This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment as described in policies 2401 Nondiscrimination/Equal Opportunity and 5125 - Harassment and Sexual Harassment of Students. Privacy rights of all parties to the Complaint will be maintained in accordance with applicable state and federal laws. Complaints alleging discrimination or harassment of employees or other third parties (such as parents, volunteers, vendors, etc.) should be addressed through the Board’s Employee and Third Party Discrimination and Harassment Complaint Procedure (Policy 2404).

Definitions

For purposes of this procedure:

A. A “Complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of sex, sexual orientation, gender identity, religion, race, color, creed, ancestry, national origin, age, marital status, familial status, economic status, physical or mental disability.

B. “Discrimination or harassment” means discrimination or harassment on the basis of sex, sexual orientation, religion, race, color, creed, ancestry, national origin, age, marital status, familial status, economic status, or physical or mental disability. “Discrimination” may include treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected class. Discrimination on the basis of sex shall include acts of “sexual violence,” which refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. “Harassment” may include oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual’s ability to participate in the District’s programs or activities by creating a hostile, intimidating or offensive educational environment.

How to Make a Complaint

A. Any individual who believes a student has been discriminated against or harassed should report his/her concern promptly to the Building Administrator or the Superintendent’s designee and utilize this complaint procedure. Written reports are preferred, but not required. The Board has provided a model Complaint form, which is available online and in Principal’s offices. Individuals who are unsure whether unlawful discrimination or harassment has occurred or who need
assistance in preparing a written complaint are encouraged to discuss
the situation with the Building Administrator or the Superintendent’s
designee.

B. School employees are required to report possible incidents of
discrimination or harassment of students to the Building
Administrator or the Superintendent’s designee.

C. Students and others will not be retaliated against for making a Complaint or
participating in an investigation. Retaliation is illegal under state and federal
nondiscrimination laws and any retaliation by students or school staff will result in
disciplinary measures, up to and including expulsion or dismissal.

D. Students are encouraged to utilize this Complaint Procedure. Students also
have the right to report complaints directly to the New Hampshire Commission
for Human Rights, 2 Chenell Drive, Unit 2, Concord, NH 03301-8501
(telephone: 603-271-2767) the police and/or to the federal Office for Civil
Rights, Regional Director, U.S. Department of Education, 5 Post Office Square,
8th Floor, Boston, MA 02110-1491 (telephone: 617-289-0111).

**Complaint Handling and Investigation**

A. Building Administrator or the Superintendent’s designee will respect the
confidentiality of the complainant and the individual(s) against whom the Complaint
is filed to the extent possible, consistent with the District’s legal obligations, the
necessity to investigate allegations of discrimination and/or harassment and take
disciplinary action.

B. The Building Administrator or Superintendents designee will promptly inform
the Superintendent and the person(s) who is the subject of the Complaint that
a Complaint has been received. The information provided to the individual
who is the subject of the Complaint may be limited in order to respect the
complainant’s request for confidentiality.

C. Except where the Complaint alleges sexual violence, the Building Administrator
or the Superintendent’s designee may pursue a prompt and equitable informal
resolution of the Complaint with the agreement of the parties involved. The
complainant will not be required to attend meetings with the subject of the
complaint, but may choose to do so as part of the resolution process. Any party
to the Complaint may decide to end an informal resolution process and pursue
the formal process at any point. The informal resolution process and outcome is
subject to the approval of the Superintendent, who will consider whether the
informal resolution is in the best interest of the parties in light of the particular
circumstances and applicable policies and laws.

D. The Building Administrator or Superintendent’s designee will notify the parent(s)
or guardian(s) of the complainant and subject of the Complaint as soon as
practicable, but not later than 48 hours after receipt of the Complaint, unless the
Building Administrator or Superintendent's designee has received a written
waiver of this obligation from the Superintendent. The Superintendent’s decision regarding whether to waive the 48-hour parent/guardian notification obligation shall be made on a case by case basis and shall be based on his or her determination regarding whether the notification is in the best interests of the complainant and/or the subject of the Complaint.

E. The Complaint will be investigated by the Building Administrator or the Superintendent’s designee. Any Complaint about an employee who holds a supervisory position will be investigated by a person who is not subject to that supervisor’s authority. Any Complaint about the Superintendent will be submitted to the Chair of the School Board, who should consult with legal counsel concerning the handling and investigation of the Complaint.

F. The investigation will be initiated as soon as practicable, but not later than five (5) school days after receipt of the Complaint, unless the Superintendent determines that the initiation of the investigation should be delayed and provides the Building Administrator or Superintendent’s designee with a written extension. If such an extension is granted, the Superintendent will notify all involved parties.

1. The person who is the subject of the Complaint will be provided with an opportunity to be heard as part of the investigation.

2. The complainant and the subject of the Complaint may suggest witnesses and/or submit materials they believe are relevant to the Complaint.

3. If the subject of the Complaint is an employee of the District, any applicable individual or collective bargaining contract provisions shall be followed.

4. The Building Administrator or the Superintendent’s designee shall keep a written record of the investigation process.

5. The Building Administrator or the Superintendent’s designee may take supportive measures to reduce the risk of further discrimination or harassment while the investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between individuals, changing schedules or classes, etc.

6. The Building Administrator or Superintendent’s designee will use a preponderance of the evidence standard (i.e., more likely than not) when evaluating the evidence and will consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.

7. The investigation will be completed within thirty (30) school days of the initiation of the investigation, unless the Superintendent provides a written extension of up to seven (7) additional school
days for completion of the investigation. If such an extension is granted, the Superintendent shall notify all involved parties.

8. Privacy rights of all parties to the Complaint will be maintained in accordance with applicable state and federal laws.

G. If the Building Administrator or Superintendent’s designee determines that discrimination and/or harassment occurred, he/she will, in consultation with the Superintendent:

1. Determine what remedial action, if any is needed to end the discrimination or harassment, remedy its effects, and prevent recurrence.

2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and

3. Within ten (10) school days of the completion of the investigation, inform the complainant and the person(s) who engaged in the discrimination and/or harassment in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

H. After the conclusion of the investigation, the complainant or the subject of the Complaint 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, or the investigator’s recommendation. Appeal rights for students disciplined for acts arising under this policy shall be subject to RSA 193:13 and Ed. 317. Appeals must be submitted in writing to the Superintendent within 10 school days of receiving notice of the outcome of the investigation. If the Superintendent performed the initial investigation or is the subject of the Complaint, the appeal shall be reviewed by the Chairman of the School Board or a designated subcommittee of the School Board. Upon receipt of a valid appeal, the Superintendent or Chairman/Subcommittee shall review the investigation report and may conduct further investigation if deemed appropriate. The decision on the appeal shall be provided in writing to the complainant within 21 business days, if practicable. The decision on appeal shall be final.

Section 504 of the Vocational Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.); 34 CFR § 104.7
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 CFR § 106.8(b)
Title VI of the Civil Rights Act of 1964 ((42 U.S.C. § 2000d et seq.)
Family Educational Rights and Privacy Act (20 U.S.C. § 1232g); 34 CFR Part 99
NH Code Admin R. Ed. 303.01(i) and (j)