

STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment as described in policies AC - Nondiscrimination/Equal Opportunity and ACAA - Harassment and Sexual Harassment of Students. Complaints alleging discrimination or harassment of employees or other third parties (such as parents, volunteers, vendors, etc.) should be addressed through the Board's Employee & Third Party Discrimination and Harassment Complaint Procedure (ACAB-R).

Definitions

For purposes of this procedure:

- A. A "Complaint" is defined as an allegation that a student has been discriminated against or harassed on the basis of sex, sexual orientation, religion, race, color, ancestry, national origin, age, marital status, familial status, physical or mental disability.
- B. "Discrimination or harassment" means discrimination or harassment on the basis of sex, sexual orientation, religion, race, color, ancestry, national origin, age, marital status, familial status, or physical or mental disability. "Discrimination" may include treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected class. "Harassment" may include oral, written, graphic, electronic or physical conduct relating to an individual's actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual's ability to participate in the District's programs or activities by creating a hostile, intimidating or offensive educational environment.
- C. Complaints of bullying and cyberbullying not involving the protected classes described above may also be pursued under Board Policy JICIB – Bullying and Cyberbullying.

How to Make a Complaint

- A. Any individual who believes a student has been discriminated against or harassed should report his/her concern *in writing* promptly to the Building Administrator or the Nondiscrimination Officer/Title IX Coordinator and utilize this complaint procedure. Individuals who are unsure whether discrimination or harassment has occurred or who need assistance in preparing a written complaint, are encouraged to discuss the situation with the Building Administrator or the Nondiscrimination Officer/Title IX Coordinator.

- B. School employees are expected to report possible incidents of discrimination or harassment of students to the Building Administrator or the Nondiscrimination Officer/Title IX Coordinator.
- C. Students and others will not be retaliated against for making a Complaint or participating in an investigation. Retaliation is illegal under state and federal nondiscrimination laws and any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.
- D. Students are encouraged to utilize this Complaint Procedure. However, students are hereby notified that they also have the right to report complaints to the New Hampshire Commission for Human Rights, 2 Chenell Drive, Unit 2, Concord, NH 03301-8501 (telephone: 603-271-2767) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02110-1491 (telephone: 617-289-0111).

Complaint Handling and Investigation

- A. The Building Administrator or the Nondiscrimination Officer/Title IX Coordinator shall promptly inform the Superintendent and the person(s) who is the subject of the Complaint that a Complaint has been received.
- B. The Building Administrator or the Nondiscrimination Officer/Title IX Coordinator may pursue a prompt and equitable informal resolution of the Complaint with the agreement of the parties involved. Any party to the Complaint may decide to end an informal resolution process and pursue the formal process at any point. The informal resolution is subject to the approval of the Superintendent, who shall consider whether the informal resolution is in the best interest of the parties in light of the particular circumstances and applicable policies and laws.
- C. The Complaint will be investigated by the Nondiscrimination Officer/Title IX Coordinator or by another internal or external investigator designated by the Superintendent. Any Complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any Complaint about the Superintendent should be submitted to the Chair of the School Board, who should consult with legal counsel concerning the handling and investigation of the Complaint.
 - 1. The person who is the subject of the Complaint will be provided with an opportunity to be heard as part of the investigation. The Complainant shall not be required to attend meetings with the subject of the Complaint, but may choose to do so as part of the resolution process.
 - 2. The Complainant and the subject of the Complaint may suggest witnesses and/or submit materials they believe are relevant to the Complaint.

3. If the Complaint is against an employee of the District, any applicable individual or collective bargaining contract provisions shall be followed.
 4. Privacy rights of all parties to the Complaint shall be maintained in accordance with applicable state and federal laws.
 5. The Nondiscrimination Officer/Title IX Coordinator shall keep a written record of the Complaint and investigation.
 6. The Nondiscrimination Officer/Title IX Coordinator or the Superintendent may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending. Examples of interim measures include, but are not limited to, ordering no contact between individuals, changing schedules or classes, etc.
 7. The Nondiscrimination Officer/Title IX Coordinator or other designated investigator shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
 8. The investigation shall be completed within 21 business days of receiving the Complaint, if practicable.
- D. If the Nondiscrimination Officer/Title IX Coordinator or other designated investigator determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
1. Determine what remedial action, if any is needed to end the discrimination or harassment, remedy its effects, and prevent recurrence
 2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
- E. Within five business days, inform the complainant and the subject of the Complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws and any applicable collective bargaining agreement provisions).
- F. If the complainant is dissatisfied with the resolution, an appeal may be made in writing to the Superintendent within 14 business days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be provided in writing to the complainant within 21 business days, if practicable. The Superintendent's decision shall be final.

Legal Reference: Americans with Disabilities Act (28 CFR § 35.107), as amended
 Section 504 of the Vocational Rehabilitation Act (29 U.S.C. § 794), as amended; 34 CFR § 104.7
 Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)

Title VI of the Civil Rights Act of 1964 (P.L. 88-352)
20 U.S.C. § 1232g; 34 CFR Part 99
NH Code Admin R. Ed. 303.01(i) and (j)

Cross Reference: AC - Nondiscrimination/Equal Opportunity
ACAA - Harassment and Sexual Harassment of Students
ACAB/ACAB-R – Harassment and Sexual Harassment of
Employees/Employee & Third Party Discrimination and Harassment
Complaint Procedure
JICIB – Bullying and Cyberbullying

First Reading: June 2, 2010
Second Reading: August 10, 2010
Final Adoption: August 10, 2010
Revisions: June 25, 2013, September 26, 2017