

Category: Priority/Required by Law

Related Policies: ACAA, ACAA-R, ACAB, ACAB-R, ACAC, ACE, GBAA, JBAA, JICK, KED

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

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

No person shall be excluded from, denied the benefits of, or subjected to discrimination in the District's public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin.

Discrimination, including harassment, against any student in the District's education programs, on the basis of any of the above classes, or a student's creed, is prohibited. Finally, there shall be no denial to any person of the benefits of educational programs or activities, on the basis of any of the above classes, or economic status.

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

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

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

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

C. Policy Application.

This Policy is applicable to all persons employed or served by the District. It applies to all sites and activities the District supervises, controls, or where it has jurisdiction under the law, including where it (a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or (b) occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational

opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event, as set forth in Board policy JICK, Pupil Safety and Violence Prevention. Examples of sites and activities include all District buildings and grounds, school buses and other vehicles, field trips, and athletic competitions.

D. District Anti-Discrimination Plan.

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), 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.

E. Human Rights [or Non-Discrimination], Title IX, 504 and other Coordinators or Officers.

The Superintendent shall assure that District and or building personnel are assigned to the positions listed below. Each year, the Superintendent shall prepare and disseminate as an Appendix AC-E to this Policy an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, postal and physical addresses.

Human Rights Officer	Assistant Superintendent of Student Services for Students
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Human Rights Officer	HR Administrator for Employees
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Title IX Coordinator	Assistant Superintendent of Student Services
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504 Coordinator	Assistant Superintendent of Student Services
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The Appendix will also include current contact 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

F. Report, Complaint, Grievance Procedures and Consequences

1. Reports and Complaints

- a. Reports or complaints of sex discrimination, including sex-based harassment, or sexual violence should be made under Board policy ACAC;
 - b. Reports or complaints by students of discrimination on the basis of educational disability under the IDEA should be made under Board policy ACE;
 - c. Reports or complaints of bullying or other harassment of pupils should be made under Board policy JICK;
 - d. 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, access to Title 36 youth groups listed in Title 36, Subtitle II, Part B of the 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 the District's food services should be made under the grievance procedure in Board policy ACA; and
 - e. 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 associated sections related Board policies.
 - f. Complaints or reports regarding matters not covered in applicable policies should be made to the Assistant Superintendent of Student Services.
- 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 their immediate supervisor, the Assistant Superintendent of Student Services, 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, discrimination 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.

2. Grievance Procedures and Investigations

Grievance procedures and investigations of any complaints shall be according to the policies listed above and related administrative procedures or regulations.

3. Consequences and Remedies

Employees who violate this policy, including the failure to report or intervene as described here, will be disciplined, up to and including employment termination.

Students who violate this policy will be disciplined in accordance with applicable policies, the Code 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 subject to applicable law. See also Board policy KFA. The Superintendent, their designee, Building Principal, or building designees will contact law enforcement or seek a court order to enforce this policy when necessary or when actions may constitute criminal behavior.

4.

G. Alternative Complaint Procedures and Legal Remedies.

An individual may file a complaint with the Office for Civil Rights ("OCR"), of the United States Department of Education, or with the New Hampshire Commissioner for Human Rights.

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

Note: Complaints to OCR must be filed in writing no later than 180 days after the alleged act(s) of discrimination. OCR may waive its 180-day time limit based on OCR policies and procedures.

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

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

H. Retaliation Prohibited.

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

I. Administrative Procedures and Regulations.

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

J. Notice of Compliance.

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

Legal Reference:

RSA 186:11, XXXIII, Discrimination

RSA 193:38, Discrimination in Public Schools

RSA 193-F, Student Safety and Violence Protection Act RSA 275:71, Prohibited Conduct by Employer

RSA 354-A, State Commission for Human Rights

The Age Discrimination in Employment Act of 1967, 29 U.S.C. 621, et seq. Title II of The Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq. Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c

Title VII of The Civil Rights Act of 1964 (15 or more employees), 42 U.S.C. 2000d, et seq. Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq

NH Dept of Ed. Rule 303.01 (i), School Board Substantive Duties

Adoption: May 25, 2004
1st Reading: September 28, 2022
2nd Reading: November 2, 2022
3rd Reading: November 30, 2022
Adopted: November 30, 2022

1st Reading: September 27, 2023
2nd Reading: Waived
3rd Reading: Waived
Adopted: September 27, 2023

1st Reading: October 22, 2025
2nd Reading: Waived
3rd Reading: Waived
Adopted: October 22, 2025

1st Reading: August 26, 2026 (as amended)