



## **SCHOOL ADMINISTRATIVE UNIT #51**

23 Oneida Street, Unit 1  
Pittsfield, New Hampshire 03263  
Phone: (603) 435-5526 • Fax (603) 435-5331  
Dr. Sandie MacDonald- Superintendent of Schools

### **PITTSFIELD SCHOOL BOARD POLICY COMMITTEE**

**September 25, 2025, 4:00 P.M.**

**PMHS Media Center Pittsfield Middle High School**

CALL TO ORDER INTRODUCTION

FIRST READING POLICY:

AC, ACR, ACAB, ACAB-R

SECOND READING POLICY:

- Move Second Readings to Board for Adoption
  - DIA Fund Balance
  - IJOC – Volunteers
  - IJOC –R – Volunteers Form

OTHER POLICY DISCUSSION

PLAN AGENDA FOR NEXT MEETING

ADJOURNMENT



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**September 25, 2025, 4:00 P.M.**

**PMHS Media Center Pittsfield Middle High School**

CALL TO ORDER INTRODUCTION

FIRST READING POLICY:

AC, ACA, ACAC, ACE, ACF, ACN, AC-R(2)

RECIND POLICY:

ACAA, ACAA-R-1, ACAA-R2, ACAB, ACAB-R2, AC-E

SECOND READING POLICY:

- Move Second Readings to Board for Adoption
  - DIA Fund Balance
  - IJOC – Volunteers
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OTHER POLICY DISCUSSION

PLAN AGENDA FOR NEXT MEETING

ADB, ADC

ADJOURNMENT

***Non-Discrimination, Equal Opportunity Employment, 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 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 should be made under Board policy ACAC;
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, access to

the Boy Scouts of America or other Title 36 youth group 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 (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 Pittsfield Superintendents office, 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 Pittsfield Superintendents office, 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 Pittsfield Superintendents office.

#### **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, alone, 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 assure 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 Resource Officer: Rheana Anderson
- Title IX Coordinator: Melissa Brown
- 504/ADA Coordinator: Erik Anderson

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**

The District Anti-Discrimination Plan shall be reviewed every two years.

**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 or harassment 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.

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). Employees must be able to perform the essential duties of the position.

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 based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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

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

**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, abuse or neglect of children (see RSA 169-C:29 and District policy), 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).

**L. ADMINISTRATIVE PROCEDURES, REGULATIONS AND TRAINING PROGRAMS**

The School District 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 School District 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.

***District Policy History:***

*First reading: 10/2/2025*

*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 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 186:11, XXXIII

**Description**

[Discrimination](#)

RSA 193-F

[Pupil Safety and Violence Prevention](#)

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](#)

RSA 354-A:1

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

RSA 354-A:27

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

RSA 354-A:6

[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

**Description**

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

89 FR 29182

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

**Federal Statutes**

20 U.S.C 1681, et seq

**Description**

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

20 U.S.C. § 1400-1417

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

20 U.S.C. § 7905

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

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 \(Section 504\)](#)

36 U.S.C. Subtitle II Part B

[Organizations](#)

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 \("PUMP Act"\)](#)

***Non-Discrimination, Equal Opportunity Employment, Anti- Discrimination 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**

Name: Rheana Anderson  
Address: 23 Oneida Street, Pittsfield, NH  
Telephone: 603-435-5526  
Email Address: randerson@sau51.org

**Title IX Coordinator**

Name: Melissa Brown  
Address: 23 Oneida Street, Pittsfield, NH  
Telephone: 603-435-6701  
Email Address: mbrown@sau51.org

**504/ADA Coordinator**

Name: Erik Anderson  
Address: 23 Oneida Street, Pittsfield, NH  
Telephone: 603-435-6701  
Email Address: eanderson@sau51.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

**Policy AC-R(2): Non-Discrimination, Equal Opportunity Employment, Anti- Discrimination Notice of Contact Information** **Required**

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

***District revision history:***

First Reading: 10/2/2025 AC-R(2) replaces the former AC-E which has been rescinded.

Second Reading/Adoption:

***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	Description
RSA 186:11, XXXIII	<a href="#">Discrimination</a>
RSA 193-F	<a href="#">Pupil Safety and Violence Prevention</a>
RSA 193:38	<a href="#">Discrimination in Public Schools</a>
RSA 275:71	<a href="#">Prohibited Conduct by Employer</a>
RSA 275:78-83	<a href="#">Policies Relating to Nursing Mothers (Scroll down to sections 275:78-83)</a>
RSA 354-A	<a href="#">State Commission for Human Rights</a>
RSA 354-A:1	<a href="#">(Human Rights) Title and Purposes of Chapter</a>
RSA 354-A:27	<a href="#">Opportunity for Public Education without Discrimination a Civil Right</a>
RSA 354-A:6	<a href="#">Opportunity for Employment without Discrimination a Civil Right</a>
<b>NH Dept of Ed Regulation</b>	<b>Description</b>
N.H. Code Admin. Rules Ed 303.01 (i)	<a href="#">School Board Substantive Duties</a>
<b>Federal Regulation</b>	<b>Description</b>
34 CFR 108	<a href="#">Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups</a>
89 FR 29182	<a href="#">Pregnant Workers Fairness Act ("PWFA")</a>
20 U.S.C 1681, et seq	<a href="#">Title IX of the Education Amendments of 1972</a>
20 U.S.C. § 1400-1417	<a href="#">Individuals with Disabilities Education Act (IDEA)</a>
20 U.S.C. § 7905	<a href="#">Equal access to public school facilities ("Boy Scouts of America Equal Access Act")</a>
29 U.S.C. 621, et seq.	<a href="#">The Age Discrimination in Employment Act of 1967</a>
29 U.S.C. 705	<a href="#">The Rehabilitation Act of 1973 - Definitions</a>

***Policy AC-R(2): Non-Discrimination, Equal Opportunity Employment, Anti- Discrimination Notice of Contact Information*** ***Required***

29 U.S.C. 794	<u>Rehabilitation Act of 1973 (Section 504)</u>
36 U.S.C. Subtitle II Part B	<u>Organizations</u>
42 U.S.C. 12101, et seq.	<u>Title II of The Americans with Disabilities Act of 1990</u>
42 U.S.C. 2000c	<u>Title IV of the Civil Rights Act of 1964</u>
42 U.S.C. 2000d et seq.	<u>Title VI of the Civil Rights Act of 1964</u>
42 U.S.C. 2000e et seq.	<u>Title VII of the Civil Rights Act of 1964</u>
42 U.S.C. 2000gg	<u>Pregnant Worker Fairness Act ("PWFA")</u>
42 U.S.C. 218d	<u>Pump for Nursing Mothers Act ("PUMP Act")</u>

***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.

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).

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.

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 Human Rights Officer or the Building Principal under this policy unless:
  - a. The report is about the Human Rights Officer, Title IX Coordinator, 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 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 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.

**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 the allegation of 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. 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/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.

**"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/ADA Coordinator, "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 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, or the 504/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.

Written Complaints are strongly encouraged, as a written record provides 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 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 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.

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 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 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 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 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, 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 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.

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 could affect the outcome of the matter; OR
3. The Investigator, or Superintendent/designee 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 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 applicable, 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 assigning 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 consultation with counsel 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 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 after the hearing or submission of information for implementation by the administration. 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 law. **The Level III 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), 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 expectations and 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.

***District Policy History:***

*First reading: October 2, 2025*

*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 recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

NH Statutes	Description
RSA 141-C:20-d	<a href="#"><u>Exclusion During Outbreak of Disease</u></a>
RSA 189:1-b	<a href="#"><u>Freedom of Assembly, Freedom of Religion</u></a>
RSA 193-F	<a href="#"><u>Pupil Safety and Violence Prevention</u></a>
RSA 193:38	<a href="#"><u>Discrimination in Public Schools</u></a>
RSA 200:39	<a href="#"><u>Exclusion from School</u></a>
RSA 275:78-83	<a href="#"><u>Policies Relating to Nursing Mothers (Scroll down to sections 275:78-83)</u></a>
RSA 354-A:1	<a href="#"><u>(Human Rights) Title and Purposes of Chapter</u></a>

NH Statutes	Description
RSA 354-A:27	<u>Opportunity for Public Education without Discrimination a Civil Right</u>
RSA 354-A:6	<u>Opportunity for Employment without Discrimination a Civil Right</u>
NH Dept of Ed Regulation	Description
N.H. Code Admin. Rules Ed 1100	<u>Standards for the Education of Students With Disabilities</u>
N.H. Code Admin. Rules Ed 1107.02(b)	<u>Evaluation Requirements for Children With Specific Learning Disabilities</u>
N.H. Code Admin. Rules Ed 303.01 (j)	<u>Substantive Duties of School Boards; Sexual Harassment Policy</u>
N.H. Code Admin. Rules Ed 306.04(b)(23)	<u>Meeting the Special Physical Health Needs of Students</u>
N.H. Code Admin. Rules Ed 306.04(b)(7)	<u>Student Harassment</u>
Federal Regulations	Description
28 CFR Part 35	<u>Nondiscrimination on the Basis of Disability in State and Local Government Services</u>
34 C.F.R. §§ 110.25	<u>Designation of responsible employee, notice, and grievance procedures</u>
34 CFR 104	<u>Nondiscrimination on the Basis of Handicap</u>
34 CFR 104.7(b)	<u>Adoption of Grievance Procedures</u>
34 CFR 106.30	<u>Definitions</u>
34 CFR 106.44	<u>Recipient's response to sexual harassment</u>
34 CFR 106.45	<u>Grievance process for formal complaints of sexual harassment</u>
34 CFR 106.71	<u>Retaliation</u>
34 CFR 108	<u>Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups</u>

Federal Regulations	Description
34 CFR 300.307-.309	<u>Additional Procedures for Identifying Children With Specific Learning Disabilities</u>
7 CFR Part 15, Subpart A	<u>Nondiscrimination</u>
89 FR 29182	<u>Pregnant Workers Fairness Act (“PWFA”)</u>
89 FR 31320 (28 CFR 35)	<u>Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities</u>
20 U.S.C 1681, et seq	<u>Title IX of the Education Amendments of 1972</u>
20 U.S.C. § 1400-1417	<u>Individuals with Disabilities Education Act (IDEA)</u>
20 U.S.C. § 7905	<u>Equal access to public school facilities (“Boy Scouts of America Equal Access Act”)</u>
20 U.S.C. §§1400 et seq.	<u>Individuals with Disabilities Education Law</u>
20 U.S.C. §1232g	<u>Family Educational Rights and Privacy Act (FERPA)</u>
20 U.S.C. 1401(3)(B)	<u>Child with a Disability, Child Aged 3 through 9</u>
20 U.S.C. 1701-1758	<u>Equal Educational Opportunities Act of 1974 – “EEOA”</u>
29 U.S.C. 621, et seq.	<u>The Age Discrimination in Employment Act of 1967</u>
29 U.S.C. 705	<u>The Rehabilitation Act of 1973 - Definitions</u>
29 U.S.C. 794	<u>Rehabilitation Act of 1973 (Section 504)</u>
36 U.S.C. Subtitle II Part B	<u>Organizations</u>
42 U.S.C. 12101, et seq.	<u>Title II of The Americans with Disabilities Act of 1990</u>
42 U.S.C. 1751 et seq.	<u>National School Lunch Act</u>

Federal Regulations	Description
42 U.S.C. 2000c	<u>Title IV of the Civil Rights Act of 1964</u>
42 U.S.C. 2000d et seq.	<u>Title VI of the Civil Rights Act of 1964</u>
42 U.S.C. 2000e et seq.	<u>Title VII of the Civil Rights Act of 1964</u>
42 U.S.C. 2000gg	<u>Pregnant Worker Fairness Act ("PWFA")</u>
42 U.S.C. 218d	<u>Pump for Nursing Mothers Act ("PUMP Act")</u>
42 USC 1751 – 66	<u>National School Lunch Act</u>
P.L. 110-233	<u>Genetic Information Nondiscrimination Act of 2008</u>



***Prohibition of Sexual Harassment: Policy and Grievance Procedures***

*Non-Discrimination, Equal Opportunity Employment, Anti-Discrimination Plan*

**INTRODUCTION AND GENERAL POLICY AGAINST DISCRIMINATION AND HARASSMENT**

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 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. II 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 Coordinator 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; 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 situation

- 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

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, 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 participate 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 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.

**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 Coordinator 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 conduction 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.

**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 complainant 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.

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.

II. **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. Complaint forms may be obtained from the Title IX Coordinator.

**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 conduct 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). 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 Finance Manager/Human Rights Coordinator, 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 complaint. 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.**

- 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:
  - . 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.)
  - a. 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;



- b. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence;
  - c. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
  - d. 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;
  - e. 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.
  - f. 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 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 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 complainants prior sexual behavior with respect to the respondent and are offered to prove consent.
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 for written responses, likewise to be provided to each party.
4. The initial decision maker will provide 5 days each for supplementary, limited follow-up questions and 5 days 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 standard, 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 after the close of the period for responses to the last round of follow-up questions. The written "Initial Determination of Responsibility" must include:
  - . Identification of the allegations potentially constituting sexual harassment;
  - a. 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;
  - b. Findings of fact supporting the determination;

- c. Conclusions regarding the application of the District's applicable codes of conduct, policies, administrative regulations or rules to the facts;
  - d. 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
  - e. 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:
  - . Would not constitute Title IX sexual harassment, even if proved;
  - a. Did not occur in the District's education program or activity; or
  - b. 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 complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - a. The respondent is no longer enrolled or employed by the District; or
  - b. 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 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 of receipt of the written appeal, the Superintendent shall appoint a decision maker for appeal (“appeals decision maker”), 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 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 after receiving the last of the parties' written statements per Sect. III.H.5.

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

**District Policy History:**

**First reading:** October 2, 2025

**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 recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>NH Statutes</b>	<b>Description</b>
RSA 193:38	<u>Discrimination in Public Schools</u>
RSA 354-A:1	<u>(Human Rights) Title and Purposes of Chapter</u>
RSA 354-A:27	<u>Opportunity for Public Education without Discrimination a Civil Right</u>
RSA 354-A:6	<u>Opportunity for Employment without Discrimination a Civil Right</u>
<b>NH Dept of Ed Regulation</b>	<b>Description</b>
N.H. Code Admin. Rules Ed 303.01 (i)	<u>School Board Substantive Duties</u>
N.H. Code Admin. Rules Ed 303.01 (j)	<u>Substantive Duties of School Boards; Sexual Harassment Policy</u>
<b>Federal Regulations</b>	<b>Description</b>
34 CFR 106.30	<u>Definitions</u>
34 CFR 106.44	<u>Recipient's response to sexual harassment</u>
34 CFR 106.45	<u>Grievance process for formal complaints of sexual harassment</u>
34 CFR 106.71	<u>Retaliation</u>
34 CFR 106.8	<u>Designation of responsible employee and adoption of grievance procedures.</u>
34 CFR. Part 99	<u>Family Educational Rights and Privacy Act Regulations</u>
<b>Federal Statutes</b>	<b>Description</b>
20 U.S.C 1681, et seq	<u>Title IX of the Education Amendments of 1972</u>
42 U.S.C. 2000e et seq.	<u>Title VII of the Civil Rights Act of 1964</u>

Pittsfield School District

**PROCEDURAL SAFEGUARDS: NONDISCRIMINATION ON THE BASIS OF  
HANDICAP / DISABILITY**

The district will ensure that all students with a handicap or disability are provided all necessary procedural safeguards as are required by law. Such procedural safeguards are found in pertinent federal state laws and regulations. In addition, all staff, students, parents, and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook.

Adopted: June 1, 1995 (incorporated in Policy AC)  
Reviewed: June 17, 1996  
January 8, 2009  
Amended: January 22, 2009  
October 19, 2017  
Reviewed: March 7, 2024



**PROCEDURAL SAFEGUARDS: NONDISCRIMINATION ON THE BASIS OF ~~HANDICAP~~ /  
DISABILITY**

The Pittsfield School district-District will ensure that all students with a ~~handicap or~~ disability are provided all necessary procedural safeguards as are required by law. Such procedural safeguards are found in pertinent federal state laws and regulations. In addition, all staff, students, parents, and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook. (relative to the Individuals with Disabilities Education Act), or to the Model Process for 504 Plan Development (Section 504 of the Rehabilitation Act of 1973). For reporting or making a complaint of discrimination or harassment relative to a disability or perceived disability, see Board policy ACA.

**District Policy History:**First reading: June 1, 1995Second reading/adopted: June 17, 1996**District revision history:**Adopted: ~~June 1, 1995 (incorporated in Policy AC)~~Reviewed: ~~January 8, 2009~~Amended: ~~January 22, 2009, October 19, 2017~~Reviewed: ~~March 7, 2024~~

**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 354-A:27**NH Dept of Ed Regulation**N.H. Code Admin. Rules Ed 1120**Federal Regulations**34 CFR 104**Federal Statutes**20 U.S.C. § 1400-141729 U.S.C. 794**Description**Opportunity for Public Education  
without Discrimination a Civil Right**Description**Procedural Safeguards**Description**Nondiscrimination on the Basis of  
Handicap**Description**Individuals with Disabilities Education Act  
(IDEA)Rehabilitation Act of 1973 (Section 504)

**Federal Regulations**

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

**Description**

Title II of The Americans with Disabilities  
Act of 1990

**PROCEDURAL SAFEGUARDS: NONDISCRIMINATION ON THE BASIS OF DISABILITY**

The Pittsfield School District will ensure that all students with a disability are provided all necessary procedural safeguards as are required by law. Such procedural safeguards are found in pertinent federal state laws and regulations. In addition, all staff, students, parents, and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook. (relative to the Individuals with Disabilities Education Act), or to the Model Process for 504 Plan Development (Section 504 of the Rehabilitation Act of 1973). For reporting or making a complaint of discrimination or harassment relative to a disability or perceived disability, see Board policy ACA.

**District Policy History:**

First reading: June 1, 1995

Second reading/adopted: June 17, 1996

**District revision history:**

Reviewed: January 8, 2009

Amended: January 22, 2009, October 19, 2017

Reviewed: March 7, 2024

***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 354-A:27

**Description**

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

**NH Dept of Ed Regulation**

N.H. Code Admin. Rules Ed 1120

**Description**

[Procedural Safeguards](#)

**Federal Regulations**

34 CFR 104

**Description**

[Nondiscrimination on the Basis of Handicap](#)

**Federal Statutes**

20 U.S.C. § 1400-1417

**Description**

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

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](#)

### USDA Nondiscrimination Statement

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 based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

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

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

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

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

#### B. Additional Discrimination Complaint Information.

1. Any person or representative alleging discrimination based on a prohibited basis relative to any of the District's food service programs has the right to file a complaint within 180 days of the alleged discriminatory action.
2. District staff who receive a complaint alleging illegal discrimination in the district's nutrition program will forward the complaint to the District's Human Rights

Coordinator immediately, who shall note whether the allegation was made verbally or in person and will transcribe the complaint if it is not provided in writing. As required by the USDA, the Human Rights Coordinator will forward the complaint to the USDA Office of the Assistant Secretary for Civil Rights immediately and will not first attempt to resolve the complaint prior to contacting the USDA.

**A. Notice of Non-Discrimination Statement and Program Rights.**

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

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

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

**B. Display of "And Justice for All" Poster.**

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

***District Policy History:***

*First reading: October 2, 2025*

*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 recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

<i>NH Statutes</i>	<i>Description</i>
<i>RSA 354-A:1</i>	<i>(Human Rights) Title and Purposes of Chapter</i>
<i>RSA 354-A:27</i>	<i>Opportunity for Public Education without Discrimination a Civil Right</i>
<i>RSA 354-A:6</i>	<i>Opportunity for Employment without Discrimination a Civil Right</i>

## **Nursing Mothers**

### **A. Statement of Purpose**

The District provides a supportive environment as to time and place for employees "nursing mothers" 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 nursing mothers by providing reasonable times and suitable spaces for nursing mothers to express milk during school and work hours for one year after pregnancy. 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 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.

Accommodation Notice and Plans.

A nursing mother should contact the building Principal, school nurse, 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 such needs. However, when ordinary accommodations (as discussed below) create undue hardship for the operations of the school/workplace, the District will work with the nursing mother 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 school nurse, building Principal or other administrator working with the nursing mother should consult with the District's Title IX Coordinator.

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

### **B. Reasonable Time to Express Milk during the School Day.**

Absent other accommodations as established under Section B, above, a nursing mother will have a minimum of three opportunities ("lactation period") during a work or 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 can choose to use usual break and meal periods.

A nursing mother who is an hourly employee will not be paid during lactation periods unless either the lactation period falls during a regular paid break (e.g., a paid lunch), or the individual is not completely relieved of duties during the lactation break. Nursing mothers shall not be required to "make up" time relating to the use of unpaid lactation periods.

### **C. Suitable Private Areas for Lactation.**

Nursing mothers will be provided with a private place, other than a bathroom, in each school

district building in which an individual with such 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 individual requesting lactation accommodations, unless otherwise agreed by that individual;
4. Have at a minimum:
  - i. An electrical outlet;
  - ii. Appropriate seating;
  - iii. A surface sufficient to place a breast pump;
  - iv. A sink with running water or be in reasonable proximity to one;
  - v. A refrigerator for milk storage or be in reasonable proximity to one;
  - vi. Shall be cleaned regularly by District staff assigned to that duty.

D. Responsibilities of the Person with Lactation Needs.

A nursing mother 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.
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.

E. Prohibited conduct.

Any intentional act which violates a nursing mother's privacy, aims to frustrate a nursing mother's intentions to use the lactation space, or constitutes harassment on account of a nursing mother's needs or lactating status is prohibited, and shall be treated as 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.

F. 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.

***District Policy History:***

*First reading: October 2, 2025*

*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 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 275:78-83

**Description**

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

RSA 354-A:1

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

RSA 354-A:27

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

RSA 354-A:6

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

**Federal Regulations**

89 FR 29182

**Description**

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

**Federal Statutes**

20 U.S.C 1681, et seq

**Description**

[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 \("PUMP Act"\)](#)



## **FUND BALANCES**

RSA 198:4-b, II allows a school district to retain any unused portion of the year-end unassigned general funds, from the preceding fiscal year in subsequent fiscal years, provided that the total amount of year-end unassigned general funds does not exceed, in any fiscal year, 5 percent of the current fiscal year's net assessment under RSA 198:5.

The Pittsfield School District voted in 2022 to accept RSA 198:4-b, II as follows:

**Article 4:** To see if the Pittsfield School District will vote to adopt the provisions of RSA 198:4-b, II enacted in 2020, which allows the District to authorized, indefinitely until rescinded to retain up to 5% of the District's net assessment in any year and allows the expenditure of any amount retained after the School Board first holds a public hearing, and requires the School Board to include an annual reporting of the retained fund balance in its annual report to the District.

Therefore, the Board has the authority to retain from the year-end unassigned fund balance up to 5 percent of the District net assessment from the preceding fiscal year.

Prior to expending retained general funds, the Board shall hold a prior public hearing on the action to be taken with such funds. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the meeting is held. An annual accounting and report of the activities of the retained general funds shall be presented to the Board of the district and published in the annual report.

Any year-end unassigned fund balance shall only be used or returned to the Town to reduce the school portion of the tax rate in accordance with applicable New Hampshire law and/or Governmental Standards Board Statement 54 (GASB 54).

**District History:**

New policy – Distributed September 11, 2025: created in response audit discovery of absence of this required policy).

*First reading: September 18, 2025*

*Second reading/adopted:*

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.

Legal References:

<b>NH Statutes</b>	<b>Description</b>
RSA 32	Municipal Budget Law
RSA 33	Municipal Finance Act
RSA 35	Capital Reserve Funds
RSA 198:4-b	Contingency Fund
Governmental Standards Board Statement 54 (GASB 54)2023	

## **SCHOOL VOLUNTEERS**

The Pittsfield School District recognizes the valuable contribution made by volunteer assistance of parents and other citizens. The Superintendent is responsible for developing and implementing procedures for the selection and utilization of volunteers. School district employees who desire the assistance of a volunteer should request a volunteer through proper administrative channels.

Designated Volunteers. Designated volunteers are required to undergo a background investigation and a criminal records check. “Designated volunteer” means any volunteer who:

- Comes in direct contact with students on a daily basis;
- Meets regularly with students;
- Meets with students on a one-to-one basis;
- Has regular direct contact with students, may be alone with students, or chaperone/supervise students at school events;
- May be in the school during student hours or at student events where they interact with or supervise students;
- Any other volunteer so designated by the Board or Superintendent.

Designated volunteers are subject to the provisions of Policy GBCD, Background Investigation and Criminal Records Check.

Volunteer Application and Selection. Persons wishing to volunteer in the district are to contact the School Principal directly, describing their skills, interests, and availability. Volunteer selection will be based on the qualifications and availability of the volunteer. Volunteers shall be assigned only to those teachers who have requested volunteer assistance. Staff members may request volunteers through administrative channels for selected activities and as resource persons. Assignment shall be made by the School Principal or designee.

Volunteers are provided with appropriate training consistent with their tasks and existing district standards. This training is developed under the leadership of the School Principal. A volunteer may be asked to terminate his/her services when circumstances in the judgment of the School Principal necessitate termination.

Volunteer Duties. Selected volunteers will serve in the capacity of assistants and will not be assigned to roles that require specific professional training. Instructional services are rendered only under the supervision of certified staff.

All volunteers are required to sign a confidentiality agreement and must refrain from discussing the performance or actions of students, except with the student’s teacher, counselor, Principal, or other district employee who has a legitimate educational purpose for discussing such information.

Volunteer assignments are limited to assisting staff members with duties, such as routine supervisory, tutorial, clerical, housekeeping, and material preparation tasks. Assignment are limited to situations that may be supervised by a certificated staff person. In some instances, volunteers may perform clerical and material preparation tasks away from the school site.

Volunteers with special talents, hobbies, or experiences may share those with students on a scheduled basis in a suitable setting.

Volunteers are required to refer to their immediate supervisor or other regular staff member for final solution of any student problems which arise, whether of an instructional, medical, or operational nature.

Volunteers will receive an orientation to their assignment to include (1) general role responsibilities; (2) information about school facilities, routines, and procedures, including safety protocols; (3) work schedule and location of assignment; and (4) expected relationship to regular staff. The orientation will be developed by the School Principal.

#### Coaches.

All coaches, including assistant coaches, whether receiving a stipend or not, are Designated Volunteers in this policy. Additionally, head coaches of team or individual sports must be in compliance with all regulations and certification requirements for that sport as set by NHIAA or the applicable organization within which the athletes/members compete or participate. Assistant coaches must meet the same requirements as head coaches or be under the direct supervision of the head coach.

#### **District Policy History:**

*First Reading:* January 5, 2006  
*Adopted:* January 19, 2006  
*Amended:* November 6, 2014  
*Amended:* October 4, 2018  
*Reviewed* September 11, 2025  
*Adopted:*

***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	Description
RSA 189:13-a	School Employee and Designated School Volunteer Criminal History Records Check
RSA 193:40	Prohibition on Teaching Discrimination
RSA 354-A:32	Prohibition on the Content of Government Programs and Speech
RSA 508:17	Volunteers; Nonprofit Organizations; Liability Limited.
RSA 632-A:10	Prohibition from Child Care Service of Persons Convicted of Certain Offenses

#### Federal Regulations Description

29 CFR 553.101	"Volunteer" defined (state and local governments).
29 U.S.C. 201-219	Fair Labor Standards Act Fair Labor Standards Act

~~IJOC~~~~Pittsfield School District~~**SCHOOL VOLUNTEERS**

The ~~district-Pittsfield School District~~ recognizes the valuable contribution made by volunteer assistance of parents and other citizens. The ~~superintendent-Superintendent~~ is responsible for developing and implementing procedures for the selection and utilization of volunteers. School district employees who desire the assistance of a volunteer should request a volunteer through proper administrative channels.

Designated Volunteers. Designated volunteers are required to undergo a background investigation and a criminal records check. "Designated volunteer" means any volunteer who:

- Comes in direct contact with students on a daily basis;
- Meets regularly with students;
- Meets with students on a one-to-one basis;
- Has regular direct contact with students, may be alone with students, or chaperone/supervise students at school events;
- May be in the school during student hours or at student events where they interact with or supervise students;
- Any other volunteer so designated by the Board or ~~superintendent-Superintendent~~.

Designated volunteers are subject to the provisions of Policy GBCD, Background Investigation and Criminal Records Check.

Volunteer Application and Selection. Persons wishing to volunteer in the district are to contact the ~~Dean of Operations-School Principal~~ directly, describing their skills, interests, and availability. Volunteer selection will be based on the qualifications and availability of the volunteer. Volunteers shall be assigned only to those teachers who have requested volunteer assistance. Staff members may request volunteers through administrative channels for selected activities and as resource persons. Assignment shall be made by the ~~dean-of-operations-School Principal~~ or designee.

Volunteers are provided with appropriate training consistent with their tasks and existing district standards. This training is developed under the leadership of the ~~dean-of-operations-School Principal~~. A volunteer may be asked to terminate his/her services when circumstances in the judgment of the ~~dean-of-operations-School Principal~~ necessitate termination.

Volunteer Duties. Selected volunteers will serve in the capacity of assistants and will not be assigned to roles that require specific professional training. Instructional services are rendered only under the supervision of certified staff.

All volunteers are required to sign a confidentiality agreement ~~(see below)~~ and must refrain from discussing the performance or actions of students, except with the student's teacher, counselor, ~~dean-Principal~~, or other district employee who has a legitimate educational purpose

for discussing such information.

Volunteer assignments are limited to assisting staff members with duties, such as routine supervisory, tutorial, clerical, housekeeping, and material preparation tasks. Assignment are limited to situations that may be supervised by a certificated staff person. In some instances, volunteers may perform clerical and material preparation tasks away from the school site.

Volunteers with special talents, hobbies, or experiences may share those with students on a scheduled basis in a suitable setting.

Volunteers are required to refer to their immediate supervisor or other regular staff member for final solution of any student problems which arise, whether of an instructional, medical, or operational nature.

Volunteers will receive an orientation to their assignment to include (1) general role responsibilities; (2) information about school facilities, routines, and procedures, including safety protocols; (3) work schedule and location of assignment; and (4) expected relationship to regular staff. The orientation will be developed ~~under the leadership by the of the dean of instruction, dean of operations, or other building level administrator, depending on the volunteer assignment.~~ School Principal.

#### Coaches.

All coaches, including assistant coaches, whether receiving a stipend or not, are Designated Volunteers as defined in this policy. Additionally, head coaches of team or individual sports must be in compliance with all regulations and certification requirements for that sport as set by NHIAA or the applicable organization within which the athletes/members compete or participate. Assistant coaches must meet the same requirements as head coaches or be under the direct supervision of the head coach. ~~Volunteer coaches of individual sports must comply with regulations and standards set by the New Hampshire Interscholastic Athletic Association.~~

#### District Policy History:

First Reading: January 5, 2006  
Adopted: January 19, 2006  
Amended: November 6, 2014  
Amended: October 4, 2018  
Reviewed September 11, 2025  
Adopted:

**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 189:13-a

#### Description

School Employee and Designated

**NH Statutes****Description**School Volunteer Criminal History  
Records CheckRSA 193:40Prohibition on Teaching  
DiscriminationRSA 354-A:32Prohibition on the Content of  
Government Programs and SpeechRSA 508:17Volunteers; Nonprofit  
Organizations; Liability Limited.RSA 632-A:10Prohibition from Child Care Service  
of Persons Convicted of Certain  
Offenses**Federal Regulations****Description**29 CFR 553.101“Volunteer” defined (state and local  
governments).**Federal Statutes****Description**29 U.S.C. 201-219Fair Labor Standards Act

**SCHOOL VOLUNTEERS CONFIDENTIALITY AGREEMENT**

While performing volunteer services for the \_\_\_\_\_ School District, I understand that I am bound by laws and policies which protect the privacy of student information I am given access to. I agree to keep this information in the strictest confidence and recognize that the failure to do so may result in my being denied the opportunity to volunteer.

\_\_\_\_\_  
Signature of Volunteer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of District designee  
(Principal)

\_\_\_\_\_  
Date

**District Policy History:**

*First Reading: January 5, 2006*

*Adopted: January 19, 2006*

*Amended: November 6, 2014*

*Amended: October 4, 2018*

*Moved to Separate Form: :September 11, 2025*

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NH Statutes	Description
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RSA 632-A:10	Prohibition from Child Care Service of Persons Convicted of Certain Offenses

**Federal Regulations Description**

29 CFR 553.101 "Volunteer" defined (state and local governments).

29 U.S.C. 201-219 Fair Labor Standards Act Fair Labor Standards Act



## Pittsfield School District

**TRANSGENDER AND GENDER NON-CONFORMING STUDENTS****I. Purpose**

The Pittsfield School District (District) is committed to providing a safe and supportive learning environment for all students that is free from discrimination, harassment, bullying and intimidation. The District is further committed to ensuring that every student shall have equal access to the District's educational programs and activities. Additionally, District policy requires that all schools and all personnel promote acceptance and respect among students and staff.

This policy is intended to be interpreted in light of applicable federal and state laws and regulations, as well as the Department of Education and the District School Board policies, procedures, and school rules. This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student's age and other factors. In addition, the programs, facilities, and resources of each school differ. Administrators and school staff are expected to consider the needs of students, and to utilize this policy and other available resources as appropriate.

The term "transgender" is an umbrella term for an individual whose gender identity or expression is different from that traditionally associated with their assigned sex at birth. A student will be considered transgender if, at school, they consistently assert a gender identity or expression different from that traditionally associated with assigned sex at birth. This includes students who identify as transgender, or who are gender nonconforming.

Parents and/or students are encouraged to discuss with building administrators any issues that may arise in relation to student's transgender and non-conforming status including but not limited to: privacy; official records; names/pronouns; restrooms; locker rooms; other gender-segregated facilities or activities; dress code; and safety and support for transgender and transitioning students.

**II. DEFINITIONS**

The definitions provided here are not intended to label students but rather are intended to assist in understanding this policy and the students that it applies to. Students might or might not use these terms to describe themselves.

"Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the biological sex listed on a person's birth certificate.

"Transgender" describes people whose gender identity is different from their biological sex listed on a person's birth certificate.

"Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

"Gender nonconforming" describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

## II. Guidance

- A. Privacy. The Board recognizes a student's right to keep private one's transgender status or gender non-conforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information.

School personnel are discouraged from disclosing information that may reveal a student's transgender status or gender non-conforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information. If this information is disclosed to a school district staff person, that person will encourage the student to discuss this with their parent(s)/guardian(s).

When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

- B. Official Records. The district is required to maintain a mandatory permanent pupil record ("official record") that includes a student's legal name and legal gender. However, the district is not required to use a student's legal name and gender on other school records or documents.

The district will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been

made pursuant to a court order. In situations where school staff is required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff shall adopt practices to avoid inadvertent disclosure of such confidential information.

- C. Names / Pronouns. A student should be addressed by a name or pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. The disrespectfully intentional and persistent refusal to respect a student's gender identity is a violation of this policy.

If a student or school personnel disagrees with name/pronoun, a plan will be created to help both parties find a satisfactory set of expectations to move forward in being part of the school community.

- D. Gender-Segregated Activities. To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity.
- E. Restroom Accessibility. All students shall have access to gender neutral and gender specific restrooms. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.
- F. Locker Room Accessibility. The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as a curtain, a physical education instructor's office in the gym, or a health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

- G. Physical Education Classes and Intramural Sports. Transgender and gender non-conforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.
- H. Interscholastic Competitive Sports Teams. Transgender and gender non-conforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.
- I. Dress Codes. Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender, but all students are expected to abide by the District's dress codes.
- J. Discrimination / Harassment. It is the responsibility of each school and the District to ensure that transgender and gender nonconforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident with due process, taking appropriate corrective action, and providing students and staff with appropriate resources. Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

If a complaint is received, the school administration will meet with the student(s) involved to determine the cause for the complaint. If the cause of the complaint is found to be purposeful and disrespectful discrimination or harassment, that student will be dealt with in accordance with school protocol. If the cause of the complaint is found not to be purposeful and disrespectful, a plan will be created to help both parties find a satisfactory set of expectations to move forward in being part of the school community.

\*“Should” in this policy does not mean “shall” or “must” but it is a permissive term. Nothing in this Policy limits the rights of individuals under the federal or state constitutions.

Adopted: November 1, 2018  
Revised: December 15, 2022

**PITTSFIELD SCHOOL DISTRICT****HARASSMENT OF STUDENTS**

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

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

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

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

**A. Harassment**

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

**B. Sexual/Sex-Based Harassment**

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

**1. Sex-Based Harassment Under Title IX**

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

- a. “Quid pro quo” harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an

education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service (such as a better grade or college recommendation) on the individual's participation in unwelcome sexual conduct.

- b. "Hostile environment" harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offense, and is so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the school district's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors (identified in *ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure*).
- c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined in applicable federal laws/regulations.

## **2. Sexual Harassment Under New Hampshire Law**

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

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

## **C. Reports and Complaints of Harassment**

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

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

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

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

Legal References:      Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107.  
                                  Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as amended by 34 C.F.R. § 104.7.  
                                  Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, as amended by 34 C.F.R. § 106.  
                                  Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c to 2000c-9.  
                                  New Hampshire Human Rights Act, RSA 354-A:7, RSA 354-A:27-28.

Cross Reference:      ACAA-R1 – Student Discrimination and Harassment Complaint Procedure  
                                  ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure  
                                  AC – Nondiscrimination/Equal Opportunity and Human Rights  
                                  ACAB – Harassment of Employees  
                                  ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure  
                                  ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure  
                                  ACAD – Hazing  
                                  GBEB – Staff Conduct with Students  
                                  JFCK – Student Use of Cellular Telephones and Other Electronic Devices  
                                  JICIA – Weapons, Violence and School Safety  
                                  JICK – Bullying  
                                  JIE – Pregnant Students

ADOPTED      August 15, 2024

## PITTSFIELD SCHOOL DISTRICT

### STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

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

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

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

**KRYSTAL SANTOS**  
**Human Rights Officer/Title IX Coordinator**  
**23 Oneida Street, Pittsfield, NH 03263**  
**603-435-5526**

#### Section 1. Definitions

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

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



## **Section 2. Complaint Procedure**

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

### **A. How to Make a Complaint**

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

## **B. Complaint Handling and Investigation**

1. The HRO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
  - a. If the allegations include sex discrimination or sexual/sex-based harassment, *ACAA-R2* will be followed instead of this procedure.
2. The HRO/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The HRO/Title IX Coordinator may implement supportive measures for a student to reduce the risk of further discrimination or harassment of the student while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved, changing class schedules, or other steps.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the HRO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Board Chair, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator shall consult with the HRO/Title IX Coordinator as appropriate during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation.
7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement will be applied.

9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation will be completed within forty (40) school days of receiving the complaint, if practicable.
11. The investigator will provide a written report and findings to the HRO/Title IX Coordinator.

### **C. Findings and Subsequent Actions**

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

### **D. Appeals**

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

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

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

**E. Records**

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

Cross References:     AC – Nondiscrimination/Equal Opportunity district and Human Rights  
                              ACAA – Harassment of Students  
                              ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure  
                              JIE - Pregnant Students

ADOPTED     August 15, 2024

## PITTSFIELD SCHOOL DISTRICT

## STUDENT SEX DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

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

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

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

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

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

KRYSTAL SANTOS  
Human Rights Office/Title IX Coordinator  
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Pittsfield, NH 03263  
603-435-6701

## Section 1. Definitions

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

- A. "Complainant" means: (1) the employee victim of alleged sex discrimination (including sexual/sex-based harassment); or (2) other victim of alleged sex discrimination (including sexual/sex-based harassment) who was participating or attempting to participate in the school district's education programs or activities at the time of the alleged sex discrimination.
- B. "Complaint" under the Title IX regulations: An oral or written request to the [school district] to investigate and make a determination about alleged discrimination under Title IX." An oral request for investigation should be documented by the Human Rights Officer/Title IX Coordinator.
- C. "Confidential employee" means: (1) an employee of the school district whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of Title IX, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) an employee of the school district designated as confidential for the purpose of providing services to persons related to sex discrimination (in which case the employee's confidential status applies only to information received about sex discrimination in connection with providing those services).
- D. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
- E. "Gender identity": The gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."
- F. "Parental status": The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) a biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with

respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person.”

- G. “Party”: A complainant or respondent.
- H. “Pregnancy and related conditions” includes “(1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.”
- I. “Respondent”: A person who is alleged to have violated the school district’s prohibition on sex discrimination.
- J. “Retaliation” under Title IX: Intimidation, threats, coercion, or discrimination against any person by the school district, an employee or other person authorized by the recipient to provide aid, benefit, or services under the [school district’s] education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participating or refused to participate in any manner in an investigation, proceeding, or other action taken by a school district in regard to allegations of sex discrimination.”
- K. “Sex-based harassment” under Title IX: Harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that meets one of the following:
  - a. “Quid pro quo” harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on the individual’s participation in unwelcome sexual conduct.
  - b. “Hostile environment” harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies an individual’s ability to participate in or benefit from the school district’s education program or activity (i.e., creates a hostile environment). A school district is obligated to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient’s education program or activity. Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors.
    - i. Factors to consider in regard to the creation of a “hostile environment”: “(i) the degree to which the conduct affected the complainant’s ability to access the [school district’s] education program or activity; (ii) the type, frequency, and

duration of the conduct; (iii) the parties' ages, roles within the [school district's] education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other sex-based harassment in the [school district's education program or activity."

- c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined below.
  - i. "Sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform reporting system of the Federal Bureau of Investigation. Such offenses include but are not limited to rape, sodomy, sexual assault with an object, and fondling.
  - ii. "Dating violence" is violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship."
  - iii. "Domestic violence" is defined in the Title IX regulations as "Felony or misdemeanor crimes committed by a person who: (a) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situation to a spouse of the victim; (b) is cohabitating, or has cohabitated with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult who is protected from those acts under the family or domestic violence laws of the jurisdiction."
  - iv. "Stalking": Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress."
- L. "Sexual harassment" under New Hampshire law: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's educational benefits;
  - b. Submission to or rejection of such conduct by an employee is used as the basis for decisions on educational benefits; or
  - c. Such conduct has the purpose and effect of substantially interfering with an employee's academic performance or creates an intimidating, hostile, or offensive environment.



- M. "Sexual orientation" under New Hampshire law means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality." Sexual orientation is also covered by Title IX.
- N. "Gender identity" under New Hampshire law means "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth." Gender identity is also covered by Title IX.

## **Section 2. Complaint Procedure**

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

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

1. Any school district employee (except for designated confidential employees) who receives a report or has reason to believe that an employee may have been discriminated against or harassed on the basis of sex is required to make a report to the Human Rights Officer/Title IX Coordinator.
2. Confidential employees who receive a report that an employee may have experienced sex discrimination or sexual/sex-based harassment must inform the person making the report that the employee is designated "confidential" and inform them of the circumstances in which the employee is not required to make a report to the Human Rights Officer/Title IX Coordinator. The confidential employee will provide the reporter with the Human Rights Officer/Title IX Coordinator's contact information and explain that the Human Rights Officer/Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process, or initiate an investigation under this complaint procedure.
3. Employees who believe that they have been discriminated against or harassed on the basis of sex should report their concern promptly to the Human Rights Officer/Title IX Coordinator. The report will be documented by the Human Rights Officer/Title IX Coordinator.
4. The individual making the report should provide basic, available information orally or in writing concerning the allegation (i.e., individuals involved, date, time, location, and type of allegation). If the information is conveyed orally, the Human Rights Officer/Title IX Coordinator will document it.

5. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, they are encouraged to discuss the matter with the Human Rights Officer/Title IX Coordinator.
6. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal/state nondiscrimination laws and Board policies, and any retaliation will result in disciplinary action, up to and including termination.
7. The Superintendent will be promptly notified of all reports of alleged discrimination or harassment of an employee.
8. An employee who believes they have been discriminated against or harassed on the basis of sex is encouraged to utilize this complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:
  - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 (telephone: 603-271-2767); and/or
  - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

## **B. Processing of Complaints**

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

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

3. Supportive Measures
  - a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (including but not limited to: requiring no contact between individuals, temporarily moving work locations, and changing schedules).

- b. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school district's educational environment or to provide support during the complaint procedure or an informal resolution process. The school district may not impose such measures for punitive or disciplinary reasons.
  - c. Supportive measures may be continued even if a complaint or informal resolution process is not initiated, or after the conclusion of such processes, if appropriate under the circumstances.
  - d. Complainants and respondents must be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee must not be the Human Rights Officer/Title IX Coordinator and must have the authority to modify or reverse the decision.
  - e. Complainants and respondents also have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change.
  - f. The school district will not disclose information about supportive measures to persons other than the person to whom they apply unless it is necessary to provide a supportive measure or to restore or preserve a party's access to education programs and activities.
4. If the Human Rights Officer/Title IX Coordinator reasonably determines that the conduct alleged does not involve illegal discrimination or harassment, the school district is not obligated to initiate the complaint process and may dismiss the complaint (See Subsection C.1. below). If the alleged conduct potentially violates other laws, Board policies/procedures, or professional expectations (in the case of employees), the matter may be referred to the Superintendent and/or other appropriate administrator(s) to address as deemed appropriate.
5. In response to a complaint alleging prohibited sex discrimination or sexual/sex-based harassment, the Human Rights Officer/Title IX Coordinator will initiate the complaint process, or the informal resolution process (if available and appropriate), according to this procedure. When feasible, the decision to initiate an investigation or informal resolution process, or dismiss the complaint, will be made within ten (10) school days of receipt of the complaint.
6. In certain circumstances, the Human Rights Officer/Title IX Coordinator may initiate the investigation process, even when the alleged victim chooses not to, after any or all allegations are withdrawn by the alleged victim, or when an informal resolution process is not initiated or is terminated. To make this fact-specific determination, the Human Rights Officer/Title IX Coordinator will consider, at a minimum:
- a. The complainant's request not to proceed with initiating a complaint;

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

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

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

Officer/Title IX Coordinator will also coordinate supportive measures, as appropriate.

10. If the Human Rights Officer/Title IX Coordinator decides to investigate additional allegations of discrimination or harassment made by the complainant against the respondent after the parties receive notice of the complaint, the Human Rights Officer/Title IX Coordinator will notify the parties of the additional allegations in writing.
11. The Human Rights Officer/Title IX Coordinator may consolidate complaints of discrimination or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.
12. The school district will presume that the respondent is not responsible for alleged discrimination or harassment until a determination is made at the conclusion of the investigation.
13. The school district will take reasonable steps to protect the privacy of the parties and witnesses during the complaint procedure and will comply with applicable state and federal privacy laws. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, confidential employees/resources, or otherwise prepare for and participate in the complaint procedure.

### **C. Dismissal of Complaints**

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

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

**D. Administrative Leave**

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable state laws, school policies, and collective bargaining agreement provisions.
2. Any decision to place an employee respondent on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
3. The Human Rights Officer/Title IX Coordinator will document actions taken during the administrative leave process.

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

#### **E. Informal Resolution Process**

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

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

5. The facilitator for the informal resolution process: must be trained; cannot be the same person as the investigator or decisionmaker in the matter; and must not have a conflict of interest or bias regarding parties to such matters generally or to an individual complainant or respondent.
6. The Superintendent must agree to the terms of any informal resolution reached between the parties, considering whether the resolution is in the best interest of the parties and the school district in light of the particular circumstances, applicable laws/regulations, and Board policies.
7. If an informal resolution agreement is reached, it will be agreed to in writing by both parties and the Human Rights Office/Title IX Coordinator. Any such agreement is final and binding on the parties.

#### **F. Investigation Process**

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



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

10. The Human Rights Officer/Title IX Coordinator and investigator will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the complaint procedure. Disclosure of such information and evidence for the purposes of administering administrative proceedings or litigation related to the complaint are authorized.
11. The investigator will conclude the investigation and issue a written report to the Human Rights Officer/Title IX Coordinator within forty (40) school days, if feasible.
  - a. If the investigator has been charged with making a determination of responsibility/non-responsibility with respect to each allegation, such determination(s) and the reasons, therefore, shall be included in the report.
12. Extensions of time may be granted to complete the investigation if approved by the Human Rights Officer/Title IX Coordinator for reasonable cause. Notice of any extension and the reasons, therefore, will be provided to the parties.

#### **G. Determinations of Responsibility**

1. The standard used to determine whether illegal discrimination or harassment occurred is the preponderance of the evidence standard ("more likely than not").
2. The decisionmaker will review the investigation report, the evidence gathered (as appropriate), and will have the discretion to conduct additional interviews of parties and/or witnesses if needed to assess credibility.
3. The decisionmaker will make a written determination of responsibility/non-responsibility in regard to each allegation and the reasons therefore, which shall be shared with the Human Rights Officer/Title IX Coordinator and the parties.
4. In general, the Human Rights Officer/Title IX Coordinator will notify the parties of the determination decision(s) within five (5) school days of the determination being reached. Reasonable extensions of time may be approved by the Human Rights Officer/Title IX Coordinator for good reason. The notification will include the permissible bases for appeal and the deadline for receipt of appeals.
5. If there is a determination that the respondent is responsible for violations, the appropriate administrator will make decisions as to appropriate disciplinary action and remedies.
6. The Human Rights Officer/Title IX Coordinator shall, as appropriate:

- a. Coordinate the provision and implementation of remedies to a complainant and any other persons if necessary to provide equal access to the school district's educational programs and activities that had been limited or denied by discrimination or harassment;
  - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - c. Take other appropriate prompt and effective steps if necessary to ensure discrimination and harassment does not continue or recur.
- 7. A determination of responsibility becomes final on the date that the Human Rights Officer/Title IX Coordinator provides the parties with the written determination of the results of the appeal, if an appeal is filed. If an appeal is not filed, the determination of responsibility becomes final on the date on which the appeal would no longer be considered timely.
- 8. The school district will not discipline a party, witness, or others participating in the complaint procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination that sex discrimination or sexual/sex-based harassment occurred.

## **H. Remedies, Discipline, and Other Actions**

### **1. Remedies**

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

### **2. Discipline and Other Actions**

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

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

## I. Appeals

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

## Section 3. Recordkeeping

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

Cross References:     AC – Nondiscrimination/Equal Opportunity and Human Rights  
                                  ACAB – Harassment of Employees  
                                  ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure  
                                  ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure  
                                  JIE - Pregnant Students

ADOPTED:                August 15, 2024

## **PITTSFIELD SCHOOL DISTRICT**

### **HARASSMENT OF EMPLOYEES**

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

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

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

#### **A. Harassment**

Harassment includes but is not limited to, verbal abuse, threats, physical assault/battery, and other unwelcome, offensive conduct based on the protected categories listed above.

Harassment that rises to the level of physical assault, battery, and/or abuse is also addressed in Board Policy JICIA – Weapons, Violence and School Safety.

#### **B. Sexual/Sex-Based Harassment**

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

##### **1. Sex-Based Harassment Under Title IX**

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

- a. “Quid pro quo” harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an

education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service (such as a promotion or favorable evaluation) on the individual's participation in unwelcome sexual conduct.

- b. "Hostile environment" harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offense, and is so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the school district's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors (identified in *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*).
- c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined in applicable federal laws/regulations.

## **2. Sexual Harassment Under New Hampshire Law**

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

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

## **C. Reports and Complaints of Harassment**

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

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

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

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

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

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

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7.

Title VII of the Civil Rights Act of 1965, 42 U.S.C. §§ 2000e to 2000e-17, as amended by 29 C.F.R. § 1604.11.

Age Discrimination in Employment Act, 29 U.S.C. §§ 623-634.

Genetic Information Nondiscrimination Act of 2008, 29 U.S.C. §§ 2000ff to 2000ff-11.

Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg to 2000gg-6.

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

Cross Reference: ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure  
ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure  
AC – Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAA – Harassment of Students  
ACAA-R1 – Student Discrimination and Harassment Complaint Procedure  
ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure  
GBGB – Workplace Bullying  
ACAD – Hazing  
JICIA – Weapons, Violence and School Safety  
JIE – Pregnant Students

ADOPTED August 15, 2024

## PITTSFIELD SCHOOL DISTRICT

### EMPLOYEE SEX DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

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

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

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

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

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

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## **Section 1. Definitions**

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

- A. "Complainant" means: (1) the employee victim of alleged sex discrimination (including sexual/sex-based harassment); or (2) other victim of alleged sex discrimination (including sexual/sex-based harassment) who was participating or attempting to participate in the school district's education programs or activities at the time of the alleged sex discrimination.
- B. "Complaint" under the Title IX regulations: An oral or written request to the [school district] to investigate and make a determination about alleged discrimination under Title IX." An oral request for investigation should be documented by the Human Rights Officer/Title IX Coordinator.
- C. "Confidential employee" means: (1) an employee of the school district whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of Title IX, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) an employee of the school district designated as confidential for the purpose of providing services to persons related to sex discrimination (in which case the employee's confidential status applies only to information received about sex discrimination in connection with providing those services).
- D. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
- E. "Gender identity": The gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."
- F. "Parental status": The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) a biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with

respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person.”

- G. “Party”: A complainant or respondent.
- H. “Pregnancy and related conditions” includes “(1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.”
- I. “Respondent”: A person who is alleged to have violated the school district’s prohibition on sex discrimination.
- J. “Retaliation” under Title IX: Intimidation, threats, coercion, or discrimination against any person by the school district, an employee or other person authorized by the recipient to provide aid, benefit, or services under the [school district’s] education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participating or refused to participate in any manner in an investigation, proceeding, or other action taken by a school district in regard to allegations of sex discrimination.”
- K. “Sex-based harassment” under Title IX: Harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that meets one of the following:
  - a. “Quid pro quo” harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on the individual’s participation in unwelcome sexual conduct.
  - b. “Hostile environment” harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies an individual’s ability to participate in or benefit from the school district’s education program or activity (i.e., creates a hostile environment). A school district is obligated to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient’s education program or activity. Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors.
    - i. Factors to consider in regard to the creation of a “hostile environment”: “(i) the degree to which the conduct affected the complainant’s ability to access the [school district’s] education program or activity; (ii) the type, frequency, and

duration of the conduct; (iii) the parties' ages, roles within the [school district's] education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other sex-based harassment in the [school district's education program or activity."

- c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined below.
  - i. "Sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform reporting system of the Federal Bureau of Investigation. Such offenses include but are not limited to rape, sodomy, sexual assault with an object, and fondling.
  - ii. "Dating violence" is violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship."
  - iii. "Domestic violence" is defined in the Title IX regulations as "Felony or misdemeanor crimes committed by a person who: (a) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situation to a spouse of the victim; (b) is cohabitating, or has cohabitated with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult who is protected from those acts under the family or domestic violence laws of the jurisdiction."
  - iv. "Stalking": Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress."
- L. "Sexual harassment" under New Hampshire law: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's educational benefits;
  - b. Submission to or rejection of such conduct by an employee is used as the basis for decisions on educational benefits; or
  - c. Such conduct has the purpose and effect of substantially interfering with an employee's academic performance or creates an intimidating, hostile, or offensive environment.

- M. "Sexual orientation" under New Hampshire law means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality." Sexual orientation is also covered by Title IX.
- N. "Gender identity" under New Hampshire law means "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth." Gender identity is also covered by Title IX.

## **Section 2. Complaint Procedure**

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

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

1. Any school district employee (except for designated confidential employees) who receives a report or has reason to believe that an employee may have been discriminated against or harassed on the basis of sex is required to make a report to the Human Rights Officer/Title IX Coordinator.
2. Confidential employees who receive a report that an employee may have experienced sex discrimination or sexual/sex-based harassment must inform the person making the report that the employee is designated "confidential" and inform them of the circumstances in which the employee is not required to make a report to the Human Rights Officer/Title IX Coordinator. The confidential employee will provide the reporter with the Human Rights Officer/Title IX Coordinator's contact information and explain that the Human Rights Officer/Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process, or initiate an investigation under this complaint procedure.
3. Employees who believe that they have been discriminated against or harassed on the basis of sex should report their concern promptly to the Human Rights Officer/Title IX Coordinator. The report will be documented by the Human Rights Officer/Title IX Coordinator.
4. The individual making the report should provide basic, available information orally or in writing concerning the allegation (i.e., individuals involved, date, time, location, and type of allegation). If the information is conveyed orally, the Human Rights Officer/Title IX Coordinator will document it.

5. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, they are encouraged to discuss the matter with the Human Rights Officer/Title IX Coordinator.
6. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal/state nondiscrimination laws and Board policies, and any retaliation will result in disciplinary action, up to and including termination.
7. The Superintendent will be promptly notified of all reports of alleged discrimination or harassment of an employee.
8. An employee who believes they have been discriminated against or harassed on the basis of sex is encouraged to utilize this complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:
  - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 (telephone: 603-271-2767); and/or
  - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

## **B. Processing of Complaints**

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

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

3. Supportive Measures
  - a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (including but not limited to: requiring no contact between individuals, temporarily moving work locations, and changing schedules).

- b. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school district's educational environment or to provide support during the complaint procedure or an informal resolution process. The school district may not impose such measures for punitive or disciplinary reasons.
  - c. Supportive measures may be continued even if a complaint or informal resolution process is not initiated, or after the conclusion of such processes, if appropriate under the circumstances.
  - d. Complainants and respondents must be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee must not be the Human Rights Officer/Title IX Coordinator and must have the authority to modify or reverse the decision.
  - e. Complainants and respondents also have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change.
  - f. The school district will not disclose information about supportive measures to persons other than the person to whom they apply unless it is necessary to provide a supportive measure or to restore or preserve a party's access to education programs and activities.
- 4. If the Human Rights Officer/Title IX Coordinator reasonably determines that the conduct alleged does not involve illegal discrimination or harassment, the school district is not obligated to initiate the complaint process and may dismiss the complaint (See Subsection C.1. below). If the alleged conduct potentially violates other laws, Board policies/procedures, or professional expectations (in the case of employees), the matter may be referred to the Superintendent and/or other appropriate administrator(s) to address as deemed appropriate.
- 5. In response to a complaint alleging prohibited sex discrimination or sexual/sex-based harassment, the Human Rights Officer/Title IX Coordinator will initiate the complaint process, or the informal resolution process (if available and appropriate), according to this procedure. When feasible, the decision to initiate an investigation or informal resolution process, or dismiss the complaint, will be made within ten (10) school days of receipt of the complaint.
- 6. In certain circumstances, the Human Rights Officer/Title IX Coordinator may initiate the investigation process, even when the alleged victim chooses not to, after any or all allegations are withdrawn by the alleged victim, or when an informal resolution process is not initiated or is terminated. To make this fact-specific determination, the Human Rights Officer/Title IX Coordinator will consider, at a minimum:
  - a. The complainant's request not to proceed with initiating a complaint;

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

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

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

Officer/Title IX Coordinator will also coordinate supportive measures, as appropriate.

10. If the Human Rights Officer/Title IX Coordinator decides to investigate additional allegations of discrimination or harassment made by the complainant against the respondent after the parties receive notice of the complaint, the Human Rights Officer/Title IX Coordinator will notify the parties of the additional allegations in writing.
11. The Human Rights Officer/Title IX Coordinator may consolidate complaints of discrimination or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.
12. The school district will presume that the respondent is not responsible for alleged discrimination or harassment until a determination is made at the conclusion of the investigation.
13. The school district will take reasonable steps to protect the privacy of the parties and witnesses during the complaint procedure and will comply with applicable state and federal privacy laws. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, confidential employees/resources, or otherwise prepare for and participate in the complaint procedure.

### **C. Dismissal of Complaints**

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



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

#### **D. Administrative Leave**

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable state laws, school policies, and collective bargaining agreement provisions.
2. Any decision to place an employee respondent on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
3. The Human Rights Officer/Title IX Coordinator will document actions taken during the administrative leave process.

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

#### **E. Informal Resolution Process**

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

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

5. The facilitator for the informal resolution process: must be trained; cannot be the same person as the investigator or decisionmaker in the matter; and must not have a conflict of interest or bias regarding parties to such matters generally or to an individual complainant or respondent.
6. The Superintendent must agree to the terms of any informal resolution reached between the parties, considering whether the resolution is in the best interest of the parties and the school district in light of the particular circumstances, applicable laws/regulations, and Board policies.
7. If an informal resolution agreement is reached, it will be agreed to in writing by both parties and the Human Rights Office/Title IX Coordinator. Any such agreement is final and binding on the parties.

#### **F. Investigation Process**

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

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

10. The Human Rights Officer/Title IX Coordinator and investigator will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the complaint procedure. Disclosure of such information and evidence for the purposes of administering administrative proceedings or litigation related to the complaint are authorized.
11. The investigator will conclude the investigation and issue a written report to the Human Rights Officer/Title IX Coordinator within forty (40) school days, if feasible.
  - a. If the investigator has been charged with making a determination of responsibility/non-responsibility with respect to each allegation, such determination(s) and the reasons, therefore, shall be included in the report.
12. Extensions of time may be granted to complete the investigation if approved by the Human Rights Officer/Title IX Coordinator for reasonable cause. Notice of any extension and the reasons, therefore, will be provided to the parties.

#### **G. Determinations of Responsibility**

1. The standard used to determine whether illegal discrimination or harassment occurred is the preponderance of the evidence standard ("more likely than not").
2. The decisionmaker will review the investigation report, the evidence gathered (as appropriate), and will have the discretion to conduct additional interviews of parties and/or witnesses if needed to assess credibility.
3. The decisionmaker will make a written determination of responsibility/non-responsibility in regard to each allegation and the reasons therefore, which shall be shared with the Human Rights Officer/Title IX Coordinator and the parties.
4. In general, the Human Rights Officer/Title IX Coordinator will notify the parties of the determination decision(s) within five (5) school days of the determination being reached. Reasonable extensions of time may be approved by the Human Rights Officer/Title IX Coordinator for good reason. The notification will include the permissible bases for appeal and the deadline for receipt of appeals.
5. If there is a determination that the respondent is responsible for violations, the appropriate administrator will make decisions as to appropriate disciplinary action and remedies.
6. The Human Rights Officer/Title IX Coordinator shall, as appropriate:

- a. Coordinate the provision and implementation of remedies to a complainant and any other persons if necessary to provide equal access to the school district's educational programs and activities that had been limited or denied by discrimination or harassment;
  - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - c. Take other appropriate prompt and effective steps if necessary to ensure discrimination and harassment does not continue or recur.
- 7. A determination of responsibility becomes final on the date that the Human Rights Officer/Title IX Coordinator provides the parties with the written determination of the results of the appeal, if an appeal is filed. If an appeal is not filed, the determination of responsibility becomes final on the date on which the appeal would no longer be considered timely.
- 8. The school district will not discipline a party, witness, or others participating in the complaint procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination that sex discrimination or sexual/sex-based harassment occurred.

## **H. Remedies, Discipline, and Other Actions**

### **1. Remedies**

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

### **2. Discipline and Other Actions**

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

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

## I. Appeals

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

## Section 3. Recordkeeping

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

Cross References:     AC – Nondiscrimination/Equal Opportunity and Human Rights  
                                  ACAB – Harassment of Employees  
                                  ACAB-R1 – Employee Discrimination and Harassment Complaint  
                                  Procedure  
                                  ACAB-R2 – Employee Sex Discrimination/Harassment Complaint  
                                  Procedure  
                                  JIE - Pregnant Students

ADOPTED:                August 15, 2024

Pittsfield School District

**CONTACT INFORMATION FOR HUMAN RIGHTS OFFICER, TITLE IX  
COORDINATOR, SECTION 504 COORDINATOR, AND CIVIL RIGHTS  
AGENCIES**

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Title IX Coordinator:	Melissa Brown, Assistant Principal Pittsfield Elementary School 23 Oneida St. Pittsfield, NH 03263 603-435-6701 <a href="mailto:mbrown@sau51.org">mbrown@sau51.org</a>
Section 504 Coordinator:	Charlene Vary, Director of Student Services Pittsfield Middle High School 23 Oneida St. Pittsfield, NH 03263 435-6701 <a href="mailto:cvary@pittsfieldnhschools.org">cvary@pittsfieldnhschools.org</a>



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