closed (e.g., holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g., snow days).

“Decisionmaker” means persons tasked with: the responsibility of making initial determinations of responsibility (at times referred to as “initial decisionmaker”); or the responsibility to decide any appeal (at times “appeals decisionmaker”) with respect to Complaints of sex discrimination or sex-based harassment in accordance with the Title IX Grievance Process.

“Determination of Responsibility” is the formal finding by the decisionmaker on each allegation of sex discrimination or sex-based harassment contained in a Complaint that the respondent did or did not engage in conduct constituting sex discrimination or sex-based harassment under Title IX.

“Grievance Procedure” is the process by which the District determines if there has been a violation of the District’s policies. As used in this policy, Grievance Procedure means the process of evaluation, investigation, determination, and appeal, if any, of a complaint of sex discrimination in violation of the District’s prohibition on sex discrimination. The Grievance Procedure is set forth in Section III of this policy.

“Hostile Environment” is defined in sub-paragraph 3 of the definition of “Sex-based harassment”, below.

“Pregnancy or related conditions” means: pregnancy, childbirth, termination of pregnancy, or lactation, and any conditions relating to or arising from the same or recovery from the same.

“Quid Pro Quo” is defined in sub-paragraph 1 of the definition of “Sex-based harassment”, below.

“Respondent” is an individual who is alleged to have violated the District’s prohibition on sex discrimination.

“Retaliation” (copied to policy AC) with minor modification) means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District’s education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing, or appeal under this policy, including, without limitation, any informal resolution process under Section II.J or in any other actions taken by the District under Section III. Nothing in this definition or this part precludes the District from requiring an employee or other person authorized by the District to provide aid, benefit, or service under the District’s education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part. Persons who are/were personally subjected to the alleged discriminatory conduct are exempt from the previous sentence. See also Sections II.H and III.E.7.

“Sex discrimination” prohibited under Title IX and by this policy includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, gender, sexual orientation, and/or gender identity. Sex-based harassment is a form of sex discrimination. For a definition of “discrimination” and additional types of discrimination prohibited by the District, refer to Board policy AC.

“Sex-based harassment” is a form of sex discrimination. Sex-based harassment prohibited under Title IX and by this policy means sexual harassment and other *conduct on the basis of sex* (including, without limitation, gender, sexual orientation, and/or gender identity), occurring in a school system education program or activity, that qualifies as one or more of the types of harassment described in sub-paragraphs 1-3 of this definition.

NOTE: *Even when conduct might meet the criteria of one or more of the definitions, it would not be sex-based harassment under Title IX if (1) the conduct occurred outside the United States or (2) the District did not have disciplinary authority over the conduct. However, the District would nonetheless have an*

obligation to address a sex-based hostile environment under its education program or activity. Additionally, if the conduct occurred outside of the United States in the context of a District sponsored activity, such conduct would be subject to the applicable Code of Conduct, handbook, or activity rules/agreement.

1. “Quid pro quo” - a school District employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity conditioning an aid, benefit, or service of an education program or activity on an individual's participation or refusal to participate in sexual conduct irrespective of whether the conduct is welcomed by the student or other employee;
2. Specific Offenses - Sexual assault, dating violence, domestic violence, or stalking as defined in state or federal law. Under Title IX, these specific defenses are defined as follows:
 - a. *Sexual assault* meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. *Dating violence* meaning violence committed by a person:
 - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. 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 frequency of interaction between the persons involved in the relationship;
 3. The type of relationship; and
 - c. *Domestic violence* meaning felony or misdemeanor crimes committed by a person who:
 - i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of New Hampshire or a person similarly situated to a spouse of the victim;
 - ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - iii. Shares a child in common with the victim; or
 - iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
 - d. *Stalking* meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - i. Fear for the person's safety or the safety of others; or
 - ii. Suffer substantial emotional distress.

OR

3. Hostile Environment - Unwelcome sex-based conduct that, based on the totality of the circumstances (including, but not limited to, the ages and disability statuses of the harasser and victim and the number of individuals involved and their authority), is
 - subjectively **AND** objectively offensive, **AND**
 - is so severe **OR** pervasive
 - that it limits or denies a person's ability to participate in or benefit from the District's education program or activity;

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. The degree to which the conduct affected the complainant's ability to access the District's education program or activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages, roles within the 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;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in the District's education program or activity.

Behaviors that constitute sex-based harassment may include, but are not limited to:

NOTE: *Incidents of the conduct below would still need to satisfy the criteria in one or more of paragraphs 1-3 of this definition. Behavior that does not meet the Title IX definition of sex-based harassment or sex discrimination may still violate other District policies or applicable Code of Conduct or handbook.*

- Sexually suggestive remarks or jokes;

- Verbal harassment or abuse;
- Displaying or distributing sexually suggestive pictures, in whatever form (e.g., drawings, photographs, videos, irrespective of format);
- Sexually suggestive gesturing, including touching oneself in a sexually suggestive manner in front of others;
- Harassing or sexually suggestive or offensive messages that are written or electronic;
- Subtle or direct propositions for sexual favors or activities;
- Touching of a sexual nature or groping; and
- Teasing or name-calling related to sexual characteristics (including pregnancy) or the belief or perception that an individual is not conforming to expected gender roles or conduct.

Sex-based harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

“**Sexual assault**” is defined under Sex-based harassment, sub-paragraph 2.a.

“**Stalking**” is defined under Sex-based harassment, sub-paragraph 2.d.

“**Supportive Measures**” are free, non-disciplinary, non-punitive, individualized services and shall be offered at no cost to the complainant, and may be offered - also at no cost - to the respondent, as appropriate as described in Sections II.I.1.b and II.I.1.c, below, including, e.g., during the Grievance Procedure (Section III) and the informal resolution process (Section II.J). These measures may include, but are not limited to, the following:

1. Counseling;
2. Course modifications;
3. Schedule changes; and
4. Increased monitoring or supervision
5. District may add additional types of supportive services (non-punitive/disciplinary).

Such measures shall be designed to restore or preserve equal access to the District’s education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment and/or deter sex-based harassment. Supportive measures shall remain confidential with exclusive exceptions stated required in Section II.R, below.

E. Title IX Coordinator.

The Title IX Coordinator is the District’s employee who coordinates the District’s efforts to comply with its responsibilities under Title IX. Contact information for the Title IX Coordinator shall be included in the Notice of Nondiscrimination. Title IX Coordinator duties are as prescribed throughout this policy and in the Title IX regulations.

No later than July 1 of each year, the Superintendent shall appoint a person to serve as the District’s Title IX Coordinator. The Superintendent shall update the Title IX Coordinator information contained in Board policy AC-R(2) and the Title IX Notice of Nondiscrimination and disseminate both as stated in Board policy AC and Section II.B, above. Such information shall be updated in a timely manner any time there is a change to the identity of the Title IX Coordinator before the next annual update.

The Title IX Coordinator shall have such duties as are described in this policy, the Grievance Procedure, and 34 CFR 106.01 – 106.82. The Title IX Coordinator’s duties may be carried out by more than one employee or a third party trained as required under Section II.T, as delegated by the named Title IX Coordinator, but the Title IX Coordinator must be an employee and will maintain ultimate administrative oversight of the District’s Title IX compliance efforts.

Among other duties, the Title IX Coordinator also monitors the District’s education program or activity for barriers to reporting information about conduct that may reasonably constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers. Additionally, the Title IX Coordinator shall be responsible for ensuring that students, staff, and other participants in District education programs or activities are informed of how to contact its confidential employees per 34 CFR 106.44(d)(1).

F. Implementation.

The Superintendent shall have overall responsibility for implementing this Policy and shall annually appoint a District Title IX Coordinator² as that position is described in Section II.E, above. The name and contact information for the Title IX Coordinator is set forth in Board Policy AC-R(2), which policy shall be updated and disseminated annually with the Title IX Coordinator’s name as required under Board policy AC. The Title IX notice of nondiscrimination is located at www.mrsd.org.

G. Making a Report of Sex Discrimination Including Sex-Based Harassment.

***NOTE:** A report alone does not begin the District’s Title IX Grievance Procedure. That Procedure is only begun upon the making of a Complaint as described in Section III.A, below.*

Any person may report sex-based harassment/sex discrimination whether relating to themselves, another person or about the District’s policies or practices. However, if any District employee – other than an alleged harasser, or the Title IX Coordinator – receives information of conduct which may constitute sex discrimination or sex-based harassment, they shall, without delay, inform the Title IX Coordinator of the information. Failure to report can subject the employee to discipline up to and including dismissal.

A report of sex discrimination or sex-based harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX

Coordinator receiving the person's oral or written report. Additionally, while the District strongly encourages reports of sexual harassment to be made directly to the Title IX Coordinator, the report may be made to any District staff member, including, for instance, a counselor, teacher or principal.

If the Title IX Coordinator is the alleged respondent, the report or Complaint may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that report/Complaint or delegate the function to another person, provided that the Superintendent or other person has the requisite training as provided in Section II.T, below.

H. Staff Obligations to Report.

1. **Sex Discrimination and Sex-Based Harassment.** Every employee who is not a confidential employee (confidential employees are discussed in subparagraph II.H.3, below) is required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination, including, without limitation, sex-based harassment, or retaliation. (Retaliation is described in Sections II.D and II.Q, and "confidential employees" discussed in sub-paragraph II.H.3.

This requirement, however, does not apply to an employee who is/was personally subjected to the alleged discriminatory conduct as long as no other person within the District's program or activity (including any student) is/was adversely affected by that conduct, and the conduct is not required to be reported by another policy or law.

Nothing in this policy modifies reporting obligations under any other reporting policy, including but not limited to, suspicion of abuse or neglect of a child under RSA 169-C:29 and Board policy JLF; acts of "theft, destruction, or violence" as defined under RSA 193-D:4, I (a) and Ed 317.04; incidents of "bullying" per RSA 193-F and Board Policy JICK; or hazing under RSA 671:7. See also Board Policy GBEAB. A single act may simultaneously require reports under several of these authorities.

2. **Pregnancy and Related Conditions.** For information regarding protections available to pregnant students, see policy IHBCA. When a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee must promptly provide the student or other person with the Title IX Coordinator's contact information and inform the student or other person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity.
3. **Confidential Employees.** Any person employed by the District in a position for which communications to that person in the performance of their duties would be eligible for an evidentiary privilege (e.g., physicians, psychologists) is not required to report to the Title IX Coordinator information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies. However, upon receiving information of conduct that reasonably may constitute sex discrimination, a confidential employee must specifically advise the reporter:

- a. The employee's status as confidential for purposes of this part, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
- b. How to contact the District's Title IX Coordinator and how to make a Complaint of sex discrimination; and
- c. That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the Grievance Procedures.

I. District Response to Information, Report, or Complaint of Sex Discrimination and Sex-Based Harassment.

The District must respond promptly and effectively when it receives a report, a Complaint, or otherwise has knowledge, of conduct that reasonably may constitute sex discrimination in its education program or activity. The District shall take the actions and apply the other measures as described in this policy and 34 CFR 106.44, and, if a Complaint is made, the District's Grievance Procedure (Section III, below) and 34 CFR 106.45.

1. **Title IX Coordinator Duties Upon Receiving Any Report, Complaint, or Other Information of Sex Discrimination.** Upon receiving any report, Complaint, or other information of conduct that reasonably may constitute sex discrimination/sex-based harassment, the Title IX Coordinator shall assess the information received for a determination as to whether the alleged conduct could constitute sex discrimination under Title IX. With all such reports or Complaints of sex discrimination, the District shall:
 - a. Treat the complainant and respondent equitably;
 - b. Offer and coordinate appropriate free and confidential supportive measures as described in 34 CFR 106.44(g) and generally in the Definitions Section II.D of this policy:
 - i. to the complainant; and
 - ii. to the respondent in the event that either a Complaint has been made initiating the Grievance Procedure, or an informal resolution has been offered to the respondent.
 - c. Coordination of supportive measures shall include the opportunity for the complainant, and if applicable, the respondent, to seek review and modification of such measures under 34 CFR 106.44(g)(4);
 - d. Notify the complainant or, if the complainant is unknown, the individual who reported the conduct, of the District's Grievance Procedure and the informal resolution process if available and appropriate (see Section II.J);
 - e. If a Complaint is made, notify the respondent of the District's Grievance Procedure, and the informal resolution process if available and appropriate (see Section II.J);
 - f. In response to a Complaint, initiate the Grievance Procedure or the informal resolution process if available and appropriate (see Section II.J).

2. **Title IX Coordinator's Duties When No Complaint Is Made or Is Withdrawn.** If the Title IX Coordinator has received a report of sex discrimination but no Complaint is made or – having been made – any or all of the allegations are withdrawn, and there is no informal resolution process underway, then the Title IX Coordinator shall determine whether to initiate a Title IX Coordinator Complaint of sex discrimination. In making that determination, the Title IX Coordinator shall consider, at a minimum, the following factors, as enumerated in 34 CFR 106.44(f)(1)(v)(A):

- a. The complainant's request not to proceed with initiation of a Complaint;
- b. The complainant's reasonable safety concerns regarding initiation of a Complaint;
- c. The risk that additional acts of sex discrimination would occur if a Complaint is not initiated;
- d. The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- e. The age and relationship of the parties, including whether the respondent is an employee of the District;
- f. The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- g. The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- h. Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its Grievance Procedure under § 106.45.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the District from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a Complaint.

Before initiating a Complaint, the Title IX Coordinator shall notify the complainant – if known – and/or the person who made the report and appropriately address reasonable concerns about the complainant's safety or the safety of others, including providing supportive measures to the complainant as appropriate.

If the Title IX Coordinator determines that no Complaint is appropriate or necessary after consideration of the above, the Title IX Coordinator may refer any non-confidential information to the appropriate administrator.

J. Informal Resolution.

At any time prior to reaching a determination whether sex discrimination occurred under the Grievance Procedure (whether or not a Complaint has been made) the District, through the Title IX Coordinator, may offer an optional informal resolution process (e.g., mediation, arbitration). See 34 CFR 106.44(f)(v).

1. When offering informal resolution, the District must Provide notice to the parties disclosing:
 - a. The allegations;
 - b. The requirements of the informal resolution process;
 - c. That at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume or initiate the Grievance Procedure;
 - d. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
 - e. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
 - f. What information the District will maintain and whether and how the District could disclose such information for use if the Grievance Procedure is initiated or resumed.
2. Participation in the informal resolution process requires the voluntary written consent of both the complainant and the respondent.
3. The facilitator for the informal resolution process must not be the same person as the investigator or the decision maker in the District's grievance procedures, and may not have a conflict of interest or bias relative to either the complainant or respondent, and must have received the training described in Section II.T.2. Any person designated by the District to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any person facilitating informal resolution must receive training under § 106.8(d)(3).
4. Potential terms that may be included in an informal resolution agreement include but are not limited to:
 - a. Restrictions on contact; and
 - b. Restrictions on the respondent's participation in one or more of the District's programs or activities or attendance at specific events, including restrictions the District could have imposed as remedies or disciplinary sanctions had the District determined at the conclusion of the District's grievance procedures that sex discrimination occurred.

Notwithstanding that informal resolution occurs relative to a particular case, the Title IX Coordinator must take such other prompt and effect steps as are necessary and appropriate to ensure that sex discrimination does not continue or recur.

In no event may the District offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

K. Permitted Emergency Removals Upon Complaint of Sex Discrimination.

In consultation with the Title IX Coordinator, District administrators may remove a respondent from the District's education program or activity on an emergency basis at any time after receiving a report of sex discrimination – including sex-based harassment, provided that the District undertakes an individualized safety and risk analysis, determines that 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 sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision must not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504, or the Americans with Disabilities Act.

L. Administrative Leave. Nothing in this policy precludes the Superintendent, with or without consulting the Title IX Coordinator, from placing an employee on administrative leave pursuant to RSA 189:31.

M. Remedies to Restore Access to Education Program or Activity.

The District may provide remedies, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity. A wide variety of remedies affecting personal circumstances may be appropriate depending on the circumstance. Remedies may cause additional burdens upon respondents who have violated the prohibition on sex discrimination. Remedies may include recommended adjustments in District policies and practices.

N. Disciplinary Sanctions.

Administrators should consult with the Title IX Coordinator about potential disciplinary responses to the conduct that is alleged to be in violation of the prohibition on sex discrimination. **The District is not permitted to impose disciplinary sanctions upon a respondent to a Complaint for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the District's Grievance Procedure that the respondent engaged in prohibited sex discrimination.** However, appropriate supportive measures may be provided to both the Complainant and the Respondent during the Grievance Procedure. See "Supportive Measures" definition in Section II.D, and 34 CFR 106.44(g).

O. Pregnancy and Related Conditions Response Required by Title IX Regulations.

The Title IX Coordinator is directed to coordinate the District's actions required by Title IX regulations to promptly and effectively prevent sex discrimination and ensure equal access to the District's education program or activity once a student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions.

P. Provision for Students with a Disability.

If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under Section 504, if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act and Section 504 throughout the District's implementation of Grievance Procedures and/or supportive measures.

Q. Retaliation Prohibited.

The District prohibits intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations. When the District has information about conduct that reasonably may constitute retaliation under Title IX or this part, the District must respond promptly and effectively within its Title IX framework.

R. Confidentiality and Privacy.

1. Exceptions to Non-Disclosure - The District must not disclose personally identifiable information obtained in the course of complying with Title IX, except in the following circumstances:

- a. To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under FERPA.
- b. As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
- c. To carry out the purposes of Title IX, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in the District's education program or activity;
- d. When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- e. When the District has obtained prior written consent from a person with the legal right to consent to the disclosure;

2. Privacy During Grievance Process - The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. Examples of such steps might include statements of non-disclosure, identifying water-marks, redaction with separate witness codes, etc. However, such steps may not restrict the ability of the parties to: obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

S. Conflict of Interest.

No person designated as a Title IX Coordinator, investigator, decision-maker, nor any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

T. Training Requirements.

The superintendent must ensure that the persons described below receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this part, **and annually thereafter**. This training must not rely on sex stereotypes.

1. All employees must be trained on:
 - a. The District's grievance procedures.
 - b. All applicable notification and information requirements pertaining to pregnant students or students with pregnancy related conditions, as detailed in policy IHBCA, and
 - c. The scope of conduct that constitutes sex discrimination under Title IX, including sex-based harassment; and
 - d. The District's obligation to address sex discrimination in its education programs and activities;
2. In addition to the foregoing, any investigator, decisionmaker, facilitator of informal resolutions (if any are offered), and any person otherwise responsible for implementing the District's Grievance Procedures or who has the authority to modify or terminate supportive measures, must each receive the corresponding level of advanced training required by Title IX.
3. The Title IX Coordinator and any persons to whom Title IX Coordinator duties are delegated must receive the level of advanced training required by Title IX, and any other training necessary to coordinate the District's compliance with Title IX.
4. The District must make all materials it uses for required Title IX training available upon request for inspection by members of the public. Such materials must be retained as required under Section II.U, below.
5. Other than the Title IX Coordinator, who must be a District employee, the District may engage outside parties who have received qualifying training elsewhere for a role under Title IX.

U. Records and Record Keeping.

The District, through the Superintendent and Title IX Coordinator, must maintain for a period of at least seven years:

1. For each Complaint of sex discrimination, including sex-based harassment, records documenting the informal resolution process under Section II.J, or the Grievance Procedures and the resulting outcome under Section III.
2. For each notification or other report the Title IX Coordinator receives about conduct that reasonably may constitute sex discrimination under Title IX, including, for instance, notifications by employees (under Section II.H, above), any records documenting the actions the District took to meet its obligations to respond promptly and effectively as provided in Section II.I, above.
3. All materials used to provide training under Section II.T. A District must make these training materials available upon request for inspection by members of the public.

III. GRIEVANCE PROCEDURE FOR COMPLAINTS OF SEX DISCRIMINATION INCLUDING SEX-BASED HARASSMENT

This Grievance Procedure is initiated by the making of a Complaint of sex discrimination of any form, including a Complaint of sex-based harassment. As defined in Section II.D a "Complaint" under this policy is an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination. However, whether the Grievance Procedure is initiated also depends on the status of the person bringing the request to the attention of the District.

A. Form of and Making a Complaint.

All Complaints shall be made with the Title IX Coordinator (unless the Title IX Coordinator is the alleged respondent, in which event the Complaint shall be made to the Superintendent). The Complaint should include, to the extent available at the time, all of the information available to allow the parties to respond to the allegations of the conduct alleged to constitute sex discrimination, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s). A Complaint may be made orally or in writing, but the Title IX Coordinator will encourage persons making a Complaint to do so in writing. If the person making the Complaint declines, is unable, or requires assistance to make the Complaint in writing, the Title IX Coordinator will be responsible for preparing or assisting in preparing the written Complaint.

B. Persons Eligible to Make a Complaint.

1. Complaints of Sex-Based Harassment. A person is entitled to make a Complaint of sex-based harassment (a sub-category of sex discrimination) only if they:
 - a. Themselves are alleged to have been subjected to the sex-based harassment,
 - b. Have a legal right to act on behalf of the person(s) alleged to have been subjected to the sex-based harassment (i.e., parent, guardian or other authorized legal representative).
 - c. Additionally, as described under Section II.I.2, above, the Title IX Coordinator is permitted or required to make a Complaint of sex-based harassment.
2. Complaints of Sex Discrimination Other Than Sex-Based Harassment. A person is entitled to make a Complaint of sex discrimination in the programs or activities of the District other than a Complaint of sex-based harassment if they are:
 - a. A student or employee of the District;
 - b. Any person other than a student or employee who was participating or attempting to participate in an education program or activity of the District at the time of the alleged sex discrimination;

- c. A parent, guardian, or other authorized legal of a person authorized to make a Complaint; or
- d. The Title IX Coordinator if permitted or required to make a Complaint under Section II.I.2, above.

C. Complaints Concerning District Policy or Practice.

Not all Complaints of sex discrimination involve active participation by complainants and respondents, including those alleging that the District's own policies and procedures discriminate based on sex. When a sex discrimination Complaint alleges that the District's own policy or practice discriminates on the basis of sex, the District is not considered a "respondent" for procedural purposes. However, the District must fully implement and follow those parts of the Grievance Procedure that apply to such Complaints and complainants, including when responding to a Complaint alleging that the District's policy or practice discriminates on the basis of sex.

For a Complaint alleging that an individual engaged in sex discrimination based on actions the individual took in accordance with the District's policy or practice, the District must treat the individual as a respondent and comply with the requirements in this Grievance Procedure that apply to respondents. This is because such Complaints may involve factual questions regarding whether the individual was, in fact, following the District's policy or practice, what actions the individual took, and whether the individual could be subject to disciplinary sanctions depending on these facts. To the extent an individual was following the District's policy or practice, the District has flexibility to determine whether the original Complaint must be amended to be a Complaint against the District itself or whether this determination can be made based on the original Complaint against the individual.

D. Timeframes.

The District has established the following timeframes for the Grievance Procedure. Timelines are not jurisdictional, but merely establish expectations for being "prompt" in resolving Title IX matters in most cases. As used in this procedure, a "day" has the meaning provided in the Definitions found in Section II.D, above.

1. Evaluation of the Complaint (i.e., the decision whether to dismiss or investigate a Complaint): 3 days
2. Notices and Investigation: 15 days
3. Evidence organization, summarization by investigator: 5 days
4. Evidence review and responses by parties: 5 days
5. Decision maker evidence evaluation and determination: 10 days
6. Appeal of dismissal: 10 days to file;
7. 15 days to conduct the appeal of dismissal;
8. Appeal of determination (merits): same as Level II and Level III of the grievance process under Policy ACA or as stated in Board policy JICD if the sanction recommended is a long-term suspension or expulsion.

The District allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. The Title IX Coordinator may grant these extensions on the Title IX Coordinator's own initiative or upon a qualifying request or need presented by a party, investigator, decision maker, District administration, witness, DCYF, or law enforcement agency. The circumstances warranting a qualifying extension will be noted in the District's Title IX records of the complainant's case.

E. District's Response to Complaints of Sex Discrimination.

Whether or not the information alleging sex discrimination first came to the attention of the District by way of a Complaint, once the Grievance Procedure is initiated with the filing of a Complaint, the District will continue to perform and adhere to the provisions described in Section II of this policy, including, without limitation, those described in Section II.I. In addition, the District will adhere to the following provisions.

1. **Title IX Coordinator, Investigator, and Decision maker Functions.** The District requires that the Title IX Coordinator, the person assigned to investigate a Complaint, and any decision maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Title IX Coordinator may also serve as the investigator and as a decision maker. See also Section II.S, above relative to impermissible conflicts of interest.

The Title IX Coordinator shall coordinate with the Superintendent with respect to assignment of persons to fulfill the District's obligations, both general and case specific, relative to this Policy (e.g., investigator, decision makers, etc.); this may involve the retention of third-party personnel or additional expenditure of resources.

2. **Additional Notice After a Complaint is Made.** Once a Complaint is made, and the Grievance Procedure initiated, the District, through the Title IX Coordinator will further notify the parties of the following:

If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that were not included in the notice provided or that are included in a Complaint that is consolidated, the District will notify the parties of the additional allegations.

- a. That the parties are entitled to an equal opportunity to access either an accurate description of the relevant and not otherwise impermissible evidence, or the evidence itself. If the District provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- b. That retaliation is prohibited; and
- c. Sufficient information to the extent available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);

3. **Complaint Consolidation.** The District may consolidate Complaints of sex discrimination 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 of sex discrimination arise out of the same facts or circumstances. When more than one

complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

4. Investigation of Complaints. The District will provide for adequate, reliable, and impartial investigation of Complaints. The burden is on the District—not the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
5. Consideration of and Access to Evidence. The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the Grievance Procedure.
 - a. The District will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence.
 - b. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
 - c. The District will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.
 - d. The District will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
 - e. The District will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:
 - i. The District will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the District provides a description of the evidence: the District will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
 - ii. The District will provide a reasonable opportunity to respond to the evidence or the description of the evidence; and
 - iii. The District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the Grievance Procedure. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.
6. Evidentiary Exclusions. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
 - a. Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - 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 provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its Grievance Procedure; and
 - c. 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 the alleged conduct or evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex discrimination. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex discrimination or preclude determination that sex discrimination occurred.
7. Duty of Staff, Volunteers, and Third Party Representatives to Participate. Any employee or any other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, including volunteers and representatives of third parties, must, upon request by the Title IX Coordinator, an investigator, or a decisionmaker, participate as a witness in, or otherwise assist with, an investigation or proceeding under this Policy, including the Grievance Procedure. This requirement would not apply to an employee, etc. who is/was personally subjected to the alleged discriminatory conduct as long as no other person within the District's program or activity (including any student) is/was adversely affected by that conduct.
8. Questioning Parties and Witnesses. The grievance decision maker, who may also be the investigator, will question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Where the investigator has interviewed a party or witness and the investigator is also serving as the grievance decision maker, credibility evaluation is inherent in the process of conducting the interview. In situations where credibility determinations are required from a grievance decision maker who did not interview a party or witness, the Title IX Coordinator will facilitate an opportunity for the decision maker to conduct an interview as part of the grievance decision maker's process of engaging with the evidence resulting from the investigation.
9. Determination Whether Sex Discrimination Occurred. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the grievance decision maker will: Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred.
 - i. If the decision maker is not persuaded by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decision maker will not determine that sex discrimination occurred.
 - ii. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness.
 - a. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal as provided in Section III.E.13, below.
 - b. Identify recommended discipline for the respondent for sex discrimination prohibited by Title IX under the District's code of conduct.
 - c. Promptly transmit the grievance record and the determination to the Title IX Coordinator if the Title IX Coordinator did not serve as the decision maker

10. Dismissal of a Complaint.

- a. The Title IX Coordinator or decisionmaker may dismiss a Complaint of sex discrimination if:
 - i. The respondent is unable to be identified even after the District has taken reasonable steps to do so;
 - ii. The respondent is not participating in the District's education program or activity and is not employed by the District;
 - iii. The complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
 - iv. The Title IX Coordinator or the decisionmaker determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX.
- b. Before dismissing the Complaint, the District through the Title IX Coordinator will make reasonable efforts to clarify the allegations with the complainant.
- c. Upon dismissal, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal, and that the complainant may appeal the dismissal, and the grounds upon which the dismissal may be appealed. If the dismissal occurs after the respondent has been notified of the allegations, then the respondent will also be notified of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
- d. When a Complaint is dismissed, the District will, at a minimum:
 - i. Offer supportive measures to the complainant as appropriate;
 - ii. If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
 - iii. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not occur, continue, or recur within the District's education program or activity.
- e. Dismissal on these grounds does not prevent the application of any other District policy that applies to the alleged conduct or referral of the alleged conduct to appropriate administrators.

11. Disciplinary Sanctions for Sex Discrimination. The Title IX Coordinator will provide the appropriate administrator with the findings and determinations arising from the grievance procedures for purposes of implementing disciplinary sanctions upon a respondent for violating the prohibition on sex discrimination.

12. Remedies and Sanctions for Sex Discrimination Other than Sex-Based Harassment. If the Decisionmaker makes a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

- a. Coordinate the provision and implementation of remedies (as described in Section II.M, above) to a complainant and other people the District identifies as having had equality in access to the District's education program or activity limited or denied by sex discrimination;
- b. Coordinate the imposition of any disciplinary sanctions on a respondent, including:
 - i. Notification of the complainant of any such disciplinary sanctions; and
 - ii. Taking other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
 - iii. Compliance with the Grievance Procedure before the imposition of any disciplinary sanctions against a respondent; and
 - iv. Not disciplining a party, witness, or others participating in the Grievance Procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination that sex discrimination occurred.

If the respondent is a student, disciplinary sanctions and/or interventions may be found in the District's *Student Code of Conduct*, *student handbook*or *other comprehensive list of conduct and discipline standards*. See also Board policy {**}JIC.

If the respondent is an employee, the employee is subject to discipline up to and including dismissal, in accordance with applicable Board policies, employee handbook and any applicable collective bargaining agreement.

The Title IX Coordinator will provide the appropriate administrator with the findings and determinations arising from the grievance procedures for purposes of implementing disciplinary sanctions upon a respondent for violating the prohibition on sex discrimination.

13. Appeals.

- a. Appeal of Determination Whether Sex Discrimination Occurred (Merits Appeals) – An appeal as to whether sex discrimination occurred, i.e. a “merits appeal” (as opposed to an appeal of a dismissal, discussed below), must be filed as provided in Section III.D.8, above, and in accordance with the procedures specified in policy {**}ACA. All persons serving as decision maker in appeals arising from the Title IX grievance process are subject to applicable training requirements located in Section II.T. Appropriate supportive measures managed by the Title IX Coordinator will continue during all appeals.
 - i. Student Respondents Generally. For student respondents generally, a determination of whether sex discrimination occurred will be appealable by either the complainant or the respondent, or both, using the procedures for Level II and Level III grievances under policy ACA. If the determination that sex

discrimination occurred is affirmed, reversed, or modified on appeal, the appeal decision will be promptly reported to the Title IX Coordinator to modify the District's response actions as and if appropriate.

- ii. Student Respondents Facing Long-Term Suspension or Expulsion. Whether or not a student respondent who has been determined by the Grievance Procedure to have violated the prohibition against sex discrimination avails themselves of the Level II or Level III appeals under Board policy {**}ACA, if the student respondent found to have violated the prohibition against sex discrimination is facing a long term suspension or expulsion for that violation, they will also be entitled to a hearing before the School Board pursuant to RSA 193:13 and the procedures found in Rule 317.04 (Ed 317.04) of the New Hampshire Department of Education administrative rules. As to such hearing:

1. The predicate issue of whether the student-appellant violated the prohibition on sex discrimination may be raised before the Board as an issue in the appeal or hearing on a disciplinary sanction under Board policy JICD.
2. In addition to such evidence as may be introduced as provided under Ed The evidentiary record of Title IX grievance and the testimony of any witness, including the Title IX Coordinator and any investigator or decisionmaker in the matter, may be taken into evidence and argument to support the determination that the student-appellant violated the prohibition on sex discrimination, and for any other relevant purpose in the appeal or hearing.
3. The Board may adjust, vacate, or deny a disciplinary sanction directed toward a respondent under the *Student Code of Conduct, student handbookor other comprehensive list of conduct and discipline standards* without disturbing the determination that sex discrimination occurred in the District's program or activity. Such a decision by the Board may also be grounds for the Title IX Coordinator to adjust remedies provided to the Complainant.
4. If the Board finds that the respondent did not personally violate the prohibition on sex discrimination, the remedies ordered by the decisionmaker that are specifically dependent upon the determination that the respondent violated the District's prohibition on sex discrimination will be vacated or modified accordingly by the Title IX Coordinator.

- iii. Employee Respondents. For employee respondents, a determination that sex discrimination occurred will be appealable by either the complainant or the respondent, or both, using the procedures for Level II and Level III grievances under Policy ACA. If the determination that sex discrimination occurred is affirmed, reversed, or modified on appeal, the grievance returns to the Title IX Coordinator to modify the District's response actions as and if appropriate. However, when a final determination is made that an employee violated the prohibition on sex discrimination under Title IX, the concluded grievance record and determination will be sent to the Superintendent or a designee for purposes of determining disciplinary action specifically directed at that employee.

b. Appeal of Dismissal of a Complaint

- i. If a Complaint is dismissed, the Title IX Coordinator will notify the complainant that the dismissal may be appealed and provide opportunity for an appeal. As noted in Section III.D.6, above, an appeal must be filed within 10 days of the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed only on the following bases:

1. 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 would change the outcome.
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
3. Procedural irregularity that would change the outcome;

- ii. If the dismissal is appealed, the District will:

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
2. Implement appeal procedures equally for the parties;
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging the outcome; and
6. Notify the parties of the result of the appeal and the rationale for the result.

F. Relationship of Title IX Grievance Procedures to Other Discrimination or Harassment Procedures.

To the extent the underlying facts and legal questions in a Complaint handled under the Title IX Grievance Procedure overlap with and pertain to compliance by the District with another law or regulation concerning discrimination under policy {**} AC, the evidence and findings of the Title IX Grievance Process may be used for both purposes, in the discretion of the Title IX Coordinator and, if not the same person, the District's *Human Rights Officer use position described in District's AC*.

Revision Dates: 8/20/2024, 9/5/2023

NH Statutes

RSA 193:38

Description

Discrimination in Public Schools

NH Dept of Ed Regulation

NH Dept of Ed Rule 303.01 (i)
NH Dept of Ed Rules Ed 303.01 (j)

Federal Regulations

34 CFR 106.30
34 CFR 106.44
34 CFR 106.45
34 CFR 106.71
34 CFR 106.8
34 CFR. Part 99

Federal Statutes

20 U.S.C 1681, et seq

Description

[School Board Substantive Duties](#)
[Substantive Duties of School Boards: Sexual Harassment Policy.](#)

Description

[Definitions](#)
[Recipient's response to sexual harassment](#)
[Grievance process for formal complaints of sexual harassment](#)
[Retaliation](#)
[Designation of responsible employee and adoption of grievance procedures.](#)
[Family Educational Rights and Privacy Act Regulations](#)

Description

[Title IX of the Education Amendments of 1972](#)

Last Modified by Lillian Sutton on September 5, 2024



Book	A: Foundations and Basic Commitments
Section	Series A
Title	Draft Prohibition of Sexual Harassment: Policy and Grievance Procedures
Code	ACAC
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DRAFT

Prohibition of Sexual Harassment: Policy and Grievance Procedures

This policy and grievance procedure applies to all reports or complaints of sexual harassment, whether prohibited by Title IX (“Title IX sexual harassment”) or sexual harassment prohibited/governed by other policies or state or federal laws (“Non-Title IX sexual harassment”). Definitions for both Title IX and Non-Title IX sexual harassment are found in Section II.C of this policy.

Instructions for making a report of either form of sexual harassment are found in Section II.K, and **instructions for making a “Formal Complaint”** initiating the Title IX investigation and determination process are found in Section III.A. **The “Title IX Grievance Process” (or sometimes simply the “Grievance Procedure”) is Section III.**

I. RESTATEMENT OF POLICY PROHIBITING DISCRIMINATION ON THE BASIS OF SEX.

Per Board policy AC, Title IX of the Education Amendments Act of 1972 (“Title IX”), as well as RSA 193:38, among others, the District does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment, are prohibited in the District.

II. DEFINITIONS AND OTHER PROVISIONS APPLICABLE TO PROHIBITED SEXUAL HARASSMENT.

A. Prohibited Sexual Harassment. Sexual harassment is a form of sex discrimination and is strictly prohibited by the District. Behaviors that will often constitute prohibited sexual harassment include:

1. Sexually suggestive remarks or jokes;
2. Verbal harassment or abuse;
3. Displaying or distributing sexually suggestive pictures, in whatever form (e.g., drawings, photographs, videos, irrespective of format);
4. Sexually suggestive gesturing, including touching oneself in a sexually suggestive manner in front of others;
5. Harassing or sexually suggestive or offensive messages that are written or transmitted electronically;
6. Subtle or direct propositions for sexual favors or activities; or
7. Touching of a sexual nature or groping will always constitute a violation of school policies, and such touching or groping that occurs without consent (i.e. sexual assault) will constitute sexual harassment prohibited under Title IX.

Such behaviors are prohibited and, depending on the context, the repetition, and/or the severity, may also violate one or more state or federal laws. The most severe, pervasive, and offensive of these behaviors are governed by Title IX. Less severe sexual harassment may still constitute a violation of this policy, Board policy **AC** and/or **JICK**, as well as one or more state or federal laws, such as: Title VII of the Civil Rights Act of 1964, RSA 193:38, RSA 354-A:1, -A:6 and -A:27. More detailed definitions of “Title IX sexual harassment” and other prohibited sexual harassment (“non-Title IX sexual harassment”) are set out in the definitions section in II.C, below.

While **all reports of sexual harassment are to be processed in the first instance under Sect. II.K.1 of this Policy**, only formal complaints regarding alleged conduct that **could** constitute Title IX sexual harassment are subject to the Complaint and Grievance Procedure found in Sect. III, below. If the alleged conduct does not appear to meet - or has been determined under the Title IX Grievance Procedure of Sect. III not to meet - the definition of sexual harassment under Title IX, then the report will be investigated and processed in accordance with Board policy **ACA**.

B. Application of Policy.

This Policy shall apply to all students, employees, and any third party who contracts with the District to provide services to District students or employees, upon District property or during any school program or activity.

Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law. **Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or will be reported to law enforcement, the NH Division of Children, Youth and Families (DCYF), as appropriate. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.**

The Superintendent shall have overall responsibility for implementing this Policy, and shall annually appoint a District Title IX

Coordinator² as that position is described in Sect. II.C, below. The name and contact information for the Title IX Coordinator is set forth in Board Policy AC-R(2)(**), which policy shall be updated and disseminated annually with the Title IX Coordinator's name as set forth in Board policy AC(**).

C. Definitions.

As used in this Policy and the Title IX Grievance Process, the terms below shall have the meaning ascribed.

"Actual knowledge" occurs when the District's Title IX Coordinator or ANY employee of one of the District's schools (other than a "respondent" or alleged harasser) receives a notice, report or information or becomes aware of sexual harassment or allegations of sexual harassment.

"Complainant" is an individual who is alleged to be the victim of conduct that could constitute sexual harassment, whether or not that person files a report or formal complaint.

"Days" shall mean calendar days, but shall exclude non-weekend days on which the SAU office is closed (e.g., holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g., snow days).

"Decision Maker" means persons tasked with: the responsibility of making initial determinations of responsibility (at times referred to as "initial decision maker"); or the responsibility to decide any appeal (at times "appeals decision maker") with respect to formal complaints of sexual harassment in accordance with the Title IX Grievance Process.

"Determination of Responsibility" is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal Complaint that the Respondent did or did not engage in conduct constituting Sexual Harassment Under Title IX.

"Formal Complaint" means a document filed by a complainant, the complainant's parent/guardian, or the Title IX Coordinator, alleging sexual harassment against a respondent, and requesting that the district investigate the allegation of sexual harassment.

"Respondent" is an individual who is reported to be the individual accused of conduct that could constitute sexual harassment.

"Sexual harassment" prohibited under this policy includes sexual harassment specifically prohibited and defined under regulations implementing Title IX ("Title IX sexual harassment") and other sexual harassment defined or governed by other policies, or state or federal laws ("non-Title IX Sexual Harassment").

The context and severity of behavior can make a difference between conduct prohibited under Title IX, and conduct of a sexual nature that violates Board policy and/or other statutes. The nature of the allegations will determine whether the allegations are to be processed under provisions relating to Title IX or under Board policy ACA. The Title IX Grievance Process found in Sect. III, below, will only be used upon the filing of a formal complaint (discussed in Sections II.K.3 and III.A, below).

Sexual harassment under either definition may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

"Title IX sexual harassment" is conduct on the basis of sex occurring in a school system, education program or activity that constitutes one or more of the following:

1. A school district employee conditioning an aid, benefit, or service of an education program or activity on an individual's participation or refusal to participate in sexual conduct, irrespective of whether the conduct is welcomed by the student or other employee;
2. Sexual assault, dating violence, domestic violence, or stalking as defined in state or federal law;³ **OR**
3. Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to the education program or activity (this standard requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and victim and the number of individuals involved and their authority. *(Note: conduct that meets some but not all the elements of this type of sexual harassment would not be Title IX sexual harassment, but, may, nonetheless, constitute Non-Title IX sexual harassment.)*

Conduct that meets one or more of the above will not constitute Title IX sexual harassment if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser/respondent and the context in which the harassment occurred. The same conduct, may, however, be addressed under policy (**) ACA.

NOTE Regarding Concurrent Enrollment and Dual Enrollment, Extended Learning Opportunities, 3rd Party Distance Learning and Other Alternative Instructional Programs: Under federal regulations, in order for the District to have jurisdiction over conduct that would otherwise meet the definition above of Title IX sexual harassment, the District must have substantial control over both the respondent and the context in which the harassment occurred. In general, this will mean that unless such learning program is occurring upon district property, conduct otherwise meeting the definition of Title IX sexual harassment within that program, may not be subject to this policy.

"Non-Title IX sexual harassment" prohibited under this policy, Board policies (**) AC and (**) ACA and one or more of Title VII of the Civil Rights Act of 1964, RSA 193:38, RSA 354-A:1, -A:6 or -A:27 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:

- i. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits, a term of an employee or prospective employee's employment, or any other person's access to District programs or activities;
- ii. Submission to or rejection of such conduct is used as the basis for decisions on educational benefits, district employment, or access to programs or facilities; or

- iii. Such conduct has the purpose and effect of substantially interfering with a student's academic performance, an employee's work performance, any person's access to district programs or facilities, **OR** creates an intimidating, hostile or offensive learning or work environment.

"**Supportive Measures**" are free, non-disciplinary, non-punitive, individualized services and shall be offered to the complainant, and may be offered to the respondent, as appropriate. These measures may include, but are not limited to, the following:

1. Counseling;
2. Course modifications;
3. Schedule changes; and
4. Increased monitoring or supervision
5. **The** district may add additional types of supportive services (non-punitive/disciplinary).

Supportive measures shall be designed to restore or preserve equal access to the District's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment and/or deter sexual harassment. Supportive measures shall remain confidential with exclusive exceptions stated and required in **Sect. II.F**, below.

D. Title IX Coordinator.

The Title IX Coordinator shall respond promptly to all general reports as well as formal complaints of sexual harassment, whether the report concerns Title IX sexual harassment or Non-Title IX sexual harassment. the Title IX Coordinator shall receive general and specific reports of sexual harassment and coordinate the District's responses to both reports and formal complaints of sexual harassment so that the same are prompt and equitable. In addition to any other specific responsibilities assigned under this Policy, or as assigned by the Superintendent, the Title IX Coordinator will be responsible for:

1. meeting with a complainant, and informing the parent/guardian once the Title IX Coordinator becomes aware of allegations of conduct that could constitute sexual harassment as defined in this Policy;
2. identification and implementation of supportive measures;
3. signing or receiving formal complaints of sexual harassment;
4. engaging with the parents/guardians of parties to any formal complaint of sexual harassment;
5. coordinating with District and school-level personnel to facilitate and assure implementation of investigations, and remedies, and helping to assure that the District otherwise meets its obligations associated with reports and complaints of sexual harassment;
6. coordinating with the Superintendent with respect to assignment of persons to fulfill the District's obligations, both general and case specific, relative to this Policy (e.g., investigator, decision makers, etc.; this may involve the retention of third party personnel.);
7. coordinating with District and school-level personnel to assure appropriate training and professional development of employees and others in accordance with Sect. II.E of this Policy; and
8. helping to assure that appropriate systems are identified and maintained to centralize sexual harassment records and data.

In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason (see Sect. II.H, below), the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances "Title IX Coordinator" shall include the acting Title IX Coordinators.

E. Training.

All District employees shall receive regular training relative to mandatory reporting obligations under this policy (see also Board policy ****}GBEAB**), and any other responsibilities they may have relative to this Policy.

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must receive training on the definition of sexual harassment, this Policy, the scope of the District's education program or activity, and how to conduct an investigation (including the requirements of the reporting and the Title IX Grievance Process, including hearings, appeals, and information resolution processes). The training must also include avoiding prejudgment of the facts, conflicts of interest, and bias.

Decision-makers must also receive training on issues of relevance of questions and evidence, including when questions about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment, and must be made available to the public as provided in Sect. II.I of this Policy.

F. Confidentiality.

The District will respect the confidentiality of the complainant and the respondent as much as possible; however, some information may need to be disclosed to appropriate individuals or authorities. All disclosures shall be consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action. Examples of required disclosure include:

1. information to either party to the extent necessary to provide the parties due process during the Title IX Grievance Process (if allegations concern Title IX sexual harassment, or a formal complaint has been filed instituting the Title IX Grievance Process under Sect. III.A);
2. information to individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;
3. mandatory reports of child abuse or neglect to DCYF or local law enforcement (per Board policy {**}JLF);
4. information to the complainant's and the respondent's parent/guardian as required under this Policy and or the Family Educational Rights and Privacy Act ("FERPA"); and
5. reports to the New Hampshire Department of Education as required under N.H. Code of Administrative Rules Ed 510 regarding violations of the NH Code of Conduct for Education Professionals.

Additionally, any supportive measures offered to the complainant or the respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the school district to provide the supportive measures.

Except as specified above in this Section, the District shall keep confidential the identity of:

- i. Any individual who has made a report or complaint of sex discrimination;
- ii. Any individual who has made a report or filed a formal complaint of sexual harassment;
- iii. Any complainant;
- iv. Any individual who has been reported to be the perpetrator of sex discrimination;
- v. Any respondent; and
- vi. Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the District to provide the supportive measures.

G. Retaliation Prohibited.

Retaliation against any person who makes a report or complaint, or against any person who assists, participates, or refuses to participate⁴ in any investigation of an act alleged in this Policy is prohibited. Actions taken in response to materially false statements made in bad faith, or to submitting materially false information in bad faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A finding of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith. Complaints of retaliation with respect to reports or formal complaints of sexual harassment shall be filed under the District's general grievance process.

H. Conflict of Interest.

No person designated as a Title IX Coordinator, investigator, decision-maker, nor any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

I. Dissemination and Notice.

The District shall include in all student and employee handbooks, and shall make ~~publicly available on the district's website.~~ ~~{OR, BUT only if the District does not maintain a website} [available to members of the public as government records]~~ the following information:

1. the District's policy of non-discrimination on the basis of sex (included in Board policy {**} AC).
2. the title, name, office address, email address, and telephone number of the Title IX Coordinator (to be provided pursuant to Board policy {**} AC and its addendum, updated annually, {**} AC-R(2);
3. the complaint process;
4. how to file a complaint of sex discrimination or sexual harassment;
5. how the District will respond to such a complaint; and
6. a statement that Title IX inquiries may be referred to the Title IX Coordinator or to the Assistant Secretary for Civil Rights.

The same information shall be provided to all persons seeking employment with the District, or seeking to enroll or participate in the District's educational programs or activities.

Additionally, the District will make this Policy, as well as any materials used to train personnel as required under Sec. II.E ~~publicly available on the district's website~~ ~~{OR, BUT only if the District does not maintain a website} [available to members of the public as government records]~~.

J. Records and Record Keeping.

1. For each report or formal complaint of sexual harassment, the District, through the Title IX Coordinator, must create, and maintain for seven (7) years, record of:
 - a. Any actions, including any supportive measures,
 - b. The basis for the District's conclusion that its response was not deliberately indifferent; and

- c. Documentation which:
 - If supportive measures were provided to the complainant, a description of the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
 - If no supportive measures were provided to a complainant, explains the reasons why such a response was not clearly unreasonable in light of the known circumstances.
- 2. In addition, the District shall maintain the following records for a minimum of seven (7) years:
 - a. Records for each formal complaint of sexual harassment, including:
 - Any determination regarding responsibility, including dismissals;
 - Any disciplinary sanctions imposed on the respondent;
 - Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
 - Any appeal and the result therefrom;
 - Any informal resolution process and the result therefrom;
 - b. All materials used to train Title IX Coordinators, investigators, and decision-makers.

K. Reports of Sexual Harassment, Formal Complaints and District Responses.

1. Report of Sexual Harassment.

NOTE: A report does not initiate the formal Title IX Grievance Process. That process is begun only upon the filing of a formal complaint under the procedures set out in II.K.3, and III.A, below.

Any person may report sexual harassment whether relating to her/himself or another person. **However, if any District employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator⁶ of the alleged sexual harassment.** Failure to report will subject the employee to discipline up to and including dismissal.

A report of sexual harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Additionally, while the District strongly encourages reports of sexual harassment to be made directly to the Title IX Coordinator, the report may be made to **any** District staff member, including, for instance, a counselor, teacher or principal.

If the Title IX Coordinator is the alleged respondent, the report or formal complaint may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that report/complaint, or delegate the function to another person.

NOTE: For any allegation of sexual assault on a student under the age of 18, such conduct shall be reported immediately to the DCYF per Board policy {**}JLF. If the alleged respondent (perpetrator) is a person holding a license or credential from the New Hampshire Department of Education (i.e., "credential holder"), then a report shall also be made pursuant to Board policy {**}GBEAB.

2. District Response to Report of Sexual Harassment.

The district will promptly respond when there is actual knowledge of sexual harassment, even if a formal complaint has not been filed. The district shall treat complainants and respondents equitably by providing supportive measures to the complainant⁶ and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

As soon as reasonably possible after receiving a report of alleged sexual harassment from another District employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- a. discuss the availability of and offer supportive measures;
- b. consider the complainant's wishes with respect to supportive measures;
- c. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- d. explain to the complainant the process for filing a formal complaint.

3. Formal Complaints.

Pursuant to federal regulations, and this Policy, a formal complaint that contains allegations of conduct that may constitute Title IX sexual harassment and a request that the District investigate the allegations is required before the District may conduct a formal investigation of Title IX sexual harassment or take any action (other than supportive measures) against a person accused of Title IX sexual harassment. **Once a formal complaint of Title IX sexual harassment is received by the Title IX Coordinator, s/he shall commence the Title IX Grievance Process set out in Sect. III below. The process for filing a formal complaint is set forth in Sect. III.A. If the alleged conduct does not appear to meet the definition of Title IX sexual harassment, AND no formal complaint is filed under Sect. III.A, then the matter may be processed under Board policy {**}ACA.**

4. Limitation on Disciplinary Action.

In no case shall the District impose disciplinary consequences or sanctions against a respondent who has been accused of conduct which may constitute Title IX sexual harassment, until the Title IX Grievance Process has been completed.

5. Emergency Removal and Administrative Leave.⁷

At any point after receiving a report or formal complaint of sexual harassment, the Title IX Coordinator (or other District official charged with a specific function under this Policy or the Title IX Process: e.g., investigator, decision maker, etc.) may request the Superintendent to direct that an individualized safety and risk analysis be performed to determine whether a respondent student is an immediate threat to the physical health or safety of any person. In the event that the safety and risk analysis determines that the respondent student does present an immediate threat to the physical health and safety of any person, the District may remove that student, provided that such removal is in full compliance with the IDEA, a student's IEP and or 504 plan if applicable. Such emergency removal shall not be disciplinary. However, the District must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal, and shall continue to offer educational programming until a final determination is made pursuant to the Title IX Grievance Process.

The Title IX Coordinator shall keep the Superintendent of Schools informed of any employee respondents so that he/she can make any necessary reports to New Hampshire Department of Education in compliance with applicable administrative rules and the New Hampshire Code of Conduct for Educational Professionals. In appropriate cases, the Superintendent may place an employee respondent on non-disciplinary administrative leave pursuant to RSA 189:31.

III. TITLE IX GRIEVANCE PROCESS.

The Title IX Grievance Process is used only upon the filing of a formal complaint of sexual harassment as described in Sect. III.A, below. The provisions of Sections I and II of this Policy are incorporated as part of the Title IX Grievance Process. *However, as used in this Section III, "sexual harassment" shall only refer to "Title IX sexual harassment" unless otherwise specifically indicated.* Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities related to the Title IX Grievance Process.

A. Process for Filing a Formal Complaint of Sexual Harassment.

The Title IX Grievance Process is initiated by way of a formal complaint ("complaint" or "formal complaint") filed by the complainant, the complainant's parent/guardian, or the Title IX Coordinator. The complainant may file a complaint or choose not to file a complaint and simply receive the supportive measures. If the Complainant does not file a complaint, the Title IX Coordinator may sign a formal complaint, but only if initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances, and in other cases where, in the exercise of good judgment and in consultation with the District's attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment (e.g., reports of sexual assault, employee on student harassment, repeat reports, or the conduct in the complainant's report has not been adequately resolved through the provision of supportive measures). If the complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.

If no formal complaint is filed by the complainant or the Title IX Coordinator no disciplinary action may be taken against the respondent based upon conduct that would constitute sexual harassment under this policy.

Although there is no time limit per se to filing a formal complaint, for complaints initiated by the complainant or his/her parent/guardian, the complainant must be employed by the District or participating in or attempting to participate in the education program or activities of the District at the time of filing. Additionally, although the District will initiate the Title IX Grievance Process regardless of when the formal complaint is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

At a minimum, a formal complaint must:

1. contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student;
2. describe the alleged sexual harassment,
3. request an investigation of the matter, and
4. be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

The complaint may be filed with the Title IX coordinator in person, by mail, or by email.⁸ Complaint forms may be obtained from the Title IX Coordinator ~~for on the District and school websites.~~

B. Initial Steps and Notice of Formal Complaint.

1. The Title IX Coordinator will provide notice to the complainant and the complainant's parent/guardian (if the complainant is a non-eligible student under FERPA), and to the respondent (if known) and the respondent's parent/guardian (if the respondent is a non-eligible student under FERPA), as well as to any other known parties, of the following:
 - a. this Title IX Grievance Process, including any informal resolution process;
 - b. the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview; "sufficient details" shall include to the extent known identities of persons involved, the conduct allegedly constituting sexual harassment, and the date and location of the incident;
 - c. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 - d. that each party may have an advisor of their choice, who may be, but is not required to be, an attorney;

- e. that each party is entitled to inspect and review evidence; and
 - f. a reference to any provision in the District's code of conduct⁹ that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
2. The Title IX Coordinator will contact the complainant to discuss and offer supportive measures.
 3. The Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
 4. The Title IX Coordinator will examine the allegations in the formal complaint, to determine whether even if assumed true, the allegations are sufficient to sustain a finding of sexual harassment under this Policy. If the Title IX Coordinator was not involved with preparing the formal complaint, the Title IX Coordinator will contact the complainant to discuss the complaint and whether amendment is appropriate, in which case the process of Sect. III.C.4 will apply.
 5. If the formal complaint fails to satisfy the definition of sexual harassment in this Policy, the complaint shall be dismissed as provided in Sect. III.G, below.
 6. If the complaint is not dismissed, then Title IX Coordinator will consult with the Superintendent as to whether the Title IX Coordinator should act as the investigator or whether a different District or other employee shall act in that capacity. At the same time, the Title IX Coordinator and the Superintendent shall appoint the person who shall make the initial determination of responsibility (initial decision maker). ~~f. The District's policy contains additional language regarding appointment of decision maker. Can be optional language, e.g., ("Ordinarily the building principal shall serve as the initial decision maker..." or "The Superintendent, in consultation with the Title IX Coordinator, shall appoint an initial decision maker on a case-by-case basis...."~~¹⁰ } In all cases, the investigator and the initial decision maker must be properly trained and otherwise qualified (see Sect. II.E "Training", and Sect. II.H "Conflict of Interest").
 7. If the report alleges sexual harassment by the Superintendent, the Title IX Coordinator will inform the School Board Chair and the ~~f. (state title of alternate)~~ Assistant Superintendent/BA/BM, the latter of whom shall have authority to seek guidance from the District's general counsel, but shall not delay the District's response to the report as outlined in this Policy.

C. General Provisions and Additional Definitions Relative to Title IX Grievance Process.

1. Copies and Notices. Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. (Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party's advisor. See Sections III.E.3, and III.E.4).
2. Risk Analysis and Emergency Removal. At any point during the Title IX Grievance Process, the Title IX Coordinator may arrange for an individualized safety and risk analysis as described in Sec. II.K.5, following which a student may be removed.
3. Administrative Leave. At any point during the Title IX Grievance Process, the Superintendent, and at his/her own discretion, and with or without consulting the Title IX Coordinator, may place an employee on administrative leave pursuant to RSA 189:31.
4. Additional Allegations. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that were not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.
5. No Interference with Legal Privileges. At no point in process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of the District, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process.
6. Consolidation of Complaints. The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular "party", "complainant", or "respondent" include the plural, as applicable.
7. Remedies: Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.
 - a. "Disciplinary sanctions" are consequences imposed on a respondent when s/he is found responsible for sexual harassment under this Policy. Remedial actions are actions intended to restore or preserve a complainant's equal access to the educational programs and activities of the District.
 - b. "Disciplinary sanctions" against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy, NH Code of Conduct for Educational Professionals, applicable individual or collective bargaining contract, or state or federal laws or regulations.
 - c. "Disciplinary sanctions" against a student may include any available discipline or sanction, up to and including expulsion, under the policies, rules and procedures that establish the district's comprehensive student code of conduct.
 - d. "Remedial actions" as to a respondent after a final finding of responsibility, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for

sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant's right to access the district's program and activity.

Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

D. Timeframe of Grievance Process.

The District shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through at least the determination of responsibility decision within 80 days after filing the formal complaint²². In more complex cases, the time necessary to complete a fair and thorough investigation or other circumstances mean that a determination of responsibility cannot reasonably be made within that timeframe.

1. Summary of Grievance Process Timeline. ~~[With the exception of paragraphs b & c, the below are timeframes recommended by NHSBA. Both para. b & c, however, are minimum timeframes mandated under the federal regulations.]~~

- a. Investigation (as described in Sect. III.E.1) 20 +/- days as the complexity of the case demands
- b. 10 days for reviewing information prior to conclusion of investigation
- c. 10 days after receiving report to respond to report
- d. 10 days for decision maker to allow initial questions
- e. 10 days for responses to questions
- f. 10 days for questions and responses to follow-up questions.
- g. 10 days for determination of responsibility decision
- h. 10 days for appeal (6 additional days for administrative steps)
- a. 10 days for argument/statement challenging or supporting determination
- j. 10 days for decision on appeal

2. Delays and Extensions of Time. At any stage of the grievance process, the District (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties or witnesses, school or school administrative office holidays or vacations, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent or the Title IX Coordinator will provide written notice to the parties of the delay/extension and the reason(s).

E. Investigation.

The Title IX Coordinator will coordinate the investigation. The investigator shall be as appointed pursuant to Sect. III.B.6.

- 1. The Title IX Coordinator may conduct the investigation, or, in consultation with the Superintendent, designate another qualified person to investigate. The investigation and investigator must:
 - a. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
 - b. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
 - c. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence;
 - d. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
 - e. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The investigator may restrict any others from participating, as long as the restrictions apply equally to both parties;
 - f. Provide, to a party (e.g., respondent or complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate within the timeframes established in Sect. III.D, below.
 - g. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;

2. Prior to completion of the investigative report, the District, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
3. The investigator must prepare a written investigative report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant District policies, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.
4. The investigator shall provide the investigative report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator a written response to the investigative report.
5. It serves all parties when investigations proceed diligently and conclude within a reasonable time, which may vary case by case. In most cases, it is expected that the investigator will conclude the initial investigation, and provide the parties the evidence and other information required under Sect. III.E.2. Not more frequently than every other week, any party may request the Title IX Coordinator to obtain and provide the parties with a basic status report on the investigator's progress toward completion. In most cases, the investigator should conclude the investigation within 10-20 days ~~[NHSBA recommends]~~ after receiving a Formal Complaint.

F. Determination of Responsibility and Initial Decision Maker.

The determination of responsibility of the respondent shall be made by the initial decision maker as appointed pursuant to Sect. III.B.6.

1. Prior to making a determination of responsibility, the initial decision maker will afford each party 10 days ~~[NHSBA recommends]~~ to submit written, relevant questions to the initial decision maker that the party wants asked of any party or witness.
2. The initial decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.⁴²
3. The initial decision maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days ~~[NHSBA recommends]~~ for written responses, likewise to be provided to each party.
4. The initial decision maker will provide 5 days ~~[NHSBA recommends]~~ each for supplementary, limited follow-up questions and 5 days ~~[NHSBA recommends]~~ for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
5. The initial decision maker may not make any creditability determinations based on the person's status as a complainant, respondent or witness.
6. The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. The initial decision maker may impose disciplinary sanctions and remedies as described in Sect. III.C.7, above.
8. The standard to be used for formal complaints in determining whether a violation has occurred and/or that the respondent is responsible is the preponderance of the evidence standard⁴³, which is only met when the party with the burden convinces the fact finder (the initial decision maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not).
9. The initial decision-maker must issue a written determination/decision within 10 days ~~[NHSBA recommends]~~ after the close of the period for responses to the last round of follow-up questions. The written "Initial Determination of Responsibility" must include:
 - a. Identification of the allegations potentially constituting sexual harassment;
 - b. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination of Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of the District's applicable codes of conduct, policies, administrative regulations or rules to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), and any disciplinary sanctions or remedies; and
 - f. The District's procedures and permissible bases for the complainant and respondent to appeal (as set forth in Sect. III.H, below).
10. The decision maker shall provide the Initial Determination of Responsibility to the Title IX Coordinator, the Superintendent and the parties simultaneously.

G. Dismissal of a Formal Complaint.

1. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
 - a. Would not constitute Title IX sexual harassment, even if proved;

- b. Did not occur in the District's education program or activity; or
 - c. Did not occur against a person in the United States.
2. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
 - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - b. The respondent is no longer enrolled or employed by the District; or
 - c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
 3. Prior to dismissal of a complaint, the person responsible at that stage shall consult with the Superintendent.
 4. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action relative to Non-Title IX sexual harassment or otherwise under Board policy ~~§§~~ ACA, other applicable District policies, code of conduct or administrative rules/regulations. In some cases, the District may have an obligation to continue an investigation and proceed under a different policy or mandated process. (See discussions in Sect. II.A and the definitions under "sexual harassment" in Sect. II.C).

H. Appeals Process.

1. Either party may appeal the Initial Determination of Responsibility or the dismissal of a formal complaint or any allegation in a formal complaint by notifying the Superintendent in writing ("written appeal"), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal. The written appeal must be received by the Superintendent within 10 days ~~[NHSBA recommends]~~ of the Initial Determination of Responsibility or written notice of dismissal being communicated to the parties.
2. An appeal under this Policy may only be based upon one or more of the following bases, which must be stated specifically in the party's written appeal:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 - c. ~~Additional bases may be added by a district if made available equally to both parties;~~
 - d. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals for any other reason or upon any determination of responsibility not included in the written appeal will not be heard.

Appeals pertain only to the determination of responsibility and non-disciplinary remedies. Once a determination of responsibility is final per Sect. III.I, below, appeals of disciplinary sanctions may be made pursuant to the District's ordinary review process for discipline, or, to the extent applicable, any statutory or other processes provided under collective bargaining agreements or individual contracts.

3. Within 3 days ~~[NHSBA recommends]~~ of receipt of the written appeal, the Superintendent shall appoint a decision maker for appeal ("appeals decision maker")⁴⁴, who must have adequate training as provided in Sect. II.E, be free from conflict of interest as provided in Sect. II.H, and may not be the same person as the initial decision maker, the person who ordered dismissal, the investigator(s), or the Title IX Coordinator. Upon the appointment of the appeals decision maker, the Superintendent shall provide a Notice of Appeal to each party and to the Title IX Coordinator, with a copy of the written appeal. The Notice of Appeal must include information about all deadlines and timeframes in the appeal stage.
4. Each party shall have 10 days ~~[NHSBA recommends]~~ from the date the Notice of Appeal is delivered to the parties to submit to the appeals decision maker a written statement, with copies to the Superintendent, Title IX Coordinator, and other party a statement ("appeal statement") in support of, or challenging, the determination of responsibility or dismissal.
5. Each party shall provide copies of the appeal statement to the other party, the Superintendent, and the Title IX Coordinator at the same time the appeal statement is given to the appeals decision maker. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's appeal statement.
6. The appeals decision maker may refer an appealed issue back to a prior point in the grievance process, with written notice to the parties, the Superintendent and the Title IX Coordinator.
7. The appeals decision maker shall provide a written appeals decision after considering the record and the parties' appeal statements. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence, or refer it back to the appropriate stage of the Title IX Grievance Process. The written appeals decision will describe the result(s) of the appeal and the rationale, with copies provided to the parties, Superintendent and Title IX Coordinator, no more than 10 days ~~[NHSBA recommends]~~ after receiving the last of the parties' written statements per Sect. III.H.5.

- I. Finality of Determination of Responsibility. The determination regarding responsibility becomes final either on the date that the recipient, through the Superintendent, provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an

appeal is not filed, the date on which an appeal of the Initial Determination of Responsibility would no longer be considered timely. The final determination shall be identified as the Title IX Decision.

Once the Title IX Decision is final, the District may implement remedies and disciplinary sanctions. The Title IX Coordinator is responsible for effective implementation of any non-disciplinary remedies, with the assistance of building and District administrative personnel, while disciplinary sanctions will be imposed by persons charged with such responsibilities under other Board policies, regulations or administrative procedures. The District may also proceed against the respondent or complainant pursuant to the District's applicable code of conduct or other Board policies, collective bargaining agreement, individual contract or administrative rules/regulations/procedures. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within the District.

J. **Informal Resolution.**

At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), the District may offer an optional informal resolution process ~~45~~ (e.g., mediation, arbitration), provided that the District:

1. Provides written notice to the parties disclosing:
 - a. The allegations of the formal complaint;
 - b. The requirements of the information resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and

In no event may the District offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

NH Statutes

RSA 193:38

RSA 354-A:1

RSA 354-A:27

RSA 354-A:6

Description

[Discrimination in Public Schools](#)

[\(Human Rights\) Title and Purposes of Chapter](#)

[Opportunity for Public Education without Discrimination a Civil Right](#)

[Opportunity for Employment without Discrimination a Civil Right](#)

NH Dept of Ed Regulation

N.H. Code Admin. Rules Ed 303.01 (i)

N.H. Code Admin. Rules Ed 303.01 (j)

Description

[School Board Substantive Duties](#)

[Substantive Duties of School Boards: Sexual Harassment Policy](#)

Federal Regulations

34 CFR 106.30

34 CFR 106.44

34 CFR 106.45

34 CFR 106.71

34 CFR 106.8

34 CFR. Part 99

Description

[Definitions](#)

[Recipient's response to sexual harassment](#)

[Grievance process for formal complaints of sexual harassment](#)

[Retaliation](#)

[Designation of responsible employee and adoption of grievance procedures.](#)

[Family Educational Rights and Privacy Act Regulations](#)

Federal Statutes

20 U.S.C 1681, et seq

42 U.S.C. 2000e et seq.

Description

[Title IX of the Education Amendments of 1972](#)

[Title VII of the Civil Rights Act of 1964](#)

Cross References

Code

AC

AC-R(2)

ACA

ACN

EHB

EHB-R(1)

GBAM

GBEAB

IHBCA

JICK

Description

[Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan](#)

[Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information](#)

[Discrimination and Harassment Grievance Procedure](#)

[Accommodation of Nursing Mothers](#)

[Data/Records Retention](#)

[Data/Records Retention - Local Records Retention Schedule](#)

[Accommodation of Pregnancy and Related Medical Conditions: Personnel](#)

[Mandatory Code of Conduct Reporting - All Employees](#)

[Accommodation of Pregnancy and Related Medical Conditions: Students](#)

[Pupil Safety and Violence Prevention](#)

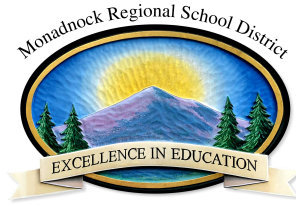
Code

JICK-R(1)
JICK-R(2)
JICK-R(3)
JJIC
JLF
JLF-F(1)

Description

[Pupil Safety and Violence Prevention - Report Form](#)
[Pupil Safety and Violence Prevention - Bullying Report Form](#)
[Pupil Safety and Violence Prevention - School Board Notification of Bullying Report](#)
[Eligibility for Interscholastic Athletics](#)
[Reporting Child Abuse or Neglect](#)
[Reporting Child Abuse or Neglect - Report Form](#)

Last Modified by Kristen Noonan on February 12, 2025



Book	A: Foundations and Basic Commitments
Section	Series A
Title	Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan
Code	AC
Status	Active
Adopted	May 3, 1993
Last Revised	August 20, 2024

NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT AND DISTRICT ANTI-DISCRIMINATION PLAN

A. INTRODUCTION AND GENERAL POLICY AGAINST DISCRIMINATION AND HARASSMENT

The District recognizes the right of all students and staff members to learn and work in an environment free from discrimination or harassment, and likewise, that persons participating or attempting to participate in District programs, employment, or activities have the right to do so free from discrimination or harassment.

Accordingly, the District prohibits any type of unlawful harassment or discrimination based on age, race, color, religion, creed, sex, national or ethnic origin, gender identity, sexual orientation, marital status, familial status, physical or mental disability, pregnancy, genetic information, or veteran status by employees, students, members of the school community, or by vendors or visitors on school property or at school-sponsored events. No person shall be excluded from or denied the benefits of educational programs or activities on the basis of any of the above classes or economic status.

As described above, the blanket prohibition afforded under this policy, as well as other Board policies, reflects, but goes further than, some of the same protections afforded under multiple State and Federal statutes or regulations, such as, but not limited to, NH RSA 354-A, and NH RSA 193:38-39, Titles IV, VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1972, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, and the Pregnant Worker Fairness Act. Additionally, bullying or general harassment of students unrelated to any of the characteristics (“protected classes”) identified above, is further prohibited under Board policy JICK and RSA 193-F. Statutory and regulatory statements and notices of nondiscrimination are included in Section I of this policy.

The District has determined that the most effective way to limit harassing or discriminating statements or conduct that is illegal or unlawful under those statutes is to treat it as misconduct under Board policies even when such conduct or statements might not rise to the level of discrimination or harassment prohibited under federal or state law.

B. DEFINITIONS

The definitions found here apply to each Board policy unless and to the extent that such definition is contrary to specific language or context of that policy or other legal authority.

"Days" means calendar days, but excludes non-weekend days on which the SAU office is closed (e.g., holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g., snow days).

"Discrimination" is conferring benefits upon, refusing or denying benefits to, or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, sex, national origin, ancestry, disability, age, genetic information, or any other characteristic protected by law, or based on a belief that such a characteristic exists.

A *"Grievance"* or *"Complaint"* is a verbal or written report or complaint of discrimination, harassment, or retaliation that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination. The required form and the specific process for making a report may vary depending on the nature of the conduct or issue. See Section D, below, for further information.

"Harassment" generally refers to the use of words or engaging in behaviors that annoy, threaten, intimidate, or demean a person without a legitimate purpose. Harassment will often constitute bullying prohibited under Board policy JICK. Additionally, harassment may constitute illegal discrimination if the harassing statements or behaviors include explicit or implicit reference to age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or national origin.

"Retaliation" means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by state or federal law, or District policies, procedures, regulations or rules, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing, or appeal under such policies, procedures, etc.

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. REPORT, COMPLAINT, AND GRIEVANCE PROCEDURES

1. Reports or complaints of sex discrimination, including sex-based harassment, or sexual violence
2. Reports or complaints by students of discrimination on the basis of educational disability under the IDEA should be made under Board policy ACE;
3. Reports or complaints of bullying or other harassment of pupils should be made under Board policy JICK;
4. Reports or complaints of discrimination, harassment, or retaliation not specified above, including, without limitation, claims relating to race, ethnicity, disability (e.g., ADA or 504), religion, etc., and not involving or relating to the District's food services (see number 5 below) should be made under the grievance procedure in Board policy ACA; and
5. Reports or complaints of discrimination based upon protected classes relative to any of the District's food and nutrition services (FNS) programs (school lunches, etc.) should be made under Board policy ACF, unless the alleged discriminatory conduct relates to a class identified in Sections D.1 or D.2
 - 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 above 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 above 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 above and related administrative procedures or regulations. Complaints or reports regarding matters not covered in those policies should be made to the District Human Rights Officer.

E. ALTERNATIVE COMPLAINT PROCEDURES AND LEGAL REMEDIES

At any time, whether or not an individual files a complaint or report under this policy or policy ACA, an individual may file a complaint with an external agency, such as the Office for Civil Rights (“OCR”) of the United States Department of Education, the New Hampshire Commission for Human Rights, or another relevant authority. The contact information for such agencies is located in AC-R(2). Complaints to the OCR, however, must be made within 180 days of the last act of alleged discrimination, harassment or retaliation giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence.

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

F. 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 making statements in the course of an investigation or grievance procedure. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of an investigation, a disciplinary proceeding or grievance proceeding does not constitute retaliation, provided, however, that a finding explicitly or implicitly negating a statement, is not sufficient alone to conclude that the person made a materially false statement in bad faith.

G. HUMAN RIGHTS OFFICER, TITLE IX AND 504/ADA COORDINATORS

The Superintendent shall ensure that District and or building personnel are assigned to the positions listed below. Each year, and more often when personnel change, the Superintendent shall prepare and disseminate as a supplement to this policy AC-R(2) an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, and postal and physical addresses:

Human Rights Officer: **Jeremy Rathbun, jrathbun@mrsd.org (603)903-6951**

Title IX Coordinator: **Lisa Spencer, lspencer@mrsd.org (603)903-6959**

504/ADA Coordinator: **Cathy Woods, cwoods@mrsd.org (603)903-6952**

600 Old Homestead Hwy. Swanzey, NH 03446

H. The Appendix will also include current contact information for relevant state and federal agencies including:

U.S. Department of Education, Office of Civil Rights

U.S. Department of Agriculture, Office of Civil Rights

N.H. Human Rights Commission

N.H. Department of Justice, Civil Rights Unit

N.H. Department of Education, Commissioner of Education

I. DISTRICT ANTI-DISCRIMINATION PLAN

No later than October 15, 2020, the Superintendent shall develop and provide to the Board for approval, a coordinated written District Anti-Discrimination Plan (the “Plan”) to include guidelines, protocols, and procedures intended to prevent, assess the presence of, intervene in, and respond to incidents of discrimination.

Among other things, the Plan should include provisions and recommendations with respect to resources, policies, complaint procedures, student education programs, Plan dissemination, and training appropriate to carrying out the Plan objectives stated in the preceding paragraph.

In developing the Plan, the Superintendent is encouraged to seek input from appropriate groups of the school and local community and coordinate with the District's Human Rights Officer and Title IX and 504 Coordinators.

No less than once every two years (off years from review of the District's Suicide Prevention Plan per Policy JLDDB), the Superintendent shall update the District Anti-Discrimination Plan, and present the same to the Board for review. Such Plan updates should be submitted to the Board in time for appropriate budget consideration.

A. STATUTORY AND REGULATORY NONDISCRIMINATION STATEMENTS AND NOTICES

1. Comprehensive Prohibition Against Discrimination in Educational Programs and Activities.

Under State or Federal 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. As used in this section, "race" means immutable traits associated with race, including hair texture and protective hairstyles and "protective hairstyles" means hairstyles or hair type, including braids, locs, tight coils or curls, cornrows, Bantu knots, Afros, twists, and headwraps. Discrimination, including harassment, against any person in the District's education programs, on the basis of any of the above classes, or a person'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 Pupil Safety and Violence Prevention.

2. 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.

3. **USDA Nondiscrimination Statement (copied from Policy ACF).**

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.

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:

a. **Mail:**

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

b. **Fax:**

(833) 256-1665 or (202) 690-7442; or

c. **Email:**

Program.Intake@usda.gov

4. **Title IX Nondiscrimination Policy and Notice of Nondiscrimination.**

▪ **Nondiscrimination Policy.** (copied from Board policy ACAC)

The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

a. **Title IX Notice of Nondiscrimination and Grievance Procedures and Dissemination of Notice.**

- i. **Form of Notice** - Title IX regulations and Board policy ACAC prescribe the form of the District's Title IX Notice of Nondiscrimination and further requires the full printing of the notice in the locations described in paragraph I.4.b.ii below
Because the required Notice of Nondiscrimination must include the name and contact information for the Title IX Coordinator, the full notice is included in the

supplement to this policy AC-R(2) which policy, per Section G above, the Superintendent is authorized and directed to update at least annually, and may also be found on the District's website at: www.mrsd.org.

- ii. Dissemination of Notice. Except as provided in paragraph I.4.c, below, the Superintendent shall ensure that the Title IX Notice of Nondiscrimination is included in full on the District's *[and each school's website]*, in each student, employee, parent or volunteer handbook, and in each catalog, announcement, bulletin, and application/enrollment form that it makes available to students, parents, employees, applicants, or which are otherwise used in connection with the recruitment of students or employees. The District will likewise provide the notice to any applicable bargaining unit or other organizations with professional agreements with the District.

b. Alternative Notice.

If the format or size of any publication of the kind listed in paragraph I.4.b.ii make it necessary to do so, the following Alternative Notice may be used:

- The District prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The District's full Title IX Notice of Nondiscrimination is located at: www.mrsd.org
- To report information or make a complaint about conduct that may constitute sex discrimination or sex-based harassment, please refer to Board policy ACAC.

J. COLLABORATION WITH OUTSIDE AGENCIES

Information may be disclosed if necessary to further the investigation, appeal, or resolution of a grievance, or if necessary to carry out interim or disciplinary measures. The District will disclose information to the District's attorney, law enforcement, and others when necessary to enforce this policy or when required by law. In implementing this policy, the District will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record. The District will keep any documentation created in investigating the complaint including, but not limited to, documentation considered when making any conclusions, in accordance with Board policy, state and federal laws, and as advised by the District's attorney.

K. ADDITIONAL REPORTING REQUIREMENTS

Reports under this Policy are in addition to and do not replace other reporting requirements mandated by law or other policies - see, e.g., Educator Code of Conduct (see Board policy GBEAB), abuse or neglect of children (see RSA 169-C:29 and policy JLF), acts of "theft, destruction, or violence" (see RSA 193-D:4, I (a) and Ed 317.06), incidents of "bullying" (see RSA 193-F and policy JICK), and hazing (see RSA 671:7).

AX. ADMINISTRATIVE PROCEDURES, REGULATIONS AND TRAINING PROGRAMS

The Superintendent shall develop such other procedures and regulations and shall ensure that training programs are provided as are necessary and appropriate to implement this policy as well as the other policies referenced above.

ALL. NOTICE OF COMPLIANCE

The Superintendent will provide notice of the nondiscrimination statements and notices, the Anti-Discrimination Plan, to all applicants for employment, employees, students, parents, and other interested persons as required by statute, policy or regulation, or as the Superintendent may otherwise deem appropriate.

NH Statutes**Description**

RSA 186:11, XXXIII

[Discrimination](#)

RSA 193-F

[Student Safety and Violence Protection Act](#)

RSA 193:38

[Discrimination in Public Schools](#)

RSA 275:71

[Prohibited Conduct by Employer](#)

RSA 275:78-83

[Policies Relating to Nursing Mothers \(Scroll down to sections 275:78-83\).](#)

RSA 354-A

[State Commission for Human Rights](#)**NH Dept of Ed Regulation****Description**

NH Dept of Ed Rule 303.01 (i)

[School Board Substantive Duties](#)**Federal Regulations****Description**

89 FR 29182

[Pregnant Workers Fairness Act \("PWFA"\)](#)**Federal Statutes****Description**

20 U.S.C 1681, et seq

[Title IX of the Education Amendments of 1972](#)

20 U.S.C. § 1400-1417

[Individuals with Disabilities Education Act \(IDEA\).](#)

29 U.S.C. 621, et seq.

[The Age Discrimination in Employment Act of 1967](#)

29 U.S.C. 705

[The Rehabilitation Act of 1973 - Definitions](#)

29 U.S.C. 794

[Rehabilitation Act of 1973 \(Section 504\).](#)

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

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

42 U.S.C. 2000c

[Title IV of the Civil Rights Act of 1964](#)

42 U.S.C. 2000d et seq.

[Title VI of the Civil Rights Act of 1964](#)

42 U.S.C. 2000e et seq.

[Title VII of the Civil Rights Act of 1964](#)

42 U.S.C. 2000gg

[Pregnant Worker Fairness Act \("PWFA"\).](#)

42 U.S.C. 218d

[Pump for Nursing Mothers Act \("PUMP Act"\).](#)

Last Modified by Lillian Sutton on September 5, 2024



Book	A: Foundations and Basic Commitments
Section	Series A
Title	DRAFT Non-Discrimination, Equal Opportunity Employment and Anti-Discrimination Plan
Code	AC
Status	Policy Committee Review
Adopted	May 3, 1993
Last Revised	August 20, 2024

DRAFT

NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT AND DISTRICT ANTI-DISCRIMINATION PLAN

A.

A. INTRODUCTION AND GENERAL POLICY AGAINST DISCRIMINATION AND HARASSMENT

The District recognizes the right of all students and staff members to learn and work in an environment free from discrimination or harassment, and likewise, that persons participate in District programs, employment or activities have the right to do so free from discrimination or harassment.

Accordingly, the District prohibits any type of unlawful harassment or discrimination based on age, race, color, religion, creed, sex, national or ethnic origin, gender identity status, familial status, physical or mental disability, pregnancy, genetic information, or veteran status by employees, students, members of the school community, or by vendors at school-sponsored events. No person shall be excluded from or denied the benefits of educational programs or activities on the basis of any of the above classes.

As described above, the blanket prohibition afforded under this policy, as well as other Board policies, reflects, but goes further than, some of the same protections afforded Federal statutes or regulations, such as, but not limited to, NH RSA 354-A, and NH RSA 193:38-39, Titles IV, VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1972, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act, and the Pregnant Worker Fairness Act. Additionally, bullying or general harassment of students unrelated to any of the characteristics ("protected classes") identified above, is prohibited by Board policy **J****, JICK and RSA 193-F. Statutory and regulatory statements and notices of nondiscrimination are included in Section **I** of this policy.

The District has determined that the most effective way to limit harassing or discriminating statements or conduct that is illegal or unlawful under those statutes is to treat it as such even when such conduct or statements might not rise to the level of discrimination or harassment prohibited under federal or state law.

B. DEFINITIONS

The definitions found here apply to each Board policy unless and to the extent that such definition is contrary to specific language or another legal authority.

"Days" means calendar days, but excludes non-weekend days on which the SAU office is closed (e.g., holidays, office-wide vacations), or the school year on which school is closed (e.g., snow days).

"Discrimination" is conferring benefits upon, refusing or denying benefits to, or providing differential treatment to a person or class of persons on the basis of race, color, religion, sex, national origin, ancestry, disability, age, genetic information, or any other characteristic protected by law, or on the basis of a belief that such a characteristic exists.

A "Grievance" or "Complaint" is a verbal or written report or complaint of discrimination, harassment, or retaliation that objectively can be investigated by the District to investigate and make a determination about alleged discrimination. The required form and the specific process for making a report may vary by the nature of the conduct or issue. See Section **D**, below, for further information.

"Harassment" generally refers to the use of words or engaging in behaviors that annoy, threaten, intimidate, or demean a person without lawful purpose. Harassment will often constitute bullying prohibited under Board policy **J****, JICK. Additionally, harassment may constitute illegal discrimination if the harassing statements or behaviors include explicit or implicit reference to age, sex, gender identity, sexual orientation, race, color, national origin, status, disability, religion or national origin.

"Retaliation" means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person acting on behalf of the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or interest secured by state or federal law, or District policies, procedures, regulations or rules, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing, or appeal under such law, policy, procedure, regulation or rule.

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 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 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 **J****, JICK.

Safety and Violence Prevention. Examples of sites and activities include all District buildings and grounds, school buses and other vehicle athletic competitions.

D. REPORT, COMPLAINT, AND GRIEVANCE PROCEDURES

1. Reports or complaints of sex discrimination, including sex-based harassment, or sexual violence should be made under Board policy **JICK**;
2. Reports or complaints by students of discrimination on the basis of educational disability under the IDEA should be made under Board policy **JACK**;
3. Reports or complaints of bullying or other harassment of pupils should be made under Board policy **JACK**;
4. Reports or complaints of discrimination, harassment, or retaliation not specified above, including, without limitation, claims relating to disability (e.g., ADA or 504), religion, access to the Boy Scouts of America or other Title 36 youth group listed in Title 36, Subtitle I United States Code (as a patriotic society) that is intended to serve young people under the age of 21, and not involving or relating to services (see number 5 below) should be made under the grievance procedure in Board policy **JACK**ACA; and
5. Reports or complaints of discrimination based upon protected classes relative to any of the District's food and nutrition services (FN lunches, etc.) should be made under Board policy **JACK**ACF, unless the alleged discriminatory conduct relates to a class identified in the policy.

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute harassment, or bullying, should contact the District Human Rights Officer, or otherwise as provided in the policies referenced above under this 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 one of the policies or administrative procedures referenced above under this same heading. Additionally, employees who observe or suspect harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the person or persons safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying and the employee fails to report the incident 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 above and related administrative procedures. Complaints or reports regarding matters not covered in those policies should be made to the District Human Rights Officer.

E. ALTERNATIVE COMPLAINT PROCEDURES AND LEGAL REMEDIES

At any time, whether or not an individual files a complaint or report under this policy or policy **JACK**ACA, an individual may file a complaint with any agency, such as the Office for Civil Rights ("OCR") of the United States Department of Education, the New Hampshire Commission for Human Rights, or another relevant authority. The contact information for such agencies is located in **JACK**AC-R(2). Complaints to the OCR, however, must be filed within 180 days of the last act of alleged discrimination, harassment or retaliation giving rise to the complaint or from the date the Complainant could have become aware of such occurrence.

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

F. 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 who files a complaint or report or making statements in the course of an investigation or grievance procedure. Charging an individual with a violation for making a materially false statement in bad faith in the course of an investigation, a disciplinary proceeding, or grievance procedure shall constitute retaliation, provided, however, that a finding explicitly or implicitly negating a statement, alone, is not sufficient alone to conclude that a materially false statement in bad faith.

G. HUMAN RIGHTS ~~FOR NONDISCRIMINATION~~ OFFICER, TITLE IX AND 504/ADA COORDINATORS

The Superintendent shall assure that District and or building personnel are assigned to the positions listed below. Each year, and more often as change, the Superintendent shall prepare and disseminate as a supplement to this policy **JACK**AC-R(2) an updated list of the person or persons in those positions, along with their District contact information, including telephone number, email, and postal and physical addresses:

Human Rights ~~for Nondiscrimination~~ Officer _____ [check district policies for title].

Title IX Coordinator ~~[[if]]delete endnote]]~~

504/ADA Coordinator ~~[[if]]delete endnote]]~~

The Appendix will also include current contact information for relevant state and federal agencies including:

U.S. Department of Education, Office of Civil Rights
 U.S. Department of Agriculture, Office of Civil Rights
 N.H. Human Rights Commission
 N.H. Department of Justice, Civil Rights Unit
 N.H. Department of Education, Commissioner of Education

H. DISTRICT ANTI-DISCRIMINATION PLAN

No later than October 15, 2020, the Superintendent shall develop and provide to the Board for approval, a coordinated written District Anti-Discrimination Plan.

Plan (the "Plan") to include guidelines, protocols, and procedures intended to prevent, assess the presence of, intervene in, and respond to discrimination.

Among other things, the Plan should include provisions and recommendations with respect to resources, policies, complaint procedures, programs, Plan dissemination, and training appropriate to carrying out the Plan objectives stated in the preceding paragraph.

In developing the Plan, the Superintendent is encouraged to seek input from appropriate groups of the school and local community and the District's **Human Rights [Nondiscrimination]** Officer and Title IX and 504 Coordinators.

No less than once every two years (off years from review of the District's Suicide Prevention Plan per Policy **{**}** JLDDB), the Superintendent shall update the District Anti-Discrimination Plan, and present the same to the Board for review. Such Plan updates should be submitted to the Board in a timely manner for budget consideration.

I. STATUTORY AND REGULATORY NONDISCRIMINATION STATEMENTS AND NOTICES

1. Comprehensive Prohibition Against Discrimination in Educational Programs and Activities.

Under State or Federal law and Board policy, no person shall be excluded from, denied the benefits of, or subjected to discrimination in any educational program or activity of the public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or origin. As used in this section, "race" means immutable traits associated with race, including hair texture and protective hairstyles; "gender identity" means hairstyles or hair type, including braids, locs, tight coils or curls, cornrows, Bantu knots, Afros, twists, and headwraps; "sexual orientation" means sexual orientation, including but not limited to, heterosexual, lesbian, gay, bisexual, transgender, and intersex. Harassment, including harassment, against any person in the District's education programs, on the basis of any of the above classes, or a person's sexual orientation, 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 categories.

Harassment of students other than on the basis of any of the classes or categories listed above is prohibited under Board policy **{**}** JLDDB and Violence Prevention.

2. 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, sex, gender identity, marital status, national origin, pregnancy, race, religion, sex, or sexual orientation. The District will employ individuals who are able to perform the physical and mental requirements, and who have the education, training, and experience established as necessary for the performance of the job 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, disability, genetic information, national origin, ancestry, sexual orientation, or gender identity are prohibited. Additionally, the District shall not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

3. USDA Nondiscrimination Statement (copied from Policy **{**}** ACF).

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution does not discriminate on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state administrator of the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay at 1-800-877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which may 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 to the USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discrimination. Sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation must be included. The completed AD-3027 form or letter must be submitted to USDA by:

a. Mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

b. Fax:

(833) 256-1665 or (202) 690-7442; or

c. Email:

Program.Intake@usda.gov

J. COLLABORATION WITH OUTSIDE AGENCIES

Information may be disclosed if necessary to further the investigation, appeal or resolution of a grievance, or if necessary to carry out disciplinary measures. The District will disclose information to the District's attorney, law enforcement, and others when necessary to enforce this policy by law. In implementing this policy, the District will comply with state and federal laws regarding the confidentiality of student and employee information. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other information.

record. The District will keep any documentation created in investigating the complaint including, but not limited to, documentation consisting of any conclusions, in accordance with Board policy, state and federal laws, and as advised by the District's attorney.

K. ADDITIONAL REPORTING REQUIREMENTS

Reports under this Policy are in addition to and do not replace other reporting requirements mandated by law or other policies - see, e.g. Conduct (see Board policy ~~{**}~~GBEAB), abuse or neglect of children (see RSA 169-C:29 and policy ~~{**}~~JLF), acts of "theft, destruction, RSA 193-D:4, I (a) and Ed 317.06), incidents of "bullying" (see RSA 193-F and policy ~~{**}~~JICK), and hazing (see RSA 671:7).

L. ADMINISTRATIVE PROCEDURES, REGULATIONS AND TRAINING PROGRAMS

The Superintendent shall develop such other procedures and regulations, and shall ensure that training programs are provided as are necessary and appropriate to implement this policy as well as the other policies referenced above.

M. NOTICE OF COMPLIANCE

The Superintendent will provide notice of the nondiscrimination statements and notices, the Anti-Discrimination Plan, to all applicants for employment, employees, students, parents, and other interested persons as required by statute, policy or regulation, or as the Superintendent may deem appropriate.

~~[[Delete endnote]] The specific title "Title IX Coordinator" is required by federal regulations.~~

~~[[Delete endnote]] The specific titles of "504 Coordinator" and "ADA Coordinator" are required by federal rules/guidelines. One person can serve as Coordinator for both and have "Coordinator" shown here, or different people can serve in each role.~~

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a comp authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

NH Statutes

RSA 186:11, XXXIII

RSA 193-F

RSA 193:38

RSA 275:71

RSA 275:78-83

RSA 354-A

RSA 354-A:1

RSA 354-A:27

RSA 354-A:6

Description

[Discrimination](#)

[Student Safety and Violence Protection Act](#)

[Discrimination in Public Schools](#)

[Prohibited Conduct by Employer](#)

[Policies Relating to Nursing Mothers \(Scroll down to sections 275:78-83\).](#)

[State Commission for Human Rights](#)

[\(Human Rights\) Title and Purposes of Chapter](#)

[Opportunity for Public Education without Discrimination a Civil Right](#)

[Opportunity for Employment without Discrimination a Civil Right](#)

NH Dept of Ed Regulation

N.H. Code Admin. Rules Ed 303.01 (i)

Description

[School Board Substantive Duties](#)

Federal Regulations

34 CFR 108

89 FR 29182

Description

[Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups](#)

[Pregnant Workers Fairness Act \("PWFA"\).](#)

Federal Statutes

20 U.S.C 1681, et seq

20 U.S.C. § 1400-1417

20 U.S.C. § 7905

29 U.S.C. 621, et seq.

29 U.S.C. 705

29 U.S.C. 794

Description

[Title IX of the Education Amendments of 1972](#)

[Individuals with Disabilities Education Act \(IDEA\)](#)

[Equal access to public school facilities \("Boy Scouts of America Equal Access Act"\)](#)

[The Age Discrimination in Employment Act of 1967](#)

[The Rehabilitation Act of 1973 - Definitions](#)

[Rehabilitation Act of 1973 \(Section 504\)](#)

Federal Statutes

36 U.S.C. Subtitle II Part B
 42 U.S.C. 12101, et seq.
 42 U.S.C. 2000c
 42 U.S.C. 2000d et seq.
 42 U.S.C. 2000e et seq.
 42 U.S.C. 2000gg
 42 U.S.C. 218d

Description

[Organizations](#)
[Title II of The Americans with Disabilities Act of 1990](#)
[Title IV of the Civil Rights Act of 1964](#)
[Title VI of the Civil Rights Act of 1964](#)
[Title VII of the Civil Rights Act of 1964](#)
[Pregnant Worker Fairness Act \("PWFA"\)](#)
[Pump for Nursing Mothers Act \("PUMP Act"\)](#)

Cross References**Code**

ACA
 ACAC
 ACD
 ACE
 ACF
 ACN
 EF
 EFAA
 GBAM
 GBI
 GDB
 IHBA
 IHBA-R(1)
 IHBAM
 IHBCA
 IHBG
 IKG
 JICK
 JICK-R(1)
 JICK-R(2)
 JICK-R(3)
 JJA
 JJA-R(1)
 JJIC
 KEE
 KFA
 KFA-R(1)

Description

[Discrimination and Harassment Grievance Procedure](#)
[Prohibition of Sexual Harassment: Policy and Grievance Procedures](#)
[Commitment to Religious Neutrality](#)
[Procedural Safeguards: Nondiscrimination on the Basis of Disability](#)
[Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints](#)
[Accommodation of Nursing Mothers](#)
[Food Service Management](#)
[Meal Charging](#)
[Accommodation of Pregnancy and Related Medical Conditions: Personnel](#)
[Staff Participation in Political Activities](#)
[Employment of Non-Certified Personnel](#)
[Programs for Pupils with Disabilities](#)
[Programs for Pupils with Disabilities - Section 504 - Notice of Parent & Student Rights](#)
[District Special Education Policy and Procedures Manual](#)
[Accommodation of Pregnancy and Related Medical Conditions: Students](#)
[Home Education Instruction](#)
[Awards and Scholarships](#)
[Pupil Safety and Violence Prevention](#)
[Pupil Safety and Violence Prevention - Report Form](#)
[Pupil Safety and Violence Prevention - Bullying Report Form](#)
[Pupil Safety and Violence Prevention - School Board Notification of Bullying Report](#)
[Student Activities & Organizations](#)
[Student Activities & Organizations - Eligibility Standards](#)
[Eligibility for Interscholastic Athletics](#)
[Website Accessibility and Grievance](#)
[Conduct on School Property](#)
[Conduct on School Property - Assaults](#)

Last Modified by Kristen Noonan on February 12, 2025



Book	A: Foundations and Basic Commitments
Section	Series A
Title	Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information
Code	AC-R(2)
Status	Active
Adopted	May 3, 1993
Last Revised	August 20, 2024

Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information

Pursuant to Board policy AC, *Nondiscrimination, Equal Opportunity Employment, and District Anti-Discrimination Plan*, the District administration is directed to update and publish a list of current personnel and contact information for various positions and outside agencies relating to the District's anti-discrimination policies.

DISTRICT PERSONNEL:

Human Rights Officer : Superintendent of Schools

Name: Jeremy Rathbun
Address: 600 Old Homestead Highway, Swanzey, NH 03446
Telephone: 603-903-6951
Email Address: jrathbun@mrds.org

Title IX Coordinator

See section below under heading "District Title IX Notice of Nondiscrimination" for name and contact information.

504 Coordinator

Name: Catherine Woods
Address: 600 Old Homestead Highway, Swanzey, NH 03446
Telephone: (603)903-6967
Email Address: cwoods@mrds.org

ADA Coordinator: Superintendent of Schools

Name: Jeremy Rathbun
Address: 600 Old Homestead Highway, Swanzey, NH 03446
Telephone: 603-903-6951
Email Address: jrathbun@mrds.org

OUTSIDE AGENCIES:

Office for Civil Rights, U.S. Department of Education; 5 Post Office Square, 8th Floor, Boston, MA 02109-3921; Telephone - 617-289-0111; Email - OCR.Boston@ed.gov

Office of the Assistant Secretary for Civil Rights, U.S. Department of Agriculture; 1400 Independence Avenue, SW, Washington, D.C., 20250-9410; Telephone - 866-632-9992; Email - program.intake@usda.gov

Boston Area Office, U.S. Equal Employment Opportunity Commission; JFK Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506; Telephone - 1-800-669-4000; ASL Videophone - 1-844-234-5122; Email - info@eeoc.gov

New Hampshire Commission for Human Rights; 57 Regional Drive, Suite 8, Concord, NH 03301; Telephone - 603-271-2767; Email - humanrights@hrc.nh.gov

New Hampshire Department of Justice, Civil Rights Unit; 33 Capitol Street, Concord, NH 03301; Telephone - 603-271-3650; Email - doj.civilrights@doj.nh.gov

N.H. Department of Education, Commissioner of Education; 101 Pleasant Street, Concord, NH 03301; Telephone - 603-271-3494; Email - info@doe.nh.gov

DISTRICT TITLE IX NOTICE OF NONDISCRIMINATION

(Note: Title IX Regulations require the Title IX Notice of Nondiscrimination to include the specific name and contact information of the District's Title IX Coordinator. For more information see Board policy AC at Section G and I.4.)

The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to the District's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. The name and contact information for the District's Title IX Coordinator is:

Name: Lisa Spencer
Address: 600 Old Homestead Highway, Swanzey, NH 03446
Telephone: (603) 903-6959
Email Address: lspencer@mrds.org

The District's Title IX Nondiscrimination Policy and Grievance Procedures are found in Board policy ACAC and can be located at: www.mrds.org.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to Board policy ACAC, Section II.G for report, and Section III.A for a complaint.

This Notice shall be printed in full as required in Section I.4.b. of Board policy AC.

Revision Dates: 8/20/2024, 7/1/1998

NH Statutes

RSA 186:11, XXXIII
RSA 193-F
RSA 193:38
RSA 275:71
RSA 275:78-83
RSA 354-A

NH Dept of Ed Regulation

NH Dept of Ed Rule 303.01 (i)

Federal Regulations

89 FR 29182

Federal Statutes

20 U.S.C 1681, et seq
20 U.S.C. § 1400-1417
29 U.S.C. 621, et seq.
29 U.S.C. 705
29 U.S.C. 794
42 U.S.C. 12101, et seq.
42 U.S.C. 2000c
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 2000gg
42 U.S.C. 218d

Description

[Discrimination](#)
[Student Safety and Violence Protection Act](#)
[Discrimination in Public Schools](#)
[Prohibited Conduct by Employer](#)
[Policies Relating to Nursing Mothers \(Scroll down to sections 275:78-83\)](#)
[State Commission for Human Rights](#)

Description

[School Board Substantive Duties](#)

Description

[Pregnant Workers Fairness Act \("PWFA"\)](#)

Description

[Title IX of the Education Amendments of 1972](#)
[Individuals with Disabilities Education Act \(IDEA\)](#)
[The Age Discrimination in Employment Act of 1967](#)
[The Rehabilitation Act of 1973 - Definitions](#)
[Rehabilitation Act of 1973 \(Section 504\)](#)
[Title II of The Americans with Disabilities Act of 1990](#)
[Title IV of the Civil Rights Act of 1964](#)
[Title VI of the Civil Rights Act of 1964](#)
[Title VII of the Civil Rights Act of 1964](#)
[Pregnant Worker Fairness Act \("PWFA"\)](#)
[Pump for Nursing Mothers Act \("PUMP Act"\)](#)

Last Modified by Lillian Sutton on September 5, 2024



Book	A: Foundations and Basic Commitments
Section	Series A
Title	DRAFT Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information
Code	AC-R(2)
Status	Policy Committee Review
Adopted	May 3, 1993
Last Revised	August 20, 2024

DRAFT

**Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan -
Annual Notice of Contact Information**

Pursuant to Board policy AC, *Nondiscrimination, Equal Opportunity Employment, and District Anti-Discrimination Plan*, the District administration is directed to update and publish a list of current personnel and contact information for various positions and outside agencies relating to the District's anti-discrimination policies.

DISTRICT PERSONNEL:**Human Rights Officer** : Superintendent of Schools

Name: Jeremy Rathbun
Address: 600 Old Homestead Highway, Swanzey, NH 03446
Telephone: 603-903-6951
Email Address: jrathbun@mrsd.org

Title IX Coordinator

Name: Lisa Spencer
Address: 600 Old Homestead Highway, Swanzey, NH 03446
Telephone: (603) 903-6959
Email Address: lspencer@mrsd.org

504 Coordinator

Name: Catherine Woods
Address: 600 Old Homestead Highway, Swanzey, NH 03446
Telephone: (603)903-6967
Email Address: cwoods@mrsd.org

ADA Coordinator: Superintendent of Schools

Name: Jeremy Rathbun
Address: 600 Old Homestead Highway, Swanzey, NH 03446
Telephone: 603-903-6951
Email Address: jrathbun@mrsd.org

OUTSIDE AGENCIES:

Office for Civil Rights, U.S. Department of Education; 5 Post Office Square, 8th Floor, Boston, MA 02109-3921; Telephone - 617-289-0111; Email - OCR.Boston@ed.gov

Office of the Assistant Secretary for Civil Rights, U.S. Department of Agriculture; 1400 Independence Avenue, SW, Washington, D.C., 20250-9410; Telephone - 866-632-9992; Email - program.intake@usda.gov

Boston Area Office, U.S. Equal Employment Opportunity Commission; JFK Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506; Telephone - 1-800-669-4000; ASL Videophone - 1-844-234-5122; Email - info@eeoc.gov

New Hampshire Commission for Human Rights; 57 Regional Drive, Suite 8, Concord, NH 03301; Telephone - 603-271-2767; Email - humanrights@hrc.nh.gov

New Hampshire Department of Justice, Civil Rights Unit; 33 Capitol Street, Concord, NH 03301; Telephone - 603-271-3650; Email - doj.civilrights@doj.nh.gov

N.H. Department of Education, Commissioner of Education; 25 Hall Street, Concord, NH 03301; Telephone - 603-271-3494; Email - info@doe.nh.gov

Revision Dates: 8/20/2024, 7/1/1998

NH Statutes

RSA 186:11, XXXIII
RSA 193-F
RSA 193:38
RSA 275:71
RSA 275:78-83
RSA 354-A
RSA 354-A:1
RSA 354-A:27
RSA 354-A:6

NH Dept of Ed Regulation

N.H. Code Admin. Rules Ed 303.01 (i)

Federal Regulations

34 CFR 108
89 FR 29182

Federal Statutes

20 U.S.C 1681, et seq
20 U.S.C. § 1400-1417
20 U.S.C. § 7905
29 U.S.C. 621, et seq.
29 U.S.C. 705
29 U.S.C. 794
36 U.S.C. Subtitle II Part B
42 U.S.C. 12101, et seq.
42 U.S.C. 2000c
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 2000gg
42 U.S.C. 218d

Description

[Discrimination](#)
[Student Safety and Violence Protection Act](#)
[Discrimination in Public Schools](#)
[Prohibited Conduct by Employer](#)
[Policies Relating to Nursing Mothers \(Scroll down to sections 275:78-83\).](#)
[State Commission for Human Rights](#)
[\(Human Rights\) Title and Purposes of Chapter](#)
[Opportunity for Public Education without Discrimination a Civil Right](#)
[Opportunity for Employment without Discrimination a Civil Right](#)

Description

[School Board Substantive Duties](#)

Description

[Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups](#)
[Pregnant Workers Fairness Act \(“PWFA”\).](#)

Description

[Title IX of the Education Amendments of 1972](#)
[Individuals with Disabilities Education Act \(IDEA\)](#)
[Equal access to public school facilities \(“Boy Scouts of America Equal Access Act”\).](#)
[The Age Discrimination in Employment Act of 1967](#)
[The Rehabilitation Act of 1973 - Definitions](#)
[Rehabilitation Act of 1973 \(Section 504\)](#)
[Organizations](#)
[Title II of The Americans with Disabilities Act of 1990](#)
[Title IV of the Civil Rights Act of 1964](#)
[Title VI of the Civil Rights Act of 1964](#)
[Title VII of the Civil Rights Act of 1964](#)
[Pregnant Worker Fairness Act \("PWFA"\).](#)
[Pump for Nursing Mothers Act \("PUMP Act"\).](#)

Cross References

Code

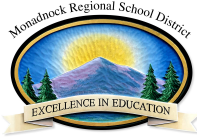
ACA
ACAC
ACD
ACE
ACF
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EFAA
GBAM
GBI
GDB
IHBA
IHBA-R(1)
IHBAM
IHBCA
IHBG
IKG
JICK
JICK-R(1)
JICK-R(2)
JICK-R(3)
JJA

Description

[Discrimination and Harassment Grievance Procedure](#)
[Prohibition of Sexual Harassment: Policy and Grievance Procedures](#)
[Commitment to Religious Neutrality.](#)
[Procedural Safeguards: Nondiscrimination on the Basis of Disability.](#)
[Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints](#)
[Accommodation of Nursing Mothers](#)
[Food Service Management](#)
[Meal Charging](#)
[Accommodation of Pregnancy and Related Medical Conditions: Personnel](#)
[Staff Participation in Political Activities](#)
[Employment of Non-Certified Personnel](#)
[Programs for Pupils with Disabilities](#)
[Programs for Pupils with Disabilities - Section 504 - Notice of Parent & Student Rights](#)
[District Special Education Policy and Procedures Manual](#)
[Accommodation of Pregnancy and Related Medical Conditions: Students](#)
[Home Education Instruction](#)
[Awards and Scholarships](#)
[Pupil Safety and Violence Prevention](#)
[Pupil Safety and Violence Prevention - Report Form](#)
[Pupil Safety and Violence Prevention - Bullying Report Form](#)
[Pupil Safety and Violence Prevention - School Board Notification of Bullying Report](#)
[Student Activities & Organizations](#)

Code	Description
JJA-R(1)	<u>Student Activities & Organizations - Eligibility Standards</u>
JJIC	<u>Eligibility for Interscholastic Athletics</u>
KEE	<u>Website Accessibility and Grievance</u>
KFA	<u>Conduct on School Property</u>
KFA-R(1)	<u>Conduct on School Property - Assaults</u>

Last Modified by Kristen Noonan on February 12, 2025



Book	A: Foundations and Basic Commitments
Section	Series A
Title	Discrimination and Harassment Grievance Procedure
Code	ACA
Status	Active
Adopted	August 20, 2024

Discrimination and Harassment Grievance Procedure

A. Purpose.

As described in Board policy AC and other policies referenced there, the District is committed to maintaining a workplace and educational environment that is free from discrimination, harassment, and retaliation* in admission or access to, or treatment or employment in, its programs, services, activities, and facilities.

***NOTE:** Definitions for these terms can be found in policy AC.

This policy provides a grievance process for any complaints of illegal discrimination, harassment, or retaliation that are not addressed by other Board policies. For example, while race-based or ethnicity-based harassment or discrimination could be addressed through the grievance process in this policy, sex discrimination or sex-based harassment must be addressed under policy ACAC.

See policy AC for policies for those types of discrimination, harassment, or retaliation for which grievance and complaint procedures are set forth in a separate policy.

The District does not assume responsibility or liability for actions that are unrelated to the District's programs or activities. However, the District may investigate any behavior that occurs on or off District property to the extent that such an investigation is necessary for the District to meet its legal obligations to address discrimination, harassment, and retaliation that negatively impact the education or work environment in the District. The District can address such behavior only when and to the extent that the District has the legal authority to do so.

B. Reports and Complaints of Discrimination or Harassment.

Under this policy, a **report** is nothing more than providing information to the District regarding conduct or statements that might constitute discrimination, harassment, or retaliation ("Discriminatory Conduct") as described below. A **grievance** or **complaint** (referred to in this policy as a "**Complaint**") is a verbal or written report or complaint of Discriminatory Conduct that objectively can be understood as a request for the District to investigate and make a determination about alleged Discriminatory Conduct. A Complaint is required to initiate the formal Grievance Process as described below.

C. Reports – Informal Process.

Contact information for the District's Human Rights Officer, Title IX Coordinator, and 504/ADA Coordinator can be found in AC-R(2).

1. Reports of prohibited or illegal Discriminatory Conduct should be made to the District Human Rights Officer under this policy unless:
 - a. The report is about the Human Rights Officer, Title IX Coordinator, or 504/ADA Coordinator, in which case the report may be made directly to the Superintendent or Superintendent's designee, who shall then appoint an alternate to act in place of the disqualified officer.
 - b. The report concerns potential **sex discrimination, sex-based harassment, or retaliation**, in which case the report should be made to the **District Title IX Coordinator** under policy ACAC.
 - c. The report concerns potential discrimination, harassment, or retaliation related to a real or perceived **disability**, in which case the report should be made to the **District's 504/ADA Coordinator** under this policy.
 - d. The report concerns **harassment that does not involve a protected class** (included in AC), in which case the report shall be made to the **Building Principal** under policy JICK.
2. Any person who believes they have been subjected to prohibited or illegal Discriminatory Conduct may report the alleged acts to the District Human Rights Officer in accordance with this policy.

If a student is more comfortable reporting to a person other than the Human Rights Officer (e.g., guidance counselor, teacher, Principal), the student may tell any school district employee or volunteer. The employee or volunteer shall then make a report as discussed above and below in this Section C.

3. Any person who witnesses or receives a report of behavior they believe to be Discriminatory Conduct should report the alleged acts immediately to the District Human Rights Officer.

If a student is more comfortable reporting to a person other than the Human Rights Officer (e.g., guidance counselor, teacher, Principal), the student may tell any school district employee or volunteer. The employee or volunteer shall then make a report per the following paragraph.

District employees and volunteers are required to report such conduct as soon as possible, but not later than the end of the next school or work day. This requirement does not apply if the employee or volunteer is the subject of the conduct unless any student witnessed or was otherwise impacted by the conduct. This report should be made in person if reasonable.

Upon receiving a report, the Human Rights Officer may determine that the incident has been appropriately addressed or may recommend additional action.

D. Definitions.

For the purposes of this policy and only this policy, terms are defined as follows.

“Complainant” is the person making a complaint. The Complainant may or may not be the Victim. If the Complainant is under 18 years of age, the Complainant’s parent(s) or legal guardian(s) shall also receive any communication regarding the Complaint or Grievance Process to which the Complainant is entitled.

“Discriminatory Conduct” refers to discrimination, harassment, or retaliation.

“Grievance Process” is the formal investigation and determination of whether prohibited or illegal discrimination, harassment, or retaliation occurred, and may include appeals.

“Human Rights Officer” is the person assigned to that role in the District; contact information for this person can be found in policy AC-R(2). If the Human Rights Officer designates another person to act as the Human Rights Officer, “Human Rights Officer” shall refer to that designee. Similarly, if the Human Rights Officer directs a Complaint to the 504 or ADA Coordinator, “Human Rights Officer” as used in this policy refers to the 504 or ADA Coordinator. If the report or Complaint of alleged discrimination, harassment, or retaliation involves the Human Rights Officer, “Human Rights Officer” shall refer to a person assigned by the Superintendent or the Superintendent’s designee to handle the report or Complaint.

“Report” is information provided to the District regarding conduct or statements that might constitute discrimination, harassment, or retaliation. A report does NOT prompt the Grievance Process; only a Complaint initiates the formal Grievance Process.

“Respondent” is the person who allegedly engaged in the prohibited or illegal discrimination, harassment, or retaliation. If a District policy, procedure, rule, custom, or practice is the subject of a report or Complaint and not a specific person, the District is considered the Respondent. If a Respondent is under 18 years of age, the Respondent’s parent(s) or legal guardian(s) shall also receive any communication regarding the Complaint or Grievance Process to which the Respondent is entitled.

“Victim” is the person who was allegedly subjected to the prohibited or illegal discrimination, harassment, or retaliation. The Victim may or may not be the Complainant. If a Victim is under 18 years of age, the Victim’s parent(s) or legal guardian(s) shall also receive any communication regarding the Complaint or Grievance Process to which the Victim is entitled.

“Witness” is a person who may have information regarding the alleged discrimination, harassment, or retaliation.

E. Complaints and Initiation of the Formal Grievance Process.

A person begins the formal grievance process by making a Complaint with the Human Rights Officer. If the Complaint is against the Human Rights Officer, the Title IX Coordinator, the 504 Coordinator or ADA Coordinator, or if some other conflict of interest exists, the Complaint may be made to the Superintendent or Superintendent’s designee, who shall then appoint an alternate to act in place of the disqualified officer. For Complaints against the Human Rights Officer, the appointed alternate shall be deemed the “Human Rights Officer” for purposes of all the duties and powers of the Human Rights Officer as described below.

[The District’s Complaint form can be found here {insert website link to form} or obtained from the {Human Rights Officer}.] Written Complaints are strongly encouraged, as a written record provides certainty regarding the nature of the grievance. If an oral Complaint is made, the Human Rights Officer will offer to assist in the preparation of a written Complaint or, if assistance is refused, to create a recording of the oral Complaint. If both assistance and recording are refused by the Complainant, the District will investigate the expressed oral Complaint but, again, notes that an undocumented or unrecorded Complaint may result in uncertainty regarding the nature of the grievance.

The submission of a Complaint initiates Level 1 of the grievance process as described below. Upon receiving the Complaint, the Human Rights Officer will review the Complaint to determine whether it concerns allegations more appropriately addressed under a different procedure in accordance with policy AC.

Complaints should be made as soon as possible. Complainants are advised that complaints to the Office for Civil Rights of the United States Department of Education (“OCR”) must be made within 180 days of the last act of alleged discrimination, harassment, or retaliation giving rise to the complaint or from the date the Complainant could reasonably have become aware of such occurrence.

If the person making the Complaint (the “Complainant”) or the person alleged to have committed the discriminatory conduct (the “Respondent”) is under 18 years of age, the Human Rights Officer shall notify their parent(s)/guardian(s) of the Complaint.

In determining whether the alleged actions constitute prohibited or illegal Discriminatory Conduct, the District will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred, and all other relevant information. If, after investigation, school officials determine that it is more likely than not (the preponderance of the evidence standard) that Discriminatory Conduct or other prohibited behavior has occurred, the District will take prompt and effective corrective action in accordance with law and Board policy.

Level I – Investigation and Initial Determination:

The Human Rights Officer will initiate an impartial investigation within five days of receiving the Complaint. The Human Rights Officer may appoint another qualified person (e.g. Building Principal, etc.) to undertake the investigation. The Human Rights Officer or the appointed designee shall be known as the Investigator. The Investigator shall coordinate with the Superintendent with respect to assignment of persons or resources to fulfill the District’s obligations, both general and case specific, relative to this policy (e.g., supplemental investigators, specialists); this may involve the retention of third-party personnel or additional expenditure of resources.

The Investigator shall conduct a prompt, impartial, adequate, reliable, and thorough investigation, including the opportunity for the Complainant and other parties involved to identify witnesses and provide information and other evidence. The Investigator will evaluate all relevant information and documentation relating to the grievance.

Within 30 working days of receiving the Complaint, the Investigator will complete a written report that summarizes the investigation and makes determinations as to whether the facts indicate a violation of this policy based on the appropriate legal standard. If someone other than the Human Rights Officer served as Investigator, the Human Rights Officer will receive the report and either adopt the report as submitted or modify and complete the report upon further investigation and/or review of applicable policy and law. If the determination is that prohibited or illegal Discriminatory Conduct occurred, the Human Rights Officer will recommend corrective action to the Superintendent to address the discrimination, harassment, or retaliation; prevent recurrence; and remedy its effects.

The Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), and the Respondent(s) will be notified of the determination in writing, within five working days of the completion of the investigator report.

An extension of the investigation and any other deadlines/periods identified in this Section may be warranted if extenuating circumstances exist as determined by the Investigator. The Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), and the Respondent(s) will be notified when deadlines are extended.

Level II – Appeal:

Within five working days after receiving the Level I decision, the Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), or any Respondent may appeal the Investigator's decision to the Superintendent by notifying the Superintendent in writing. The Superintendent shall impartially review the matter or may designate another qualified person to conduct a prompt and impartial review.

Within ten working days, the Superintendent or designee will complete a written decision on the appeal, stating whether a violation of District policy is found and, if so, stating what corrective actions will be implemented. If someone other than the Superintendent conducts the appeal, the Superintendent will review and sign the report before it is given to the person appealing. A copy of the appeal and decision will be given to the Level I Investigator. The Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), and any Respondent will be notified in writing, within five working days of the Superintendent's decision, regarding whether the Superintendent or designee upheld, overturned, or modified the Level I decision.

Level III – Appeal:

Within five working days after receiving the Level II decision, the Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), or any Respondent may appeal the Superintendent's decision by notifying the Superintendent and School Board Chair in writing. Within 15 days, the School Board will determine whether to hear the appeal or submit it to an outside hearing officer.

The Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), and each Respondent will be allowed to address or otherwise submit information to the Board/hearing officer, and the Board/hearing officer may call for the presence of other persons the Board/hearing officer deems necessary. The Board/hearing officer will issue a decision within 30 working days for implementation by the administration. The Complainant(s), the victim(s) (if someone other than the victim(s) filed the grievance), and each Respondent will be notified in writing, within five working days of the Board/hearing officer's decision, subject to such confidentiality as is consistent with applicable policy and law. **The Level III decision is final.**

- Complaints involving sex discrimination, sex-based harassment, or retaliation must be referred to the Title IX Coordinator. See policy ACAC for the Title IX Grievance Procedure.
- Complaints involving discrimination, harassment, or retaliation relative to a real or perceived disability must be referred to the 504/ADA Coordinator. Such complaints will be addressed in accordance with this policy and “Human Rights Officer” below shall refer to the 504 or ADA Coordinator.
- Complaints of harassment that do not involve protected classes as identified in policy AC should be processed under policy JICK, the District’s anti-bullying policy and procedures.
- All other Complaints will be managed by the Human Rights Officer.

F. Confidentiality.

Information contained in reports or Complaints, or the records relating to a formal grievance process, including, e.g., the identities of the Complainant(s), victim(s), Respondent(s), or witness(es), will only be disclosed as reasonably necessary in connection with the investigation or as required by law or policy. The District will make reports to appropriate authorities as necessary or as required by law.

G. District Actions in Absence of Formal Complaint.

Even if the person who is the subject of the alleged discriminatory conduct does not file a Complaint under this policy, if the District otherwise learns about possible discrimination, harassment, or retaliation, including violence, the Human Rights Officer will conduct a prompt, impartial, adequate, reliable, and thorough investigation to determine whether conduct in violation of law, District policy, or District Code of Conduct occurred, and will consult with the Building Principal and/or Superintendent regarding recommended supportive measures, remedies, and/or disciplinary consequences as deemed necessary or appropriate.

H. Interim and/or Supportive Measures.

When a report or Complaint is made or the District otherwise learns of potential discrimination, harassment, or retaliation, the District will take immediate action to protect the alleged victim(s), including implementing interim and/or supportive measures. Such measures may be provided on a temporary, long-term, or permanent basis and include, but are not limited to, altering a class seating arrangement, providing additional supervision, or suspending an employee pending an investigation. The District will also take immediate steps to prevent retaliation against the alleged victim(s) and/or Complainant(s), any person associated with the alleged victim(s) and/or Complainant(s), or any witness(es) or participant(s) in the investigation. These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to make reports or Complaints, and initiating follow-up contact with the alleged victim(s) and/or Complainant(s) to determine if any additional acts of discrimination, harassment, or retaliation have occurred.

I. Consequences and Remedies.

If the District determines that prohibited or illegal Discriminatory Conduct has occurred, the District will take prompt, effective and appropriate action to address the behavior, prevent its recurrence, and remedy its effects.

Employees who violate this policy will be disciplined, up to and including employment termination. Students who violate this policy will be disciplined in accordance with applicable policies, Codes of Conduct, or school/classroom rules and regulations. Patrons, contractors, visitors, or others who violate this policy may be prohibited from District property or otherwise restricted while on District property. The Superintendent, Human Rights Officer, Building Principal, or designees will contact law enforcement or seek a court order to enforce this policy when necessary or when actions may constitute criminal behavior.

J. Training.

The District will provide training to employees on identifying and reporting acts that may constitute discrimination, harassment, or retaliation. The District will instruct employees to make all reports to proper personnel, specifically the Building Principal. The Building Principal will refer reports of illegal discrimination, harassment, or retaliation to the proper personnel, as found in policies AC and AC-R(2). The District will inform employees of the consequences of violating this policy and the remedies the District may use to rectify policy violations. All employees will have access to the District's current policies, required notices, and complaint forms. The District will provide training to any person responsible for investigating potential discrimination, harassment, or retaliation.

The District will provide information to parents/guardians and students regarding this policy and will provide age-appropriate instruction to students.

NH Statutes

RSA 141-C:20-d

RSA 189:1-b

RSA 193-F

RSA 193:38

RSA 200:39

RSA 275:78-83

Description

[Exclusion During Outbreak of Disease](#)

[Freedom of Assembly, Freedom of Religion](#)

[Student Safety and Violence Protection Act](#)

[Discrimination in Public Schools](#)

[Exclusion from School](#)

[Policies Relating to Nursing Mothers \(Scroll down to sections 275:78-83\)](#)

NH Dept of Ed Regulation

N.H. Code of Admin. Rules, Sect. 306.04(a)(2022)

N.H. Code of Admin. Rules, Sect. Ed 306.04(a)(8)

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

N.H. Dept. of Ed. Admin. Rule Ed 1107.02(b)

NH Dept of Ed Rules Ed 303.01 (j)

Description

[Meeting the Special Physical Health Needs of Students](#)

[Student Harassment](#)

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

[Evaluation Requirements for Children With Specific Learning Disabilities](#)

[Substantive Duties of School Boards: Sexual Harassment Policy](#)

Federal Regulations

28 CFR Part 35

28 CRF 35 - Temporary - 89 FR 31320

34 C.F.R. § 104

34 C.F.R. § 104.7(b)

34 C.F.R. §§ 110.25

34 C.F.R. §§ 300.307-.309

34 CFR 106.30

34 CFR 106.44

34 CFR 106.45

34 CFR 106.71

7 CFR Part 15, Subpart A

89 FR 29182

Description

[Nondiscrimination on the Basis of Disability in State and Local Government Services](#)

[Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government Entities](#)

[Nondiscrimination on the Basis of Handicap](#)

[Adoption of Grievance Procedures](#)

[Designation of responsible employee, notice, and grievance procedures](#)

[Additional Procedures for Identifying Children With Specific Learning Disabilities](#)

[Definitions](#)

[Recipient's response to sexual harassment](#)

[Grievance process for formal complaints of sexual harassment](#)

[Retaliation](#)

[Nondiscrimination](#)

[Pregnant Workers Fairness Act \("PWFA"\)](#)

Federal Statutes

20 U.S.C 1681, et seq

20 U.S.C. § 1400-1417

20 U.S.C. §§1400 et seq.

20 U.S.C. §1232g

20 U.S.C. 1401(3)(B)

20 U.S.C. 1701-1758

29 U.S.C. 621, et seq.

29 U.S.C. 705

29 U.S.C. 794

Description

[Title IX of the Education Amendments of 1972](#)

[Individuals with Disabilities Education Act \(IDEA\)](#)

[Individuals with Disabilities Education Law](#)

[Family Educational Rights and Privacy Act \(FERPA\)](#)

[Child with a Disability, Child Aged 3 through 9](#)

[Equal Educational Opportunities Act of 1974 – "EEOA"](#)

[The Age Discrimination in Employment Act of 1967](#)

[The Rehabilitation Act of 1973 - Definitions](#)

[Rehabilitation Act of 1973 \(Section 504\)](#)

Federal Statutes

42 U.S.C. 12101, et seq.
42 U.S.C. 1751 et seq.
42 U.S.C. 2000c
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
42 U.S.C. 2000gg
42 U.S.C. 218d
42 USC 1751 – 66
P.L. 110-233

Description

[Title II of The Americans with Disabilities Act of 1990](#)
[National School Lunch Act](#)
[Title IV of the Civil Rights Act of 1964](#)
[Title VI of the Civil Rights Act of 1964](#)
[Title VII of the Civil Rights Act of 1964](#)
[Pregnant Worker Fairness Act \("PWFA"\)](#)
[Pump for Nursing Mothers Act \("PUMP Act"\)](#)
[National School Lunch Act](#)
[Genetic Information Nondiscrimination Act of 2008](#)

Last Modified by Lillian Sutton on September 5, 2024



Book	A: Foundations and Basic Commitments
Section	Series A
Title	DRAFT Discrimination and Harassment Grievance Procedure
Code	ACA
Status	Policy Committee Review
Adopted	August 20, 2024

DRAFT

Discrimination and Harassment Grievance Procedure

A. Purpose.

As described in Board policy AC{**} and other policies referenced there, the District is committed to maintaining a workplace and educational environment that is free from harassment, and retaliation* in admission or access to, or treatment or employment in, its programs, services, activities, and facilities.

***NOTE:** Definitions for these terms can be found in policy AC{**}.

This policy provides a grievance process for any complaints of illegal discrimination, harassment, or retaliation that are not addressed by other Board policies. For example ethnicity-based harassment or discrimination could be addressed through the grievance process in this policy, sex discrimination or sex-based harassment must be addressed

See policy AC{} for policies for those types of discrimination, harassment, or retaliation for which grievance and complaint procedures are set forth in a s**

The District does not assume responsibility or liability for actions that are unrelated to the District's programs or activities. However, the District may investigate any behavior on District property to the extent that such an investigation is necessary for the District to meet its legal obligations to address discrimination, harassment, and retaliation that in the education or work environment in the District. The District can address such behavior only when and to the extent that the District has the legal authority to do so.

B. Reports and Complaints of Discrimination or Harassment.

Under this policy, a **report** is nothing more than providing information to the District regarding conduct or statements that might constitute harassment, or retaliation ("Discriminatory Conduct") as described below. A **grievance** or **complaint** (referred to in this policy as a "**Complaint**") is a written report or complaint of Discriminatory Conduct that objectively can be understood as a request for the District to investigate and act on about alleged Discriminatory Conduct. A Complaint is required to initiate the formal Grievance Process as described below.

C. Reports – Informal Process.

Contact information for the District's Human Rights Officer, Title IX Coordinator, and 504/ADA Coordinator can be found in AC-R(2){**}. ~~endnote~~

District employees and volunteers are required to report such conduct as soon as possible, but not later than the end of the next school or work day. This requirement applies if the employee or volunteer is the subject of the conduct, unless any student witnessed or was otherwise impacted by the conduct.

Upon receiving a report, the Human Rights Officer may determine that the incident has been appropriately addressed or may recommend additional action.

1. Reports of prohibited or illegal Discriminatory Conduct should be made to the District ~~for building (if applicable)~~ Human Rights Officer unless:
 - a. The report is about the Human Rights Officer, Title IX Coordinator, or 504/ADA Coordinator, in which case the report may be made to the Superintendent or Superintendent's designee, who shall then appoint an alternate to act in place of the disqualified officer.
 - b. The report concerns potential **sex discrimination, sex-based harassment, or retaliation**, in which case the report should be made to the ~~applicable~~ Title IX Coordinator under policy ACAC{**}.
 - c. The report concerns potential discrimination, harassment, or retaliation related to a real or perceived **disability**, in which case the report should be made to the **District's 504/ADA Coordinator** under this policy.
 - d. The report concerns **harassment that does not involve a protected class** (included in AC{**}), in which case the report shall be made to the **Principal** under policy JICK{**}.
2. Any person who believes they have been subjected to prohibited or illegal Discriminatory Conduct may report the alleged acts to the ~~(if applicable)~~ Human Rights Officer in accordance with this policy.

If a student is more comfortable reporting to a person other than the Human Rights Officer (e.g., guidance counselor, teacher, Principal), the student may tell any school district employee or volunteer. The employee or volunteer shall then make a report as discussed above and below.

3. Any person who witnesses or receives a report of behavior they believe to be Discriminatory Conduct should report the alleged acts to the District ~~for building (if applicable)~~ Human Rights Officer. ~~Delete endnote~~

If a student is more comfortable reporting to a person other than the Human Rights Officer (e.g., guidance counselor, teacher, Principal), the student may tell any school volunteer. The employee or volunteer shall then make a report per the following paragraph.

D. **Definitions.**

For the purposes of this policy and only this policy, terms are defined as follows.

“Complaint” means a document filed by a complainant, alleging discrimination or harassment against a respondent or the District, and requesting that the District investigate harassment or discrimination. (“Complaint” is to be distinguished from a “Report” as defined below.)

- Complaints involving sex discrimination, sexual harassment (whether under Title IX or other), or retaliation must be referred to the Title IX Coordinator ACAC [redacted] for the Title IX Grievance Procedure.
- Complaints involving discrimination, harassment, or retaliation relative to a real or perceived disability must be referred to the 504/ADA Coordinator. Complaints addressed in accordance with this policy and “Human Rights Officer” below shall refer to the 504/ADA Coordinator.
- Complaints of harassment that do not involve protected classes as identified in policy AC [redacted] should be processed under policy JICK [redacted], the District’s procedures.
- All other Complaints will be managed by the Human Rights Officer.

“Complainant” is the person making a complaint. The Complainant may or may not be the Victim. If the Complainant is under 18 years of age, the Complainant’s parent(s) shall also receive any communication regarding the Complaint or Grievance Process to which the Complainant is entitled.

“Discriminatory Conduct” refers to discrimination, harassment, or retaliation.

“Grievance Process” is the formal investigation and determination of whether prohibited or illegal discrimination, harassment, or retaliation occurred, and may include

“Human Rights Officer” is the person assigned to that role in the District; contact information for this person can be found in policy AC-R(2) [redacted]. If the Human Rights Officer directs another person to act as the Human Rights Officer, “Human Rights Officer” shall refer to that designee. Similarly, if the Human Rights Officer directs a Complaint to the “Human Rights Officer” as used in this policy refers to the 504/ADA Coordinator. If the report or Complaint of alleged discrimination, harassment, or retaliation involves the Human Rights Officer, “Human Rights Officer” shall refer to a person assigned by the Superintendent or the Superintendent’s designee to handle the report or Complaint.

“Report” is information provided to the District regarding conduct or statements that might constitute discrimination, harassment, or retaliation. A report does NOT initiate the Grievance Process; only a Complaint initiates the formal Grievance Process.

“Respondent” is the person who allegedly engaged in the prohibited or illegal discrimination, harassment, or retaliation. If a District policy, procedure, rule, custom, or practice is the subject of a report or Complaint and not a specific person, the District is considered the Respondent. If a Respondent is under 18 years of age, the Respondent’s parent(s) or legal guardian(s) shall also receive any communication regarding the Complaint or Grievance Process to which the Respondent is entitled.

“Victim” is the person who was allegedly subjected to the prohibited or illegal discrimination, harassment, or retaliation. The Victim may or may not be the Complainant. If the Victim is under 18 years of age, the Victim’s parent(s) or legal guardian(s) shall also receive any communication regarding the Complaint or Grievance Process to which the Victim is entitled.

“Witness” is a person who may have information regarding the alleged discrimination, harassment, or retaliation.

E. **Complaints and Initiation of the Formal Grievance Process.**

A person begins the formal grievance process by making a Complaint with the Human Rights Officer. If the Complaint is against the Human Rights Officer, the Title IX Coordinator, or if some other conflict of interest exists, the Complaint may be made to the Superintendent or Superintendent’s designee, who shall then appoint an alternate Human Rights Officer. For Complaints against the Human Rights Officer, the appointed alternate shall be deemed the “Human Rights Officer” for purposes of all the duties and responsibilities of the Human Rights Officer as described below.

The District’s Complaint form can be found here (insert website link to form) or obtained from the Human Rights Officer. Written Complaints are strongly encouraged to provide certainty regarding the nature of the Complaint. If an oral Complaint is made, the Human Rights Officer will offer to assist in the preparation of a written Complaint. If the complainant refuses, to create a recording of the oral Complaint. If both assistance and recording are refused by the Complainant, the District will investigate the expressed oral Complaint. An undocumented or unrecorded Complaint may result in uncertainty regarding the nature of the Complaint.

The submission of a Complaint initiates Level 1 of the Grievance Process as described below. Upon receiving the Complaint, the Human Rights Officer will review the Complaint to determine whether it concerns allegations more appropriately addressed under a different procedure in accordance with policy AC [redacted].

Complaints should be made as soon as possible. Complainants are advised that complaints to the Office for Civil Rights of the United States Department of Education (“OCR”) within 180 days of the last act of alleged discrimination, harassment, or retaliation giving rise to the complaint or from the date the Complainant could reasonably have become aware of the act.

If the person making the Complaint (the “Complainant”) or the person alleged to have committed the discriminatory conduct (the “Respondent”) is under 18 years of age, the Human Rights Officer shall notify their parent(s)/guardian(s) of the Complaint.

In determining whether the alleged actions constitute prohibited or illegal Discriminatory Conduct, the District will consider the surrounding circumstances, the nature of the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred, and all other relevant information. If, after investigation, the District determines that it is more likely than not (the preponderance of the evidence standard) that Discriminatory Conduct or other prohibited behavior has occurred, the District will take prompt action in accordance with law and Board policy.

Level I – Investigation and Initial Determination:

The Human Rights Officer will initiate an impartial investigation within five days of receiving the Complaint. The Human Rights Officer may appoint another qualified person (e.g., Principal, etc.) to undertake the investigation. The Human Rights Officer or the appointed designee shall be known as the Investigator. The Investigator shall coordinate with respect to assignment of persons or resources to fulfill the District’s obligations, both general and case specific, relative to this policy (e.g., supplemental investigators, special investigators, retention of third-party personnel or additional expenditure of resources).

The Investigator shall conduct a prompt, impartial, adequate, reliable, and thorough investigation, including the opportunity for the Complainant and other parties involved to provide information and other evidence. The Investigator will evaluate all relevant information and documentation relating to the Complaint.

Within 30 working days of receiving the Complaint, the Investigator will complete a written report that summarizes the investigation and makes determinations as to whether a violation of this policy based on the appropriate legal standard. If someone other than the Human Rights Officer served as Investigator, the Human Rights Officer will receive the report as submitted or modify and complete the report upon further investigation and/or review of applicable policy and law. If the determination is that prohibited Conduct occurred, the Human Rights Officer will recommend corrective action to the Superintendent to address the discrimination, harassment, or retaliation; prevent recurrence; and provide support to the parties involved.

The Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), and the Respondent(s) will be notified of the determination in writing, within five working days of the completion of the investigatory report.

An extension of the investigation and any other deadlines/periods identified in this Section may be warranted if extenuating circumstances exist as determined by the Investigator. The victim(s) (if someone other than the victim(s) filed the Complaint), and the Respondent(s) will be notified when deadlines are extended.

Level II – Appeal:

Within five working days after receiving the Level I decision, the Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), or any Respondent may appeal the Investigator's decision to the Superintendent by notifying the Superintendent in writing. The Superintendent shall impartially review the matter or may designate another person to conduct a prompt and impartial review.

Within ten working days, the Superintendent or designee will complete a written decision on the appeal, stating whether a violation of District policy is found and, if so, what action will be implemented, or, the Superintendent/designee may determine to remand the matter to the Investigator for further investigation or consideration. If someone other than the Superintendent conducts the appeal, the Superintendent will review and sign the report before it is given to the person appealing. A copy of the appeal and decision will be given to the Level I Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), and any Respondent will be notified in writing, within five working days of the Superintendent's decision regarding whether the Superintendent or designee upheld, overturned, or modified the Level I decision.

Level III – Appeal:

Within five working days after receiving the Level II decision, the Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), or any Respondent may appeal the Superintendent's decision by notifying the Superintendent and School Board Chair in writing.

Level III appeals may only be based upon one or more of the following grounds, which must be stated specifically in the party's written appeal:

1. 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 was made, that affected the outcome of the matter;
3. ~~Additional bases may be added by a district if made available equally to both parties~~; OR
4. The Investigator, or Superintendent/designee had a conflict of interest or bias for or against complainants or respondents generally or complainant or respondent that affected the outcome of the matter.

Appeals for any other reason not included in the written appeal will not be heard.

Appeals that pertain only to disciplinary sanctions may be made pursuant to the District's ordinary review process for discipline, or, to the extent that such appeals are provided for in any statutory or other processes provided under collective bargaining agreements or individual contracts.

Upon receiving a written appeal, the School Board Chair will promptly confer with the School Board's attorney for guidance as to whether to refer the appeal to an outside hearing officer is in the best interests of the District. This conference may occur with the Board in the context of a closed session under 91-A:2, II (b). Within 21 days, the School Board will determine whether to hear the appeal or submit it to an outside hearing officer.

The Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), and each Respondent will be allowed to add and submit information to the Board/hearing officer, and the Board/hearing officer may call for the presence of other persons the Board/hearing officer deems necessary. The Board/hearing officer will issue a decision within 30 working days after the hearing or submission of information for implementation. The Complainant(s), the victim(s) (if someone other than the victim(s) filed the Complaint), and each Respondent will be notified in writing, within five working days of the Board/hearing officer's decision, subject to such confidentiality as is consistent with applicable policy and procedure. **decision is final.**

F. Confidentiality.

Information contained in reports or Complaints, or the records relating to a formal grievance process, including, e.g., the identities of the Complainant(s), victim(s), Respondent(s), shall be disclosed as reasonably necessary in connection with the investigation or as required by law or policy. The District will make reports to appropriate authorities as necessary.

G. District Actions in Absence of Formal Complaint.

Even if the person who is the subject of the alleged discriminatory conduct does not file a Complaint under this policy, if the District otherwise has knowledge of possible discrimination, harassment, or retaliation, including violence, the Human Rights Officer will conduct a prompt, impartial, adequate and thorough investigation to determine whether conduct in violation of law, District policy, or District expectations, Code of Conduct, or other applicable standards occurred with the Building Principal and/or Superintendent regarding recommended supportive measures, remedies, and/or disciplinary consequences that are necessary or appropriate.

H. Interim and/or Supportive Measures.

When a report or Complaint is made or the District otherwise learns of potential discrimination, harassment, or retaliation, the District will take prompt action to protect the alleged victim(s), including implementing interim and/or supportive measures. Such measures may be provided on an interim, or permanent basis and include, but are not limited to, altering a class seating arrangement, providing additional supervision, or suspending an employee pending an investigation. The District will also take immediate steps to prevent retaliation against the alleged victim(s) and/or person associated with the alleged victim(s) and/or Complainant(s), or any witness(es) or participant(s) in the investigation. These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to make a Complaint, and initiating follow-up contact with the alleged victim(s) and/or Complainant(s) to determine if any additional acts of discrimination, harassment, or retaliation have occurred.

I. Consequences and Remedies.

If the District determines that prohibited or illegal Discriminatory Conduct has occurred, the District will take prompt, effective and appropriate address the behavior, prevent its recurrence, and remedy its effects.

Employees who violate this policy will be disciplined, up to and including employment termination. Students who violate this policy will be disciplined in accordance with applicable policies, Codes of Conduct, or school/classroom rules and regulations. Patrons, contractors, visitors, or others who violate this policy may be prohibited from District property or otherwise restricted while on District property. The Superintendent, Human Rights Officer, Principal, or designees will contact law enforcement or seek a court order to enforce this policy when necessary or when actions may correct the behavior.

J. Training.

The District will provide training to employees on identifying and reporting acts that may constitute discrimination, harassment, or retaliation. The District will instruct employees to make all reports to proper personnel, specifically the Building Principal. The Building Principal will refer reports of discrimination, harassment, or retaliation to the proper personnel, as found in policies AC-R(2) and AC-R(2). The District will inform employees of the consequences of violating this policy and the remedies the District may use to rectify policy violations. All employees will have access to the District's current notices, and complaint forms. The District will provide training to any person responsible for investigating potential discrimination, harassment, or retaliation.

The District will provide information to parents/guardians and students regarding this policy and will provide age-appropriate instruction to students.

~~[Delete endnote] The Human Rights Officer may serve multiple roles in the District and in small districts, may even be the Superintendent or Principal. The specific titles of "504 Coordinator" are required by federal rules/guidelines but the title of Human Rights Officer may vary by district. One person can serve as both 504 Coordinator and ADA Coordinator "504/ADA Coordinator" shown here, or different people can serve in multiple roles.~~

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history: _____

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

NH Statutes

RSA 141-C:20-d

RSA 189:1-b

RSA 193-F

RSA 193:38

RSA 200:39

RSA 275:78-83

RSA 354-A:1

RSA 354-A:27

RSA 354-A:6

Description

[Exclusion During Outbreak of Disease](#)

[Freedom of Assembly, Freedom of Religion](#)

[Student Safety and Violence Protection Act](#)

[Discrimination in Public Schools](#)

[Exclusion from School](#)

[Policies Relating to Nursing Mothers \(Scroll down to sections 275:78-83\).](#)

[\(Human Rights\) Title and Purposes of Chapter](#)

[Opportunity for Public Education without Discrimination a Civil Right](#)

[Opportunity for Employment without Discrimination a Civil Right](#)

NH Dept of Ed Regulation

N.H. Code Admin. Rules Ed 1100

N.H. Code Admin. Rules Ed 1107.02(b)

N.H. Code Admin. Rules Ed 303.01 (j)

N.H. Code Admin. Rules Ed 306.04(a)(2022)

N.H. Code Admin. Rules Ed 306.04(a)(8)

Description

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

[Evaluation Requirements for Children With Specific Learning Disabilities](#)

[Substantive Duties of School Boards; Sexual Harassment Policy](#)

[Meeting the Special Physical Health Needs of Students](#)

[Student Harassment](#)

Federal Regulations

28 CFR Part 35

28 CFR 35 - PENDING - 89 FR 31320

34 C.F.R. §§ 110.25

Description

[Nondiscrimination on the Basis of Disability in State and Local Government Services](#)

[Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government](#)

[Designation of responsible employee, notice, and grievance procedures](#)

Federal Regulations

34 CFR 104
 34 CFR 104.7(b)
 34 CFR 106.30
 34 CFR 106.44
 34 CFR 106.45
 34 CFR 106.71
 34 CFR 108
 34 CFR 300.307-.309
 7 CFR Part 15, Subpart A
 89 FR 29182

Federal Statutes

20 U.S.C 1681, et seq
 20 U.S.C. § 1400-1417
 20 U.S.C. § 7905
 20 U.S.C. §§1400 et seq.
 20 U.S.C. §1232g
 20 U.S.C. 1401(3)(B)
 20 U.S.C. 1701-1758
 29 U.S.C. 621, et seq.
 29 U.S.C. 705
 29 U.S.C. 794
 36 U.S.C. Subtitle II Part B
 42 U.S.C. 12101, et seq.
 42 U.S.C. 1751 et seq.
 42 U.S.C. 2000c
 42 U.S.C. 2000d et seq.
 42 U.S.C. 2000e et seq.
 42 U.S.C. 2000gg
 42 U.S.C. 218d
 42 USC 1751 – 66
 P.L. 110-233

Description

[Nondiscrimination on the Basis of Handicap](#)
[Adoption of Grievance Procedures](#)
[Definitions](#)
[Recipient's response to sexual harassment](#)
[Grievance process for formal complaints of sexual harassment](#)
[Retaliation](#)
[Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups](#)
[Additional Procedures for Identifying Children With Specific Learning Disabilities](#)
[Nondiscrimination](#)
[Pregnant Workers Fairness Act \("PWFA"\)](#)

Description

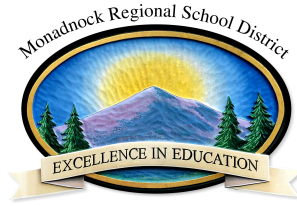
[Title IX of the Education Amendments of 1972](#)
[Individuals with Disabilities Education Act \(IDEA\)](#)
[Equal access to public school facilities \("Boy Scouts of America Equal Access Act"\)](#)
[Individuals with Disabilities Education Law](#)
[Family Educational Rights and Privacy Act \(FERPA\)](#)
[Child with a Disability, Child Aged 3 through 9](#)
[Equal Educational Opportunities Act of 1974 – "EEOA"](#)
[The Age Discrimination in Employment Act of 1967](#)
[The Rehabilitation Act of 1973 - Definitions](#)
[Rehabilitation Act of 1973 \(Section 504\)](#)
[Organizations](#)
[Title II of The Americans with Disabilities Act of 1990](#)
[National School Lunch Act](#)
[Title IV of the Civil Rights Act of 1964](#)
[Title VI of the Civil Rights Act of 1964](#)
[Title VII of the Civil Rights Act of 1964](#)
[Pregnant Worker Fairness Act \("PWFA"\)](#)
[Pump for Nursing Mothers Act \("PUMP Act"\)](#)
[National School Lunch Act](#)
[Genetic Information Nondiscrimination Act of 2008](#)

Cross References**Code**

AC
 AC-R(2)
 ACAC
 ACD
 ACE
 ACF
 ACN
 DAF
 GBAM
 IHBCA

Description

[Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan](#)
[Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Inform](#)
[Prohibition of Sexual Harassment: Policy and Grievance Procedures](#)
[Commitment to Religious Neutrality](#)
[Procedural Safeguards: Nondiscrimination on the Basis of Disability](#)
[Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints](#)
[Accommodation of Nursing Mothers](#)
[Administration of Federal Grant Funds](#)
[Accommodation of Pregnancy and Related Medical Conditions: Personnel](#)
[Accommodation of Pregnancy and Related Medical Conditions: Students](#)



Book	A: Foundations and Basic Commitments
Section	Series A
Title	Accommodation of Lactation Needs
Code	ACN
Status	Active
Adopted	December 5, 2023
Last Revised	October 1, 2024

Accommodation of Lactation Needs

A. Statement of Purpose.

The District provides a supportive environment as to time and place for students and employees (collectively “people with lactation or lactation-related needs”) to express milk and address other lactation-related needs. Subject to the terms and exceptions set forth in this policy, the District will accommodate the needs of people with lactation or lactation-related needs by providing reasonable times and suitable spaces for people with lactation or lactation-related needs to express milk during school and work hours for up to one year after the birth of the child. Lactation for purposes of this policy will include expression of milk by manual or mechanical means, medical conditions related to lactation, and other lactation-related needs.

No person with lactation needs will be discriminated against for milk expression or related activities as provided in this policy, and reasonable efforts will be made to assist people with lactation needs in meeting their lactation needs while at work or school.

B. Accommodation Notice and Plans.

A person with lactation needs should contact the building Principal or employee’s supervisor at least two weeks before the need for lactation accommodations arises. The District will endeavor to meet the break and space needs of each person with lactation needs. However, when ordinary accommodations (as discussed below) create an undue hardship for the operations of the school/workplace, the District will work with the person with lactation needs to determine whether other reasonable accommodations may be made. Such other accommodations could include items like a change in work/class assignments, or schedules, additional break periods, permitted absences for medical appointments, or access to extra food and water throughout the day. When reasonable accommodations are unattainable, the building Principal or other administrator working with the person with lactation needs should consult with the District’s Title IX Coordinator.

A lactation accommodation plan should be revisited upon request of the person with lactation needs, or at least every three months, with adjustments made to the accommodations for lactation breaks as lactation needs change.

C. Reasonable Time to Express Milk during the School Day.

Absent undue hardship or other accommodation as established under Section B, above, a person with lactation needs will have a minimum of three opportunities (“lactation period”) during a work school day, at agreed-upon intervals (which should include flexibility as appropriate and practicable) for the purpose of lactation or to address

other needs relating to lactation. An employee or student should use the usual break and meal periods when feasible.

A person with lactation needs who is an hourly employee will be paid during lactation periods. People with lactation needs shall not be required to "make up" time relating to the use of unpaid lactation periods.

D. Suitable Private Areas for Lactation.

People with lactation needs will be provided with a private place, other than a bathroom, in each school district building in which person with lactation needs spends the working or school day. The lactation area:

1. May be temporary or permanent;
2. Shall be shielded from view and free from intrusion by other persons, including without limitation other staff or students;
3. Shall be within a reasonable walk of the workstation or classroom of the person with lactation needs unless otherwise agreed by the person with lactation needs;
4. Have at a minimum:
 - a. An electrical outlet;
 - b. Appropriate seating;
 - c. A surface sufficient to place a breast pump;
 - d. A sink with running water or be in reasonable proximity to one;
 - e. A refrigerator for milk storage or be in reasonable proximity to one;
 - f. Shall be cleaned regularly by District staff assigned to that duty

E. Responsibilities of the Person with Lactation Needs.

A person with lactation needs will:

1. Provide at least two weeks' advance notice of the need for lactation accommodations, preferably prior to their return to school. This will allow school administrators the opportunity to establish a location and work out scheduling issues. Note that, notwithstanding the requested two weeks' notice, an unnecessary delay in making a reasonable accommodation for a person with lactation needs could constitute a violation of the PWFA and Title IX.
2. Maintain the lactation area by wiping down surfaces with antibacterial wipes so the area is clean for the next user.
3. Provide their own supplies as is necessary.

F. Prohibited conduct.

Any intentional act that violates a lactating person's privacy, aims to frustrate a lactating person's intentions to use the lactation space, or constitutes harassment on account of a lactating person's needs or lactating status is prohibited, and shall be treated as a violation of the applicable code of conduct with possible disciplinary consequences, and may constitute sex discrimination and shall be reported to the Title IX Coordinator in accordance with policy {**}
ACAC.

G. Dissemination of Policy.

This policy shall be printed or summarized in applicable employee and student handbooks. For employees, if the handbook is not provided at the time of hire, then the District will provide a copy of this policy at the time of hire.

Revision Dates: 7/16/2024, 12/5/2023

NH Statutes Description

RSA 275:78-83 [Policies Relating to Nursing Mothers \(Scroll down to sections 275:78-83\)](#)

Federal Regulations Description

89 FR 29182 [Pregnant Workers Fairness Act \("PWFA"\)](#)

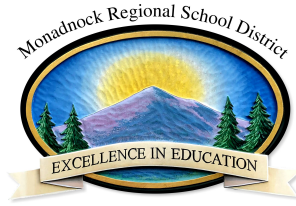
Federal Statutes Description

20 U.S.C 1681, et seq [Title IX of the Education Amendments of 1972](#)

42 U.S.C. 2000gg [Pregnant Worker Fairness Act \("PWFA"\)](#)

42 U.S.C. 218d [Pump for Nursing Mothers Act \("PUMP Act"\)](#)

Last Modified by Lillian Sutton on October 11, 2024



Book	A: Foundations and Basic Commitments
Section	Series A
Title	DRAFT Accommodation of Lactation Needs
Code	ACN
Status	Policy Committee Review
Adopted	December 5, 2023
Last Revised	October 1, 2024

DRAFT

Accommodation of Lactation Needs

A. Statement of Purpose.

The District provides a supportive environment as to time and place for students and employees (collectively “people with lactation or lactation-related needs”) to express milk and address other lactation-related needs. Subject to the terms and exceptions set forth in this policy, the District will accommodate the needs of people with lactation or lactation-related needs by providing reasonable times and suitable spaces for people with lactation or lactation-related needs to express milk during school and work hours for up to one year after the birth of the child. Lactation for purposes of this policy will include expression of milk by manual or mechanical means, medical conditions related to lactation, and other lactation-related needs.

No person with lactation needs will be discriminated against for milk expression or related activities as provided in this policy, and reasonable efforts will be made to assist people with lactation needs in meeting their lactation needs while at work or school.

B. Accommodation Notice and Plans.

A person with lactation needs should contact the building Principal or employee’s supervisor at least two weeks before the need for lactation accommodations arises. The District will endeavor to meet the break and space needs of each person with lactation needs. However, when ordinary accommodations (as discussed below) create an undue hardship for the operations of the school/workplace, the District will work with the person with lactation needs to determine whether other reasonable accommodations may be made. Such other accommodations could include items like a change in work/class assignments, or schedules, additional break periods, permitted absences for medical appointments, or access to extra food and water throughout the day. When reasonable accommodations are unattainable, the building Principal or other administrator working with the person with lactation needs should consult with the District’s Title IX Coordinator.

A lactation accommodation plan should be revisited upon request of the person with lactation needs, or at least every three months, with adjustments made to the accommodations for lactation breaks as lactation needs change.

C. Reasonable Time to Express Milk during the School Day.

Absent undue hardship or other accommodation as established under Section B, above, a person with lactation needs will have a minimum of three opportunities ("lactation period") during a work school day, at agreed-upon intervals (which should include flexibility as appropriate and practicable) for the purpose of lactation or to address other needs relating to lactation. An employee or student should use the usual break and meal periods when feasible.

A person with lactation needs who is an hourly employee will be paid during lactation periods. People with lactation needs shall not be required to "make up" time relating to the use of unpaid lactation periods.

D. Suitable Private Areas for Lactation.

People with lactation needs will be provided with a private place, other than a bathroom, in each school district building in which person with lactation needs spends the working or school day. The lactation area:

1. May be temporary or permanent;
2. Shall be shielded from view and free from intrusion by other persons, including without limitation other staff or students;
3. Shall be within a reasonable walk of the workstation or classroom of the person with lactation needs unless otherwise agreed by the person with lactation needs;
4. Have at a minimum:
 - a. An electrical outlet;
 - b. Appropriate seating;
 - c. A surface sufficient to place a breast pump;
 - d. A sink with running water or be in reasonable proximity to one;
 - e. A refrigerator for milk storage or be in reasonable proximity to one;
 - f. Shall be cleaned regularly by District staff assigned to that duty

E. Responsibilities of the Person with Lactation Needs.

A person with lactation needs will:

1. Provide at least two weeks' advance notice of the need for lactation accommodations, preferably prior to their return to school. This will allow school administrators the opportunity to establish a location and work out scheduling issues. Note that, notwithstanding the requested two weeks' notice, an unnecessary delay in making a reasonable accommodation for a person with lactation needs could constitute a violation of the PWFA and Title IX.
2. Maintain the lactation area by wiping down surfaces with antibacterial wipes so the area is clean for the next user.
3. Provide their own supplies as is necessary.

F. Prohibited conduct.

Any intentional act that violates a lactating person's privacy, aims to frustrate a lactating person's intentions to use the lactation space, or constitutes harassment on account of a lactating person's needs or lactating status is prohibited, and shall be treated as a violation of the applicable code of conduct with possible disciplinary consequences, and may constitute sex discrimination and shall be reported to the Title IX Coordinator in accordance with policy {**}
ACAC.

G. Dissemination of Policy.

This policy shall be printed or summarized in applicable employee and student handbooks. For employees, if the handbook is not provided at the time of hire, then the District will provide a copy of this policy at the time of hire.

Revision Dates: 7/16/2024, 12/5/2023

NH Statutes Description

RSA 275:78-83 [Policies Relating to Nursing Mothers \(Scroll down to sections 275:78-83\)](#).

Federal Regulations Description

89 FR 29182 [Pregnant Workers Fairness Act \("PWFA"\)](#).

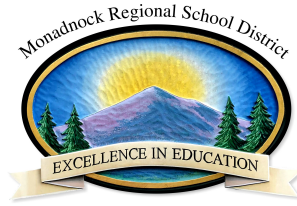
Federal Statutes Description

20 U.S.C 1681, et seq [Title IX of the Education Amendments of 1972](#)

42 U.S.C. 2000gg [Pregnant Worker Fairness Act \("PWFA"\)](#).

42 U.S.C. 218d [Pump for Nursing Mothers Act \("PUMP Act"\)](#).

Last Modified by Kristen Noonan on February 12, 2025



Book	G: Personnel
Section	Series G
Title	Accommodation of Pregnancy and Related Medical Conditions: Personnel
Code	GBAM
Status	Active
Adopted	October 1, 2024
Last Reviewed	October 1, 2024

Accommodation of Pregnancy and Related Medical Conditions: Personnel

Policy Purpose.

This policy is intended to help District employees receive the accommodations related to pregnancy and related conditions to which they are entitled under Board policies AC and ACAC, Title IX of the Education Amendments of 1972 (Title IX), the Pregnant Workers Fairness Act (PWFA) regarding pregnant employees and employees with pregnancy-related conditions, Title VII of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA)

Definitions.

Pregnancy. Under the PWFA, “pregnancy” and “childbirth” refer to the pregnancy or childbirth of the specific employee in question and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

Related Medical Conditions. “Related medical conditions” are medical conditions relating to the pregnancy or childbirth of the specific employee in question. This includes prenatal/antenatal, and postpartum medical conditions, as well as lactation and related conditions. See Policy ACN for lactation accommodations. **Reasonable Accommodations.** A "reasonable accommodation" for purposes of this policy and the PWFA is an accommodation that “seems reasonable on its face, i.e., ordinarily or in the run of cases, is “feasible,” or “plausible.”

Reasonable accommodations with respect to pregnancy or related conditions may include such items as:

- frequent breaks to attend to health needs associated with pregnancy or related conditions, including
- eating, drinking,
- using the restroom, or
- expressing breast milk in an appropriate lactation space (as described in Policy ACN);
- schedule changes or intermittent absences to attend medical appointments;

- changes in physical space or supplies (for example, access to a larger desk or a footrest);
- leave;
- avoiding exposure to certain chemicals;
- telework;
- access to reserved parking; elevator access;
- or other changes to policies, practices, or procedures.

Interactive Process and Reasonable Accommodation

Any employee who is pregnant or who has a related medical condition (the “Employee”) is encouraged to communicate a need for reasonable accommodation to the District by notifying [the Principal, Human Resources, or the Employee’s supervisor]. Once the District is so notified, the District will engage in an interactive process with the Employee in order to make reasonable accommodation for the Employee’s known limitations. The District shall implement such reasonable accommodation without unnecessary delay. If appropriate, the District may implement an interim reasonable accommodation while determining how best to make a reasonable accommodation.

The District shall not require the Employee to accept any accommodation or to take leave, nor will the District deny employment opportunities to the Employee or take any adverse action against the Employee because of the Employee’s need for, request of, or use of reasonable accommodation(s).

The District shall not retaliate against, coerce into, dissuade from, or otherwise act against any person for seeking reasonable accommodation or assisting another in seeking reasonable accommodation as described in this policy.

If the Employee refuses a reasonable accommodation offered by the District and, as a result, is unable to perform the essential functions of the job, and there are no alternative reasonable accommodations, the District may have satisfied its obligation to make reasonable accommodation.

Supporting Documentation.

The District will only seek reasonable documentation supporting the Employee’s need for accommodation due to pregnancy or a related medical condition when such documentation is necessary to determine reasonable accommodation and/or the expected duration of the need.

The District will not seek supporting documentation when the need is obvious or already known. For example, a need for more frequent restroom breaks for a pregnant employee is obvious and, once the Employee has notified the District of the Employee’s pregnancy, the District would not require documentation supporting the ongoing need for more frequent restroom breaks.

Reports or Complaints.

Reports or complaints of violations of this policy should be made according to the Grievance Procedure found in policy ACAC.

Revision Dates: 10/1/2024

Federal Regulations	Description
89 FR 29182	Pregnant Workers Fairness Act (“PWFA”)
Federal Statutes	Description
42 U.S.C. 2000gg	Pregnant Worker Fairness Act (“PWFA”)

Last Modified by Lillian Sutton on February 13, 2025



Book	G: Personnel
Section	Series G
Title	DRAFT Accommodation of Pregnancy and Related Medical Conditions: Personnel
Code	GBAM
Status	Policy Committee Review
Adopted	October 1, 2024
Last Reviewed	October 1, 2024

DRAFT

Accommodation of Pregnancy and Related Medical Conditions: Personnel

A. Policy Purpose.

This policy is intended to help District employees receive the accommodations related to pregnancy and related conditions to which they are entitled under the Pregnant Workers Fairness Act (PWFA) regarding pregnant employees and employees with pregnancy related conditions ~~[[i]] [delete endnote]~~, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA),, and Board Policy ~~***~~ AC. ~~[[ii]] [delete endnote]~~

B. Definitions.

1. Pregnancy. Under the PWFA, "pregnancy" and "childbirth" refer to the pregnancy or childbirth of the specific employee in question and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery). ~~[[iii]] [delete endnote]~~
2. Related Medical Conditions. "Related medical conditions" are medical conditions relating to the pregnancy or childbirth of the specific employee in question. This includes prenatal/antenatal, and postpartum medical conditions, as well as lactation and related conditions. ~~[[iv]] [Delete endnote]~~ See Policy ~~***~~ ACN for lactation accommodations.
3. Reasonable Accommodations. A "reasonable accommodation" for purposes of this policy and the PWFA is an accommodation that "seems reasonable on its face, i.e., ordinarily or in the run of cases, is "feasible," or "plausible" given the specific circumstances of the position. Reasonable accommodations with respect to pregnancy or related conditions may include such items as:
 - a. frequent breaks to attend to health needs associated with pregnancy or related conditions, including eating, drinking, using the restroom, or expressing breast milk in an appropriate lactation space (as described in Policy ~~***~~ ACN);
 - b. schedule changes or intermittent absences to attend medical appointments;
 - c. changes in physical space or supplies (for example, access to a larger desk or a footrest);
 - d. leave;
 - e. avoiding exposure to certain chemicals;
 - f. telework;
 - g. access to reserved parking;
 - h. elevator access; or
 - i. other changes to policies, practices, or procedures.

C. Interactive Process and Reasonable Accommodation. ~~[[v]] [delete endnote]~~

Any employee who is pregnant or who has a related medical condition (the "Employee") is encouraged to communicate a need for reasonable accommodation to the District by notifying [the Principal, Human Resources, or the Employee's supervisor]. Once the District is so notified, the District will engage in an interactive process with the Employee in order to make reasonable accommodation for the Employee's known limitations. The District shall implement such reasonable accommodation without unnecessary delay. ~~[[vi]] [delete endnote]~~ If appropriate, the District may implement an interim reasonable accommodation while determining how best to make a reasonable accommodation.

The District shall not require the Employee to accept any accommodation or to take leave, nor will the District deny employment opportunities to the Employee or take any adverse action against the Employee because of the Employee’s need for, request of, or use of reasonable accommodation(s).

The District shall not retaliate against, coerce into, dissuade from, or otherwise act against any person for seeking reasonable accommodation or assisting another in seeking reasonable accommodation as described in this policy.

If the Employee refuses a reasonable accommodation offered by the District and, as a result, is unable to perform the essential functions of the job, and there are no alternative reasonable accommodations, the District may have satisfied its obligation to make reasonable accommodation.~~[viii] [delete endnote]~~

D. **Supporting Documentation.**

The District will only seek reasonable documentation supporting the Employee’s need for accommodation due to pregnancy or a related medical condition when such documentation is necessary to determine reasonable accommodation and/or the expected duration of the need.~~[ix] [delete endnote]~~

The District will not seek supporting documentation when the need is obvious or already known. For example, a need for more frequent restroom breaks for a pregnant employee is obvious and, once the Employee has notified the District of the Employee’s pregnancy, the District would not require documentation supporting the ongoing need for more frequent restroom breaks.

E. **Reports or Complaints.**

Reports or complaints of violations of this policy should be made in the first instance under Board policy **{**}**ACAC.

Revision Dates: 10/1/2024

NH Statutes	Description
RSA 354-A:1	<u>(Human Rights) Title and Purposes of Chapter</u>
RSA 354-A:6	<u>Opportunity for Employment without Discrimination a Civil Right</u>
Federal Regulations	Description
89 FR 29182	<u>Pregnant Workers Fairness Act (“PWFA”)</u>
Federal Statutes	Description
42 U.S.C. 2000gg	<u>Pregnant Worker Fairness Act (“PWFA”)</u>
Cross References	
Code	Description
AC	<u>Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan</u>
AC-R(2)	<u>Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information</u>
ACA	<u>Discrimination and Harassment Grievance Procedure</u>
ACAC	<u>Prohibition of Sexual Harassment: Policy and Grievance Procedures</u>
ACN	<u>Accommodation of Nursing Mothers</u>
IHBCA	<u>Accommodation of Pregnancy and Related Medical Conditions: Students</u>

Last Modified by Kristen Noonan on February 12, 2025



Book	I: Instruction
Section	Series I
Title	Accommodation of Pregnancy and Related Medical Conditions: Students
Code	IHBCA
Status	Active
Adopted	March 5, 2019
Last Revised	October 1, 2024

Accommodation of Pregnancy and Related Medical Conditions: Students

A. Policy Purpose.

This policy is intended to enable students who are pregnant or who have related medical conditions receive the accommodations to which they are entitled under Title IX of the Education Amendments of 1972 (Title IX) and state law NH RSA 193:38.

The District does not treat students differently concerning current, potential, or past parental, family, or marital status on the basis of sex. The District does not discriminate against any student based on the student's current, potential, or past pregnancy or related conditions.

B. Definitions.

1. Pregnancy. "Pregnancy" refers to the pregnancy of the specific student in question and include, but are not limited to, current pregnancy; past pregnancy; termination of pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).
2. Related Medical Conditions. "Related medical conditions" are medical conditions relating to pregnancy. This includes prenatal/antenatal, and postpartum medical conditions, recovery from pregnancy as defined above, as well as lactation and related conditions. See Policy ACN for lactation accommodations.

C. District and Employee Responsibilities Upon Notification of Student Pregnancy or Related Condition.

When a student, or a person who has a legal right to act on behalf of the student, informs any District employee of the student's pregnancy or related medical conditions, the employee shall promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's educational programs and activities.

Pursuant to Board policy ACAC and Title IX, any staff member who learns that a student is pregnant or is informed of such by the pregnant student will immediately inform the Title IX Coordinator.

Consistent with RSA 186:11, IX-e, no employee of the District, including the Title IX Coordinator, may withhold from a parent/guardian information regarding a student's pregnancy unless such employee reasonably believes, and a reasonably prudent person would believe, that such disclosure would result in abuse, abandonment, or neglect. If information indicating abuse, abandonment or neglect exists, the employee is mandated to report such information as described in policy JLF and RSA 169-C:29 and 30.

D. Specific Actions to Prevent Discrimination and Ensure Equal Access.

When the student, or a person who has a legal right to act on behalf of the student, informs the Title IX Coordinator of the pregnancy or related condition, the Title IX Coordinator shall act to prevent sex discrimination and ensure equal access to the District's educational programs and activities. The Title IX Coordinator must inform the person of the District's obligations and provide adequate notice of nondiscrimination.

Based on the student's individualized needs and in consultation with the student, the District will make reasonable modifications to policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the District's educational programs and activities. The Title IX Coordinator will help the student access these rights.

The student may accept or decline each reasonable modification offered by the District. If the student accepts an offered reasonable modification, the District must implement it.

Examples of reasonable modifications may include, but are not limited to, the following:

1. breaks to attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
2. intermittent absences to attend medical appointments;
3. access to extended learning opportunities, such as online or homebound education;
4. changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations;
5. allowing a student to sit or stand, or carry or keep water nearby;
6. counseling;
7. changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access;
8. other changes to policies, practices, or procedures; or
9. breaks during class to express breast milk or breastfeed in an appropriate lactation space (i.e., a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and which may be used by a student for expressing breast milk or breastfeeding as needed). See Policy ACN regarding lactation.

E. Voluntary Leaves of Absence.

1. The student may voluntarily take a leave of absence from school for, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. If the student qualifies for a longer period of leave under another District leave policy, the student is permitted to take voluntary leave under that policy instead, if the student so chooses. Upon return to school, the student will be reinstated to the academic status and, as practicable, the extracurricular status that the student held when the voluntary leave began.

F. Supporting Documentation.

The District will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions. The District may not require supporting documentation for activities that are generally available to students without documentation.

The District will only require supporting documentation when it is necessary and reasonable for determining reasonable modifications to make or whether to take additional specific actions. Supporting documentation is not necessary and reasonable when the student’s need is obvious, such as when a student who is pregnant needs a bigger desk, water nearby, or restroom breaks, or when a postpartum student has lactation needs.

The District may not require a student who is pregnant or has related conditions to provide certification that the student is physically able to participate in class, programs, or extracurricular activity unless such certification is required of all students participating in the class, program, or extracurricular activity.

G. Complaints or Reports.

Complaints or reports regarding violations of this policy should be made according to the procedures found in policy ACAC.

Revision Dates: 10/01/2024

NH Statutes	Description
RSA 186:11, XXXIII	<u>Discrimination</u>
RSA 193:38	<u>Discrimination in Public Schools</u>
Federal Statutes	Description
20 U.S.C 1681, et seq	<u>Title IX of the Education Amendments of 1972</u>

Last Modified by Lillian Sutton on October 11, 2024



Book	I: Instruction
Section	Series I
Title	DRAFT Accommodation of Pregnancy and Related Medical Conditions: Students
Code	IHBCA
Status	Policy Committee Review
Adopted	March 5, 2019
Last Revised	October 1, 2024

DRAFT

Accommodation of Pregnancy and Related Medical Conditions: Students

A. Policy Purpose.

This policy is intended to enable students who are pregnant or who have related medical conditions receive the accommodations to which they are entitled under Title IX of the Education Amendments of 1972 (Title IX) and state law NH RSA 193:38.

The District does not treat students differently concerning current, potential, or past parental, family, or marital status on the basis of sex. The District does not discriminate against any student based on the student's current, potential, or past pregnancy or related conditions.

B. Definitions.

1. Pregnancy. "Pregnancy" refers to the pregnancy of the specific student in question and include, but are not limited to, current pregnancy; past pregnancy; termination of pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).
2. Related Medical Conditions. "Related medical conditions" are medical conditions relating to pregnancy. This includes prenatal/antenatal, and postpartum medical conditions, recovery from pregnancy as defined above, as well as lactation and related conditions. See Policy {**}ACN for lactation accommodations.

C. District and Employee Responsibilities Upon Notification of Student Pregnancy or Related Condition.

When a student, or a person who has a legal right to act on behalf of the student, informs any District employee of the student's pregnancy or related medical conditions, the employee shall promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the District's educational programs and activities.

Pursuant to Board policy {**}ACAC and Title IX, any staff member who learns that a student is pregnant or is informed of such by the pregnant student will immediately inform the Title IX Coordinator.

Consistent with RSA 186:11, IX-e, no employee of the District, including the Title IX Coordinator, may withhold from a parent/guardian information regarding a student's pregnancy unless such employee reasonably believes, and a reasonably prudent person would believe, that such disclosure would result in abuse, abandonment, or neglect. If information indicating abuse, abandonment or neglect exists, the employee is mandated to report such information as described in policy {**}JLF and RSA 169-C:29 and 30.

D. Specific Actions to Prevent Discrimination and Ensure Equal Access.

When the student, or a person who has a legal right to act on behalf of the student, informs the Title IX Coordinator of the pregnancy or related condition, the Title IX Coordinator shall act to prevent sex discrimination and ensure equal access to the District's educational programs and activities. The Title IX Coordinator must inform the person of the District's obligations and provide adequate notice of nondiscrimination.

Based on the student's individualized needs and in consultation with the student, the District will make reasonable modifications to policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the District's educational programs and activities. The Title IX Coordinator will help the student access these rights.

The student may accept or decline each reasonable modification offered by the District. If the student accepts an offered reasonable modification, the District must implement it.

Examples of reasonable modifications may include, but are not limited to, the following:

1. breaks to attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;

2. intermittent absences to attend medical appointments;
3. access to extended learning opportunities, such as online or homebound education;
4. changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations;
5. allowing a student to sit or stand, or carry or keep water nearby;
6. counseling;
7. changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access;
8. other changes to policies, practices, or procedures; or
9. breaks during class to express breast milk or breastfeed in an appropriate lactation space (i.e., a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and which may be used by a student for expressing breast milk or breastfeeding as needed). See Policy {**}ACN regarding lactation.

E. Voluntary Leaves of Absence.

The student may voluntarily take a leave of absence from school for, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. If the student qualifies for a longer period of leave under another District leave policy, the student is permitted to take voluntary leave under that policy instead, if the student so chooses. Upon return to school, the student will be reinstated to the academic status and, as practicable, the extracurricular status that the student held when the voluntary leave began.

F. Supporting Documentation.

The District will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions. The District may not require supporting documentation for activities that are generally available to students without documentation.

The District will only require supporting documentation when it is necessary and reasonable for determining reasonable modifications to make or whether to take additional specific actions. Supporting documentation is not necessary and reasonable when the student's need is obvious, such as when a student who is pregnant needs a bigger desk, water nearby, or restroom breaks, or when a postpartum student has lactation needs.

The District may not require a student who is pregnant or has related conditions to provide certification that the student is physically able to participate in class, programs, or extracurricular activity unless such certification is required of all students participating in the class, program, or extracurricular activity.

G. Complaints or Reports.

Complaints or reports regarding violations of this policy should be made in the first instance according to the procedures found in policy {**}ACAC.

District Policy History:

First reading: _____
 Second reading/adopted: _____

District revision history:

Legal References Disclaimer: These references are not intended to be considered part of this policy; nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recital of authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Revision Dates: 10/01/2024

NH Statutes

RSA 169-C
RSA 186:11, IX-e
RSA 186:11, XXXIII
RSA 193:38
RSA 354-A:1
RSA 354-A:27

Federal Statutes

20 U.S.C 1681, et seq
29 U.S.C. 794

Cross References

Code

AC
AC-R(2)
ACA
ACAC
ACN
GBAM
IHBG
IHBI
JLP

Description

[Child Protection Act](#)
[Notice to Parents/Guardian Required](#)
[Discrimination](#)
[Discrimination in Public Schools](#)
[\(Human Rights\) Title and Purposes of Chapter](#)
[Opportunity for Public Education without Discrimination a Civil Right](#)

Description

[Title IX of the Education Amendments of 1972](#)
[Rehabilitation Act of 1973 \(Section 504\)](#)

Description

[Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan](#)
[Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information](#)
[Discrimination and Harassment Grievance Procedure](#)
[Prohibition of Sexual Harassment: Policy and Grievance Procedures](#)
[Accommodation of Nursing Mothers](#)
[Accommodation of Pregnancy and Related Medical Conditions: Personnel](#)
[Home Education Instruction](#)
[Alternative Learning Plans](#)
[Parental Notification of and Involvement in Student Welfare](#)

Last Modified by Lillian Sutton on February 13, 2025

Policy IKL: Academic Honesty and Integrity

Status:

Original Adopted Date: TBD

Last Revised Date:

Last Reviewed Date:

A. Statement of Policy. All students are expected to demonstrate academic integrity and honesty. Students are expected to put forth their best effort on tests and assignments. Students are expected to demonstrate respect towards their instructors and peers by encouraging and facilitating learning. Engaging in various forms of cheating or academic dishonesty does not permit students to realize the full extent of their educational experience or their full academic potential. These expectations are directly related to the Board's educational objectives for students to learn to be responsible for and accept the consequences of their behavior.

B. Prohibited Behavior. In addition to any standards or rules established by individual classroom teachers, the following behaviors are in violation of the standards of academic integrity and honesty and are specifically prohibited:

1. **Cheating.** Cheating is any act of academic dishonesty, which includes such things as receiving or communicating information to another student during a test or other assessment; looking at another's test or assessment during the exam; using notes or obtaining information during a test or assessment when prohibited; obtaining information about the questions or answers for an assessment prior to the administration of the exam; or whatever else is deemed contrary to the rules of fairness with respect to school work or assessment, including special rules developed by the instructor of the course.
2. **Improper Use of AI Tools.** Improper use of artificial intelligence ("AI") tools (e.g., ChatGPT, Google Bard, Harvey.AI, etc.) is use which is inconsistent with the purpose, spirit, or specific instructions for assigned school work or homework. **Students may only use AI tools in accordance with the teacher's specific instructions or pre-existing class, school or District guidelines.** When use is permitted, students must state their use of the AI tools and, where applicable, find a legitimate, independent source to cite information. Teachers will provide general instructions related to the acceptable use of AI tools, but students are expected to obtain clarification from the teacher if they are uncertain of whether and how AI tools may be used on any given assignment.
3. **Plagiarism.** Plagiarism is the representation of someone else's ideas or words as one's own without crediting the source. It is the use, whether by paraphrase or direct quotation, of the published or unpublished work of another without full and clear acknowledgment through proper citation format. Sources of work that must be cited or otherwise acknowledged in order to avoid plagiarism include, but are not limited to, books, articles, websites, work of classmates/others, and AI tools (such as ChatGPT,

Google Bard, Harvey.AI, etc.). Teachers should provide clear instructions related to the applicable standards of attribution and citation for a given assignment, but students are expected to obtain clarification from the teacher if they are uncertain of the applicable standards.

4. **Academic Misrepresentation.** Academic misrepresentation occurs when a student has another student or individual substitute for himself or herself during the taking of a test or other assessments.
5. **Academic Collusion.** Academic collusion is the sharing of test or other assessment questions or answers with another student without the instructor's permission. Academic collusion includes copying another student's homework without the instructor's permission or allowing another student to copy one's work. It also includes group collaboration on individual assignments without the instructor's permission.
6. **Dishonesty in Papers or Other Academic Work.** Dishonesty in papers or other academic work occurs when one submits work prepared by a writing service, an AI tool, or any other person. All work submitted for a course must be the student's own original work unless the sources are cited, or are otherwise in compliance with the teacher's instructions, or school or District guidelines.
7. **Self-Plagiarism (Work Done for One Course and Submitted in Another).** Self-Plagiarism occurs when a student for a class refers to work previously submitted in another class in order to fulfill the academic requirements in that latter class. In some instances, instructors may allow a certain amount of work from a prior course to be repurposed; students who wish to do this must seek express approval from the instructor in advance.
8. **Unfair academic advantage.** Unfair academic advantage occurs when a student acts in such a way as to prevent or hinder another student's performance with respect to an academic activity. Examples include: concealing, destroying, or stealing research or library materials with the purpose of depriving others of their use; sabotaging another student's work; or attempting intimidation for academic advantage.
9. **Facilitating academic dishonesty.** Facilitating academic dishonesty occurs when one student completes an academic activity (e.g., homework, test, paper, etc.) for another student, or collaborates with another student on an academic activity when instructions have called for independent work.
10. **Other Academic Dishonesty.** This policy also prohibits any intentional act that violates the spirit of academic integrity and this policy. Such prohibited conduct includes, but is not limited to, stealing assessments; tampering with academic records; including inaccurate academic information on any application or resume; altering academic tests or

assessments, grades or other student records; distributing materials for the purpose of cheating or facilitating; inappropriate or unethical use of technology (pre-program of graphing calculator, smart phones, etc.); or feigning illness or personal circumstances to avoid an academic activity (e.g., test, quiz, paper, homework, lecture, etc.).

C. Consequences.

The disciplinary consequences for violations of this policy shall be consistent with Board policies and the Student handbook / **Code of Conduct**. Cheating/Plagiarism may also affect a student's eligibility or membership status in the National Honor Society, Superintendent's Club, or other academic organizations

The minimum consequence **[should/shall]** be a zero relative to the specific assignment, test or quiz, and a notification sent to both the student's parent/guardian, and the School Guidance department.

VIDEO AND AUDIO SURVEILLANCE ON SCHOOL PREMISES

The Board authorizes the use of video and/or audio devices consistent with applicable law and School Board policies. Notwithstanding other Board policies, the Superintendent is authorized to allow video and/or audio recordings to the extent allowed by applicable law.

Surveillance.

Video surveillance is authorized on District property, including, without limitation, school buses and other district provided transportation, to ensure the health, welfare, and safety of all students, staff, and visitors to District property and to safeguard District buildings, grounds, and equipment.

1. Audio Surveillance.

Although video surveillance is permissive, surveillance with audio recording is only permitted on school buses – whether such buses are operated by the District or not - in accordance with RSA 570:A-2, II (k). Audio recordings are also authorized in classrooms per Sections B and C below.

2. Video Surveillance.

The Superintendent or his/her designee will approve appropriate locations for surveillance cameras. Placement of cameras will be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy in areas or at events that occur in plain view. However, such devices are not to be placed in bathrooms, or dressing or locker rooms.

Signs will be posted on school property to notify students, staff, and visitors that video recording devices may be in use. At the Superintendent's discretion, parents and students may also be notified through the Student-Parent Handbook as well as the District and school websites. All persons will be responsible for any violations of school rules recorded by cameras.

The district will retain copies of video recordings until they are erased, which may be accomplished by either deletion or copying over with a new recording.

A. Video and Audio Recordings Used for Student Discipline Matters

Video/audio recordings in District possession, whether or not recorded by District equipment, that contain evidence of a violation of student conduct rules, school board policy, and/or state or federal law, will be retained until the issue of the misconduct is no longer subject to review or appeal, as determined by board policy or

applicable law. Any release or viewing of the recording will be in accordance with the law. Notwithstanding this paragraph, use of video/audio surveillance on school buses shall be in accordance with RSA 570:A-2, II (k).

In the event any audio or video recording (from whatever source) is used as part of a student discipline proceeding, such video may become part of a student's education record. If recording does become part of a student's education record, the provisions of Policy JRA shall apply. (In accordance with RSA 570:A-2, retention and use of audio recordings gathered via bus surveillance have stricter requirements than video only or recordings from non-District sources.

B. Video and Audio Recordings Used for Special Education Purposes

Video and audio recordings may be used for special education or Section 504 purposes, when a student's individualized education program or accommodation plan includes audio or video recording as part of the child's education. All such recordings will be maintained in accordance with the Family Education Rights and Privacy Act, 20 U.S.C. section 1232g, and other applicable law(s).

C. Additional Video and Audio Recordings Authorized

The school board permits the video and audio recording of the following school-related activities. The following purposes are not intended to be exhaustive and may be expanded or contracted by either administrative determination or school board action.

- Extracurricular/co-curricular activities
- Musical performances, band, concert band, ensemble, orchestra, choir
- Drama activities
- Club events
- Sporting events, including both inter and intra-scholastic
- Other activities such as student senate, yearbook, school pride, ROTC
- Ceremonies, orientation, presentations, school assemblies or meetings, or any school events which occur outside of the physical classroom.

D. Consultation with Counsel

The Superintendent (and other administrators if the Superintendent is unavailable) is specifically authorized to seek and obtain legal advice from the School Board/District's attorney with respect to any new use of surveillance or audio recordings, and/or relative to the use, sharing, ownership, retention and/or destruction of video or audio recordings.

E. Unacceptable Use

1. Other than the scenarios described above, any audio, video, or photograph recording created by students, employees, or volunteers is considered unacceptable, unless express permission is granted by an Administrator
 - a. Any student or employee wishing to use their personal device to record an exception activity may submit their request through their building's administrator. (e.g. yearbook activities, classroom activities, field trips)
2. Any student or employee who uses district technology or their personal device to take unapproved pictures or create unapproved recordings are subject to but not limited to any of the following:
 - a. Device confiscation, either for disciplinary action and/or to support an investigation
 - b. Request to delete the recording and/or unposting from social media
 - c. Parent contact/escalation
 - d. Updates to the student/employee records
 - e. Discipline, up to and including police investigation and/or legal action

COMPUTER SECURITY, EMAIL AND INTERNET COMMUNICATIONS

The District has established this policy with regard to access and disclosure of electronic data composed, stored, sent, or received by students or employees using the District computer systems. This policy is designed to protect the safety and security of the District's computer systems including e-mail, Internet, collaboration tools, and social media use.

The District intends to enforce the rules set forth below and reserves the right to change these rules at any time

1. The computer hardware system, software, and communication systems are owned by the District, and all messages or data composed, stored, sent, or received using these systems are and remain the private property of the District. They are not the property of the student or employee
2. The systems are to be used for district-related education and business purposes only. Personal business is unauthorized and should not be conducted on any system
3. Communication and collaboration systems may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-educational or non-job-related solicitations
 - a. District technologies may be used for pre-approved fundraising activities. The district reserves the right to set rules and boundaries for technology use specific to the approved fundraiser
4. The District prohibits discriminatory, harassing, or offensive materials in any form of media. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comments that offensively address someone's age, sexual orientation, religious or political beliefs, national origin, or disability
5. Communication and collaboration systems shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization
6. The District reserves, and intends to exercise without prior notice, the right to read, review, audit, intercept, access or disclose any and all information on a student's or employee's computer system or messages created, received or sent over the electronic mail system for any purpose, even if encrypted or password protected
7. The confidentiality of any message or data should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. The use of passwords for security does not guarantee confidentiality, or that the District will not retrieve it. Sharing of passwords is forbidden; aAny system which requires password access or for which the MRSD requires an account, such as the Internet, will only be accessed / used by the authorized user. Account owners are ultimately responsible for all activity under their accounts.

All passwords for District accounts or devices must be disclosed to a computer administrator if requested

8. Any communications created, sent, or retrieved using District systems may be read by authorized individuals other than the intended recipient
9. Notwithstanding the District's right to retrieve and monitor any messages, messages between employees or employees and guardians should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any communications that are not sent to them. Any exception to this policy must receive prior approval by the Superintendent or their designee
10. Any student or employee who violates this policy or uses the District systems for improper purposes shall be subject to discipline
11. The District has the authority to terminate or limit access to any program at any time
12. Personal personal storage (physical or cloud-based) may not be used unless pre-authorized
13. The District will take all necessary measures to maintain student privacy relative to the District's website, online information, and storage of student personally identifiable information, as required by state and federal law

Policy References:

RSA 189:68-a, Student Online Personal Information

RSA 194:3-d, School District Computer Networks

EDCB- Content Monitoring and Restriction of Devices or Content

EMPLOYEE/STUDENT TECHNOLOGY ACCEPTABLE USE

Purpose

The purpose of the Acceptable Use and Social Media Policy is to provide the procedures, rules, guidelines, and the code of conduct for the use of technology, the Internet, and social media.

Definition

The definition of "information networks" is any configuration of hardware and software that connects users. The network includes but is not limited to, all of the computer hardware, operating system software, application software, stored text and data files. This includes all existing and future technologies. Stand-alone workstations are also governed by this acceptable use procedure.

Monadnock Regional School District Services

The Monadnock Regional School District (MRSD) provides resources for teaching and learning, communication services and business data services by maintaining access to local, regional, national, and international sources of information. The MRSD's information resources will be used by members of the school community in accordance with policy, procedures, and regulations established by the MRSD, as well as state and federal laws and regulations. These procedures do not attempt to articulate all required guidelines for proscribed behavior by its users.

Successful operation of the network requires that all users conduct themselves in a responsible, decent, ethical and polite manner while using the network. The user is ultimately responsible for his/her actions in accessing network services. This policy applies to:

1. All students, employees, and volunteers when they are on campus
2. All students, employees, and volunteers when they are off campus but still in the care/employ of the district (e.g. on school busses, field trips, and events at other schools)
3. All students, employees, and volunteers using district hardware, software, or accounts off campus (e.g. at home or while traveling)
4. All parents, vendors, or other visitors who access WiFi or other network services when on campus
5. All parents, vendors, or other visitors using a personal device and network while on campus

Guidelines

Access to the networks and to the information technology environment within the Monadnock Regional School District is a privilege and must be treated as such by all users of the network and its associated systems. Information networks will be used for the purposes of research, education, and school-related business and operations. While it is not the intention of the MRSD to be intrusive, all users are advised that authorized MRSD personnel are able to monitor system activity, website usage, and content of e-mail messages and files.

Sharing of passwords is forbidden; any system which requires password access or for which the MRSD requires an account will only be accessed by the authorized user. Account owners are ultimately responsible for all activity under their accounts.

Users agree to report any misuse or abuse of the MRSD's computer network or Intranet/Internet services to the district's network administrator. Failure to report misuse or abuse constitutes a violation of this policy.

Disclaimer

MRSD makes no guarantees about the quality of the services provided and is not responsible for any claims, losses, damages, costs, or other obligations arising from use of the network or accounts. Any additional charges a user accrues due to the use of the network are to be borne by the user. MRSD also denies any responsibility for the accuracy or quality of the information obtained through user access. Any statement, accessible on the computer network or the Internet, is understood to be the author's individual point of view and not that of MRSD, its affiliates, or employees.

Unacceptable Use

The MRSD has the right to take disciplinary action, remove computer and networking privileges and/or take legal action, for any activity characterized as unethical and unacceptable. Unacceptable use activities constitute, but are not limited to, any activity through which any user:

1. Violates such matters as institutional or third-party copyright, license agreements or other contracts. The unauthorized use of and/or copying of software is illegal
2. Interferes with or disrupts other network users, services or equipment. Disruptions include, but are not limited to: distribution of unsolicited advertising, propagation of computer worms or viruses, distributing quantities of information that overwhelm the system, and/or using a MRSD network to make unauthorized entry into any other resource accessible via the network
3. Uses or knowingly allows another to use any computer or computer system to devise or execute a scheme to defraud or to obtain money, property, services, or other things of value by false pretenses, promises, impersonations, or misrepresentations
4. Destroys, alters, dismantles or otherwise interferes with the integrity of computer-based information and/or information resources
5. Seeks to gain or gains unauthorized access to information resources
6. Invades the privacy of individuals or entities
7. Uses the network for non-school related commercial or political activity
8. Installs unauthorized software for use on MRSD computers
9. Uses a network to access inappropriate materials, including but not limited to sending, receiving or displaying or viewing offensive, sexually explicit, pornographic, or obscene content, messages, pictures, video, or other media
10. Submits, publishes or displays any defamatory, inaccurate, discriminatory, offensive, abusive, obscene, pornographic, profane, sexually-oriented or explicit, or threatening materials, messages, pictures, video, or other content, either publicly or privately
11. Uses a MRSD network for illegal harassing, discrimination, bullying, intimidating, stalking, hazing, cyberbullying, insulting, vandalizing, attacking or other inappropriate purposes, or in support of such activities
12. Posts publicly any items produced by students to the Internet without proper administrative review and/or parental permission
13. Uses unauthorized services or mail lists, i.e., LISTSERVS, newsgroups, chat rooms, blogs, social networking sites, unapproved gaming sites, and instant messaging
14. Encrypts communications or files to avoid system security review
15. Attempts to access blocked, filtered, or restricted websites, e.g., using a proxy site, encryption, or other

means to circumvent a firewall

16. Engages in any other conduct that is potentially harmful to students, staff, administrators or the MRSD

MRSD Rights

The MRSD reserves the right to:

1. Monitor all activity. Notwithstanding any related laws, students and employees have no expectation of privacy regarding their use of MRSD technology
2. Determine what constitutes appropriate use and make determinations on whether specific uses of technology are consistent with these acceptable use procedures
3. Log network use and monitor storage disk space utilization by users
4. Remove a user's access to technology at any time it is determined that the user engaged in unauthorized activity or violated these acceptable use procedures
5. Confiscate personal devices used on the MRSD network in an inappropriate manner
6. Remove and ban parents, vendors, volunteers, or other visitors from the premises if they violate acceptable use
7. Cooperate fully with law enforcement in any investigation concerning or relating to the MRSD network activity or technology use

Code of Conduct – General Internet Usage

Use of the Internet by students and staff of the MRSD shall be in support of education and research that is consistent with the mission of the MRSD. Internet use is limited to those persons who have been issued MRSD-approved accounts. Use will be in accordance with the MRSD's Acceptable Use Policies.

Users are expected to abide by the following terms and conditions:

1. Protect their MRSD account from others
2. Respect the privacy of other users. Do not use other users' passwords or share your passwords with others
3. Be ethical and courteous. Do not send hate, harassing or obscene messages, discriminatory remarks, or demonstrate other harmful or harassing behaviors
4. Maintain the integrity of files and data. Do not modify or copy files/data of other users without their consent
5. Treat information created by others as the private property of the creator. Respect copyrights
6. Do not share curricular content such as text books, quizzes, or tests with others without the express permission of an employee who has confirmed that such sharing does not violate any copyright laws or plagiarism policies
7. Do not use any network in a way that disrupts its use by others
8. Do not destroy, modify or abuse the hardware or software in any way
9. Do not develop or pass on programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system, such as viruses, worms, malware, "chain" messages, etc.
10. Do not use the Internet to access or process pornographic offensive, sexually explicit, obscene or otherwise inappropriate material
11. Do not use the Internet for commercial purposes

Employee/Volunteer Responsibility to Supervise Student Computer Use

Employees and volunteers who use school computers with students for instructional purposes have a duty of care to supervise such use and to enforce school policies concerning employee and student computer use. When, in the course of their duties, employees or volunteers become aware of a violation, they are expected to stop the activity and follow the steps prescribed in Policy JICM/GBEG, (Prohibited Use of Technology), and Policy EHAC (Reporting of Issues).

No Expectation of Privacy

All computer hardware, software, network, and communication systems owned by the school district are not the property of the employee, volunteer, or student. All emails, chats, websites, and social media posts viewed or created using these systems are subject to the monitoring systems used by the school district to safeguard its students and employees.

The Monadnock Regional School District's computers and web accounts remain under the control, custody, and supervision of the school district at all times. Employees and students have no expectation of privacy in their use of email, stored files, websites, and social media when used on district computers or networks.

Compensation for Losses, Costs and/or Damages

Employees, volunteers, and students (via his/her parents/guardians) are responsible for compensating the school district for any losses, costs or damages incurred by the district for policy violations while using district technologies, including the cost of investigating such violations. The district assumes no responsibility for any unauthorized charges or costs incurred by an employee, volunteer, or student using district technology.

Code of Conduct - MRSD Websites and Social Media

Social media pages and websites sponsored by MRSD are provided for the MRSD community to share information about our schools and the achievements of the students and staff as well as other relevant MRSD community information. All posting of comments on MRSD pages are at the discretion of the page administrators. The intent of this policy is to protect the privacy and rights of the MRSD school community. We expect participants to be respectful and courteous. This includes avoiding posting comments, complaints, criticisms, statements, photographs, video or audio, or other forms of electronic communication that are or could reasonably be viewed as malicious, threatening or intimidating, disparaging, profane, obscene, offensive, sexually explicit, inappropriate, inflammatory, discriminatory or otherwise objectionable or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, sexual orientation, or any other status protected by law or company policy.

Please understand that all postings to MRSD-sponsored sites are publicly accessible without limitation or protection of any kind. Be cautious with the personal information you share, and understand that this information may be linked to your name and published on the Internet or utilized by others.

District Social Media and Websites

All official MRSD web pages and social networking sites (those designed for student use and/or communication to stakeholders about MRSD programs) must be approved by the Administration and must adhere to the following standards:

1. Logos and graphics used on the site must be consistent with the branding standards and usage guidelines of the District
2. Sites that accept comments or postings by anyone other than the site administrator must be diligently monitored to ensure that information displayed complies with identity protection laws and MRSD guidelines as set forth above and as established in the MRSD's Employee Technology Acceptable Use and Social Media Policy, and is appropriate to the subject matter of the page
3. Students should not be expected to utilize the site as the only source of important information since student access to social networking sites is restricted on the MRSD networks
4. Pages or sites which have not been approved by the Administration will be treated as personal pages as defined by this policy

MRSD further reserves the right to reject or remove comments if they violate this Social Media Policy. Any submissions that fail to follow this Policy in any way or are otherwise irrelevant will be removed. We also reserve the right to amend this Policy from time to time in our judgment to address issues that may arise and changes in our operations or the law.

In posting material on MRSD-sponsored sites, users agree not to:

1. Post materials that are or could reasonably be viewed as malicious, threatening or intimidating, disparaging, profane, obscene, offensive, sexually explicit, inappropriate, inflammatory, discriminatory or otherwise objectionable or that might constitute harassment or bullying towards an individual or entity member of the MRSD community
2. Post phone numbers, email addresses or other confidential information of students, faculty, staff, or any person other than yourself. If you choose to post your own contact information for any reason, please be aware that the information will be available to the public and is, therefore, subject to misuse
3. Break the law or encourage others to do so. This includes respecting copyright and fair use laws. If you are talking about somebody else's work, reference this or the person, and where possible include a link
4. Post material that infringes on the rights of MRSD or any individual or entity, including privacy, intellectual property or publication rights
5. Post material that promotes or advertises a commercial product
6. Solicits business or financial support in any business, group or organization except those which are officially sponsored by MRSD
7. Post chain letters, post the same comment multiple times, or otherwise distribute "spam" via the MRSD-sponsored site
8. Allow any other individual or entity to use your identification for posting or viewing comments.
9. Post comments under multiple names or using another person's name.

In posting material on MRSD-sponsored sites, you understand that:

1. You agree to indemnify and hold harmless MRSD, its affiliates, directors, employees, successors and assigns against any damages, losses, liabilities, judgments, causes of action, costs or expenses (including reasonable attorneys' fees and costs) arising out of any claim by a third party relating to any material user has posted on MRSD-sponsored sites

2. MRSD reserves the right to remove any comments at any time for any reason and/or ban future posts from people who repeatedly violate this Policy

The MRSD reserves the right to deactivate a user's account if it is determined that the user is engaged in unauthorized activity or is violating this code of conduct.

Personal Social Media and Websites

MRSD respects the right of employees to use personal social media and networking sites. MRSD understands that social media can be a fun and rewarding way to share your life and opinions with family, friends, co-workers, and the world. However, use of social media also presents certain risks and carries with it certain responsibilities. All employees are reminded that they are professionals who serve as role models for students and should, therefore, refrain from any communication, electronic or otherwise, which undermines their effectiveness as employees of an educational enterprise.

Employees must maintain appropriate boundaries between students and themselves even when they are off-duty. Employees are expected to behave honorably in both real and virtual (online) spaces. Employee online behavior should reflect the same standards of honesty, respect and consideration that you use face-to-face. Employees should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding that anything posted online is never truly private.

The MRSD strongly encourages all employees to carefully review the privacy settings on any social media and networking sites they use and exercise care and good judgment when posting content and information. Information posted online is routinely reviewed by potential employers and may impact future employment opportunities.

When using a personal social media site, employees are strongly discouraged from 'friending' or otherwise engaging with current students on any social media applications that are not school-affiliated (excluding immediate family members). Teachers, coaches, and other leaders who wish to create websites for student support, such as a listing of athletic events or classroom support materials or library information, must have those sites approved by the administration. These pages are subject to all MRSD policies. Additionally, employees must abide by the social media site's terms and conditions.

Employees should adhere to the following guidelines, which are consistent with the District's workplace standards relative to harassment, student relationships, conduct, professional communication, and confidentiality. Engaging in the following problematic conduct may be considered immoral or illegal and/or constitute misconduct, or demonstrate lack of appropriate boundaries:

1. Communicating in a manner that would violate any of the School's policies, including policies concerning bullying, discrimination or harassment.
2. Personal posts or comments that would reasonably be viewed as malicious, obscene, threatening, or intimidating.
3. Failing to uphold the Monadnock District's value of respect for the individual by using the Internet, email, instant message, text message, or other electronic means to disparage or ridicule students, parents, or staff in a manner that is disruptive to the operation of the school or is defamatory.

4. Communicating with students via email, instant message, text message, or other electronic means in an overly casual, unprofessional, inappropriate, or offensive manner. (Policy Cross-Reference GBEB)
5. Creating, possessing, managing, or having a website that contains immoral pictures, video, or text, or other information or links to such information.
6. Disclosing any confidential information of the School or confidential information obtained during the course of his/her employment, about any individuals or organizations, including students and/or their families.
7. Posting or creating a link from a personal blog, website or other social networking site to a School website or social media site without identifying yourself as an employee.
8. Representing yourself as a spokesperson for your School or the District, or failing to correct such a misconception. If MRSD is the subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of a school, MRSD, fellow employees, administrators, students, or parents, or other people working behalf of MRSD.

If the MRSD believes that an employee's activity on a personal social networking site, blog, or personal website may violate the School's policies, the School may request that the employee cease such activity. In addition, employees who violate this policy may face discipline and/or dismissal, in accordance with other MRSD policies and/or collective bargaining agreements. For example, off-duty conduct involving electronic communication that is immoral may lead to discipline or dismissal.

All employees shall read and acknowledge this policy's terms and conditions annually.

Last Modified by Lillian Sutton on January 22, 2020

Authorized Personal Communication Devices & Personal Computing Devices

For the purpose of this policy, "Personal Communication Devices" and "Personal Computing Devices" is defined as any technology that is owned by an individual and not owned by the School District. This may include, but is not limited to laptops, tablets, cell phones, smart watches, gaming devices, or similar devices. This topic is sometimes referred to as BYOD, "Bring Your Own Device".

On campus, during the academic learning hours, personal devices such as cell phones, tablets, etc. are prohibited. They must be turned off and put away, including during lunch periods, study halls, and passing between classes

On campus, during the academic learning hours, personal wearable technology devices such as smart watches, digital eyeglasses, etc. may be used for traditional functions of telling time, reading, etc., but may not be used for communication, photography, or audio/video recording

On campus, during the academic learning hours, personal headphones may not be used. For legitimate learning activities such as watching videos or listening to music, the school will provide headphones.

Employees/volunteers are not permitted to use earbuds/headphones at any time before, during, or after the school day; they must be present and attentive to their surroundings at all times for the purpose of safety and security

Use of personal communication devices is allowed in these exception scenarios:

- Before the first academic bell of school (start of first period)
- After the last academic bell of school (end of last period)
- Students or employees with documented, approved accommodations (such as IEP, medical, or 504 documentation)
- Classroom activities for which the teacher has documented and received approval from their administrator
 - Classroom teachers who approve students to use devices are expected to use professional discretion and register the activity with administration in advance. Teachers and Administrators are responsible to demonstrate how the use of devices is connected to the learning objectives of the specific class
- School sponsored trips, at the discretion of the teacher/employee chaperoning the event
 - Field trips, sports dismissal, etc.
- Travel to/from Cheshire Career Center
 - When a student is on-campus at Cheshire Career Center, their cell phone use is governed by the policies of both the Monadnock and Keene School Districts
- Employees who need to use their personal device in an emergency / work-related situation, such as phone calls to request assistance from administration

Communications During the School Day

If a student needs to make a phone call during the school day they must request a pass and make the call from an approved phone in the office of Guidance or an Administrator. Personal devices are not to be used to call or text guardians, employers, or for delivery services.

Employees or volunteers who need to make personal calls or respond to personal texts or email are expected to do so during appointed break times, away from students and fellow employees.

Students are not permitted to leave a classroom with their personal device

Communication with staff and extracurricular leaders

Students who need to contact a teacher, coach, club advisor, etc. should do so through the school's email system. Calling and texting with district employees and volunteers is forbidden.

Illegal use

Additionally, it is prohibited for students to take, store, disseminate, transfer, view, or share obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or other means, including but not limited to texting and emailing. Any student found to have engaged in such conduct may be reported to local law enforcement authorities and may face criminal penalties in accordance with applicable law. School administrators may refer such matters to local law enforcement if the administrator believes student action in this regard involves illegal activity (e.g., pornography.)

Disciplinary Action

Students that violate this policy will have their device confiscated. Repeated offenses will follow other disciplinary standards, and could result in banning that student's device from the school.

Employees that violate this policy will be subject to the discipline processes defined in their employee handbook and/or respective contract.

Student and employee handbooks shall include all policies regarding the appropriate use of personal devices

The school district will not be responsible for loss, damage or theft of any electronic communication device brought to the school.

Student and employee use of personal devices and accounts are subject to policies JICL/GBEF, JICK, IKL, EHAA, EHAB, and EEAA

2024/25 MRSD School Board Education Committee

Cell Phone Policy Review & Recommendations

Board Summary

The Education committee met 8 times (July-Feb) with the Assistant Superintendent, both MRMHS Vice Principals, and members of the MRMHS Behavior team to:

- Understand last year's classroom initiative over how/when students use personal devices
- Dissect the existing district policies
- Identify missing policies (NHSBA samples)
- Edit and update each policy (line by line review)

The committee concluded the following:

- The current policies are from a time before phones could be used as cameras or computing devices
- The current policies are mostly limited to students and do not focus much on employee use
- The students **and employees** need a **single, consistent set of rules** that minimize interpretation or exception
- The **current** policy already states that devices should be turned off and put away during the day, but is not being followed
- The updates outlined below are minimal changes and more of an effort to create clarity prior to a fresh approach within the schools

The committee reviewed the following two policies, knowing they provide some core reference to support a cell phone policy, but no edits are recommended:

1. EHAB, Data Governance and Security
2. JICK, Pupil Safety And Violence Prevention-Bullying

Motions from Committee:

Supporting Policies:

1. To **adopt** policy IKL, Academic Honesty and Integrity, with edits made by committee
2. To **update** policy EEAA, Video and Audio Surveillance on School Property to the current NHSBA sample, with additions made by committee
3. To **edit** policy EHAA, Computer Security, E-Mail and Internet Communications
4. To **edit** policy JICL/GBEF, Employee/Student Technology Acceptable Use

The Cell Phone Policy:

5. To **edit** policy JICJ, Authorized Communication Devices, and to **cross-code** it for the employee handbook as policy GBEH
6. To **merge** policy JICM, Prohibited Use Of Technology into policy JICJ, and to **cross-code** it for the employee handbook as policy GBEBE
 - a. Said another way, the cell phone policy shall be a single document, coded as JICL, JICM, GBEF, and GBEBE simultaneously to maintain alignment with the NHSBA database

Policy Primer:

Code(s)	Policy Name	Key Concepts	Key Takeaway	Policy Changes	Link
EHAB	DATA GOVERNANCE AND SECURITY	Data privacy, responsible data stewardship and safeguarding passwords, data retention	WiFi and software passwords shall not be shared, especially with students	None	LINK
JICK	PUPIL SAFETY AND VIOLENCE PREVENTION-BULLYING	Bullying, cyber-bullying, protection, retaliation	“On school property” is in effect if the bullying occurs on a personal device on campus, on a district device off campus, or on any device using a district account (e.g. email)	None	LINK
IKL	ACADEMIC HONESTY AND INTEGRITY	Cheating, Plagiarism, Collusion, Use of AI Tools,	MRSD does not have a cheating/plagiarism policy on file	NEW	LINK
EEAA	VIDEO AND AUDIO SURVEILLANCE ON SCHOOL PROPERTY	Hallway video cameras, Taking pictures on cell phones, recording audio/movies on cell phones	Taking pictures with phones is not allowed Outside of Fine Arts and Extracurricular activities, device recordings require advance permission for both students and employees Devices will be confiscated	Upgrade to current NHSBA sample + committee edits	LINK
EHAA	COMPUTER SECURITY, E-MAIL AND INTERNET COMMUNICATIONS	Define appropriate use of computer accounts. Explain the district's rights and ability to inspect any communications	Personal communications on a district device or account should not be assumed to be private Technology is a privilege, and can be limited or removed at any time	Update from original 2016 writing (e.g. social media references)	LINK
JICL GBEF	TECHNOLOGY ACCEPTABLE USE	Define who/when/where a user is subject to district network policies Define district rights and ability to monitor network activity Define unacceptable use of district networks & technology Appropriate use of district websites and social media accounts, Employee interactions with students via social media	Users on a personal device are subject to policy if they are on campus or on the district's network Users off campus are subject to policy of they are on a district device or account	Add support for IKL Academic Honesty policy Align with other policies to allow confiscation of devices Add ability to ban parents, vendors, visitors who violate policy	LINK
JICJ JICM GBEH GBEBE	AUTHORIZED COMMUNICATION DEVICES (A.K.A. “THE CELL PHONE POLICY”)	Define when phones can be used by students and employees Define acceptable exceptions	Between the first and last bell of the day, put it away or it will be confiscated Personal calls should be made from the office Leave your phone with the teacher to get a bathroom pass Policy applies to employees and volunteers	REWRITE	LINK

Monadnock Regional School District (MRSD)
School Board/Budget Committee
Pre/Post Deliberative Session Meeting Minutes
February 1, 2025 (Not Yet Approved)
Monadnock Regional MS/HS, Swanzey, NH

Board Members Present: Pre-Deliberative: Scott Peters, Lisa Steadman, Betty Tatro, Eric Stanley, Brian Bohannon, Dan LeClair, Jeff Cesaitis and Hannah Blood. **Absent:** Jennifer Strimbeck, Cheryl McDaniel-Thomas, Gina Carraro, Kristen Noonan, and Ed LaPlante

Budget Committee Members Present: Pre-Deliberative: Nancy Carney, Edward Sheldon, Anne Marie Osheyack, Robert Audette, Sarah Burgess, Jack Gettens and Doug Bersaw. **Absent:** Wayne Lechlides, Jon Hoden, Bruce Murphy, Virginia Doerpholz and unassigned seats from Troy and Roxbury.

Administration Present: J. Rathbun, Superintendent and J. Morin, Business Administrator

Also Present: J. O'Shaughnessy, Board's Attorney and L. Aivaliotis, Recording Secretary.

S.Peters opened the Pre-Deliberative Session at 9:18 AM.

DISCUSSION: The Board Members were assigned warrant articles to move at the Deliberative Session: B. Tatro-Article One, L. Steadman-Article Two, B. Bohannon-Article Three, S.Peters-Article Four, H. Blood-Article Five, D.LeClair-Article Six, E.Stanley-Article Seven and S.Peters-Article Eight. It was explained that the unallocated fund balance is used to fund the Expendable Trusts if the voters agree. S.Peters asked the Board Members to stay after the Deliberative Session just in case an Article was changed and the Board would have to vote. The Budget Committee Members will do the same. J. O'Shaughnessy introduced himself.

S.Peters recessed the meeting at 9:33 AM until the Deliberative Session at 10:00 AM

DELIBERATIVE SESSION: There are separate Deliberative Meeting Minutes.

Administration Present Post-Deliberative: J. Rathbun, Superintendent and J. Morin, Business Administrator.

Budget Committee Members Present: Post-Deliberative: Location MRMHS Auditorium: Nancy Carney, Ed Sheldon, Anne Marie Osheyack, Robert Audette, Sarah Burgess, Jack Gettens

and Doug Bersaw. **Absent:** Wayne Lechlides, Jon Hoden, Bruce Murphy, Virginia Doerpholz and unassigned seats from Troy and Roxbury.

MOTION: N.Carney **MOVED** not to support Article One as amended to \$36,000,000 at the Deliberative Session. **SECOND:** B. Audette **VOTE:** 6.619/1.118/0/ **Motion passes.**

MOTION: N. Carney **MOVED** to support Article Six as amended to \$100,000 at the Deliberative Session. **SECOND:** B. Audette **VOTE:** 7.737/0/0/ **Motion passes.**

MOTION: S.Burgess **MOVED** to adjourn the meeting at 11:45 AM. **SECOND:** E.Sheldon **VOTE:** Unanimous for those present. **Motion passes.**

Board Members Present: Post-Deliberative: Scott Peters, Lisa Steadman, Betty Tatro, Eric Stanley, Brian Bohannon, Dan LeClair and Hannah Blood. **Absent:** Jennifer Strimbeck, Cheryl McDaniel-Thomas, Gina Carraro, Kristen Noonan, Jeff Cesaitis and Ed LaPlante

MOTION: E. Stanley **MOVED** not to support Article One as amended to \$36,000,000 at the Deliberative Session. **SECOND:** H.Blood **VOTE:** Unanimous for those present. **Motion passes.**

MOTION: E.Stanley **MOVED** to adjourn the meeting at 11:45 AM. **SECOND:** L.Steadman **VOTE:** Unanimous for those present. **Motion passes.**

Respectfully submitted,

Laura L. Aivaliotis
Recording Secretary

Monadnock Regional School District (MRSD)
School Board Meeting Minutes
February 4, 2025(Not Yet Approved)
Monadnock Regional Middle/High School, Swanzey, NH

School Board Members Present: Scott Peters, Lisa Steadman, Betty Tatro, Kristen Noonan Brian Bohannon, Edmond LaPlante, Jeff Cesaitis, Dan LeClair and Gina Carraro. **Absent:** Eric Stanley, Jennifer Strimbeck, Hannah Blood and Cheryl McDaniel-Thomas.

Administration Present: J. Rathbun, Superintendent, L. Spencer, Assistant Superintendent and J. Morin, Business Administrator.

1. CALL THE MEETING TO ORDER at 7:00 PM: S.Peters called the meeting to order at 7:00 PM.

2. PUBLIC COMMENTS: Lisa Wiley, President of the MDEA thanked the Board for the tremendous support regarding the contract. She would encourage voters to support the contract as well as the budget. She said she is honored to work in the District.

B. Bohannon was asked to read a letter given to him by D. Coffman. D. Coffman said that he is not able to attend this Board Meeting because it was scheduled the same day as the Town's Deliberative Session which he said was not good. He would encourage people to communicate the Default Budget. A 36,000,000 budget is far worse than getting the contract passed.

3. #celebrate MRSD: 4. MATTERS FOR INFORMATION & DISCUSSION

a. Standing agenda:

- i. Student Government Report:** There is no representative present.
- ii. Superintendent Goals Update: Building Project:** J. Rathbun informed the Board that he had toured the MTC renovations with the reporter and photographer from the Keene Sentinel. Hutter and their crew are working so hard in the cold weather. Emerson is going up fast and Troy will be going out to bid any day.
- iii. Board Meeting Calendar & Goals:** The Policy Committee, Education Committee and the Fin/Fac. Committee will meet next week.
- iv. School Resource Officer (Status Update):** There is no update.
- v. Staffing Update:** There is no update.

b. Annual Board & Superintendent Evaluations (Process Overview): S. Peters explained that the Board will be asked to fill out a survey and also a survey on the performance of the Superintendent. K. Noonan will review the policy to see if the Superintendent's survey will be reviewed in Public or Non-Public Session.

c. 2025-2026 Calendar for First Read: The Board was presented the 2025-2026

School Calendar to review. There were a lot of decisions made due to aligning the calendar with the KHS Career Center. S.Peters asked about Winter break. J. Rathbun explained if the Board would like the 2 weeks for Winter break like last year they would have to add days at the end of the school year. The Board will review and vote at the next meeting.

4. MATTERS THAT REQUIRE BOARD ACTION:

a. Donation: The administration presented a donation from Environmental Alternatives in the amount of \$5758.75. The funds will go to cover Kindergarten and First Grade students who have a lunch balance and to credit \$25.00 in each of the student's lunch accounts. This will be for all elementary schools in the District. **MOTION:** K. Noonan **MOVED** to accept the donation in the amount of \$5758.75 from the Environmental Alternative to pay off school lunch balances for Kindergarten and First Grade Students and to place \$25.00 into each of their lunch accounts. **SECOND:** B. Tatro. **VOTE:** Unanimous for those present. **Motion passes.** The Board would like to ask L. Sutton to send a thank you card on behalf of the Board.

b. NH School Funding Fairness Project: L.Steadman presented a letter which will be sent to the State of NH. The goal is to get as many fellow School Board Members to sign it. **MOTION:** L.Steadman **MOVED** to publicly support the Fairness Project Letter as presented in the packet and to send it to the State of NH. **SECOND:** K. Noonan. **VOTE:** 6.482/5.181/0.206/4.097. **Motion passes.**

c. Process/Policy to Allow Out of District Students to Participate in Extracurricular Activities: J.Rathbun explained that the Powerlifting Club does not participate in the NHIAA. The student will train, there is no cost and there is room in the weight lifting room. The insurance covers everyone in the building. **MOTION:** K. Noonan **MOVED** to approve the waiving of Policy JJA and to approve the student from Chesterfield to train with the Powerlifting Club for the remainder of the 2024-2025 School Year. **SECOND:** B.Tatro. **DISCUSSION:** B. Bohannon commented on community first. If there are no issues and insurance is ok with it he is as well. **VOTE:** 8.697/0.206/0/4.097. **Motion passes.**

d. Working Session: Warrant Articles in Plain English: L. Steadman presented the Board with a Warrant Articles in Plain English Draft. It was suggested to make the explanations short and sweet. The Board reviewed each of the articles and gave suggestions. It was suggested to have the balances of the Expendable Trusts in the explanation but a majority of the Board did not agree. The Expendable Trusts will state "no new taxation". There was no motion the Board agreed with all changes that were discussed.

S. Peters asked the administration what might be cut with the \$36,000,000 budget. J. Rathbun commented that we are not there yet. J. Morin explained that we have 20 days to update and all decisions have to be made at the March 18 Meeting. It was commented that there will be a new Board by then. J. Rathbun commented if you start floating out specifics it will hurt morale. We need to talk to the School Board. Seventy-five percent of the budget is personnel. We will not discuss people but positions only. There are some requirements that need to be met. We may look at multi-aged classrooms. Class size will be a conversation. We will bring items. We will do

what is best for the kids and we will make it work. This is a significant amount of money. Thirty positions were mentioned. The cost centers are going line by line, we will have a plan ready to go. S.Peters commented on the pie chart and the OOD students, related services and transportation. He asked that it be reexamined. One student changes the number. J. Rathbun commented that we do not like to send students out. It is very expensive. Some of these students have behavior issues and it is hard to bring them back. E. LaPlante suggested going out to bid for employee health insurance. J. Rathbun explained you can not do this before the vote. It is a year-long process and all of the Unions have to agree. B. Bohannon would like to hear the ideas of J. Rathbun. We need to have an emotional appeal regarding the vote. We need to tell the people what it means if the proposed budget passes. J.Rathbun said that the positions to be cut will affect every dept. at the SAU, the District and all of the schools. They will be noticeable. B. Bohannon would like to know the grant positions that were put into the budget. B. Tatro commented that there are no good suggestions but it will be a deep, deep cut. K. Noonan is very disappointed. She commented we will do our best to have the voters vote on the default budget. Let the voters know what the cuts will mean. L. Steadman commented that OOD Students need a less restrictive environment. They would not be able to come back, with less funds we would not have the proper program. G. Carraro said it is devastating but she is not surprised. We need to watch what we spend along the way. We need to educate our people in our towns. J. Cesaitis said that he hopes there are no regular education cuts. Cut the extras first. E.LaPlante said that he saw this coming. Like everyone else we are in the same boat. Some people are ticked off because of taxes. We need to tighten the reins. Kids deserve better. It was commented to look at athletics first. D.LeClair said that kids come to school because of extracurricular activities. J. Cesaitis suggested “pay to play.” D.LeClair commented that it is a huge can of worms. J. Rathbun commented the budget has 958 lines. If athletics have to be cut it will not make a difference. It is not enough. Programs and positions will get the district to the number. J. Cesaitis suggested cutting 8% from each line. J.Rathbun commented that he has to make sure this works for the kids. He will present a balance of cuts without panic. G.Carraro mentioned bussing the Gilsum students to another school. It was explained that it is not possible Gilsum School is part of the renovation project and the funding. B.Bohannon said it is an emotional story. Everyone will be affected no matter what group. J. Cesaitis commented that the Board needs to reach the taxpayers who do not have children in the schools. J. Rathbun will present to the Board the items and the impact to the District.

e. Policies for 2nd Read:

- i. EH-Public Access to School District Records:**
- ii. EH-R (1) Public Access to School District Records “RTK”**
- iii. EBCA-Crisis Prevention and Emergency Response Plan:**
- iv. EBCH-Chemical Safety Chemical Hygiene Plan: MOTION: K.**

Noonan **MOVED** to accept the four policies presented by the Policy Committee. **SECOND: B.** Tatro. **DISCUSSION: K.** Noonan explained the policies were in the bulletin and required by

law. **VOTE:** Unanimous for those present. **Motion passes.**

f. Approve the Agenda:

i. January 21, 2025 Minutes:

ii. Manifest: \$ 1,630,884.38

iii. Transfers: MOTION: B.Tatro **MOVED** to accept the January 21, 2025 Public, the Non-Public Meeting Minutes, to approve the budget transfer requested by J. Morin in the amount of \$215,000 to come from the MRMHS Social Worker Salary and benefits lines from the Cutler Reading Improvement Health Ins. line, from the Cutler Spec. Ed. Health Ins. line, from the Emerson Spec. Ed. Teacher salary and health benefit lines and to transfer those funds to the District Wide Spec.Ed. Related Services line and to approve the manifest in the amount \$ 1,630,884.38 **SECOND:** D. LeClair **VOTE:** Unanimous for those present. **Motion passes.**

5. SETTING NEXT MEETING'S AGENDA:

a. Administration to present budget cuts

b. Update on Evaluation Process

6. PUBLIC COMMENTS: There were no public comments.

7. 9:12 PM ENTER INTO NON-PUBLIC SESSION: MOTION: J. Cesaitis **MOVED** to enter into Non-Public Session under RSA 91-A:3 II (c) Matters which, if discussed in public, would likely adversely affect the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting: **SECOND:** B. Bohannon. **VOTE:** 8.903/0/0/4.097. **Motion passes.**

8. RETURN TO REGULAR SESSION: K. Noonan announced that the Board had SEALED Issue #1 of the February 4, 2025, 9:12PM Non-Public Meeting Minutes in Non-Public Session due to the reputation of a student.

9. MOTION TO SEAL MINUTES: MOTION: K. Noonan **MOVED** to SEAL Issue #1 of the February 4, 2025, 9:12 PM Non-Public Meeting Minutes until February 4, 2030. **SECOND:** D. LeClair. **VOTE:** 8.903/0/0/4.097. **Motion passes.**

10. MOTION TO ADJOURN: MOTION: K. Noonan **MOVED** to adjourn the meeting at 9:33 PM. **SECOND:** J. Cesaitis. **VOTE:** Unanimous for those present. **Motion passes.**

Respectfully submitted,

Laura L. Aivaliotis
Recording Secretary

VOTING KEY:Yes/No/Abstain/Absent