

**Pasquaney School District  
Policy EBB: School Safety**

The Board recognizes that effective learning and teaching takes place in a safe, secure, and welcoming environment and that safe schools contribute to improved attendance, increased student achievement, and community support. The practice of safety shall be considered a facet of the instructional programming of the District schools by incorporating concepts of safety appropriately geared to students at different grade levels.

The Superintendent shall be responsible for developing and maintaining a comprehensive safety program/plan for the District, taking into account applicable laws, regulations, Board policies, and best practices. **While the comprehensive safety program need not be a single consolidated document**, it should include:

- A. The District-wide Crisis Prevention and Response Plan prepared under policy EBCA, which, in turn, includes the site-specific Emergency Operations Plan for each school (see also RSA 189:64 and policy EBCA);
- B. The Sports Injury Emergency Action Plan prepared under policy JLCJA;
- C. The District Communication Plan EG; and
- D. The School Bus Safety Program established under policy EEAE.

Additionally, to the extent not included in the above specific Board directed plans, the Superintendent will address the following areas of emphasis in the comprehensive safety plan:

1. Procedures that address the supervision and security of school buildings and grounds. See also ECA.
2. Procedures that address the safety and supervision of students during school hours and school-sponsored activities. See also JLIA.
3. Procedures that address persons visiting school buildings and attending school-sponsored activities. See also KI and KFA.
4. Training programs for staff and students in crisis prevention and management. See EBCA.
5. Training programs for staff and students in emergency response procedures that include practice drills for fire and all hazard as required by law and Board policy EBCB.
6. Training programs for staff and students in how to recognize and respond to behavior or other information that may indicate impending violence or other safety problems. See also EBCC.
7. Procedures and training to implement employee and work-place safety per Board policy EB.

8. Training and support for students that aims to relieve the fear, embarrassment, and peer pressure associated with reporting behavior that may indicate impending violence or other safety problems.
9. Procedures for safe and confidential reporting of security and safety concerns at each school building.
10. Procedures for regular assessments by school security/safety professionals and law enforcement officers to evaluate the security needs of each school building and to provide recommendations for improvements if necessary. See also ECA.
11. Procedures for periodic assessments by school climate professionals to determine whether students feel safe and to provide recommendations for improvements in school climate at each district building.
12. Procedures for managing the behavior of children, including, proper training and protocols relative to restraint and seclusions consistent with RSA 126-U and Board policy JKAA.
13. Training programs for staff and students in safety precautions and procedures related to fire prevention, natural disaster response, accident prevention, public health, traffic, bicycle and pedestrian safety, environmental hazards, civil defense, classroom and occupational safety, and special hazards associated with athletics and other extracurricular activities.
14. District and building level procedures to assure timely safe schools reporting to law enforcement the N.H. Department. of Education and the School Board as required under RSA 193-D:4.

Each Principal shall be responsible for the supervision and implementation of components of the safety programs in his/her school, inclusive of school busses, school grounds (including playgrounds), during authorized school activities (such as field trips), within school building(s) (including classrooms and laboratories), off school grounds during school sanctioned activities (including, but not limited to, work-based learning and internships), and in the use of online resources.

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**District Policy History:**

First reading: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_

**District revision history:**

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**Pasquaney School District**  
**Policy EBBC: Emergency Care and First Aid**

All School personnel have responsibilities in connection with injuries and emergencies occurring in school and at school-sponsored events, which may be classified as follows: (1) administering first aid; (2) summoning medical assistance; (3) notifying administration; (4) notifying parents; and (5) filing accident/injury reports.

School personnel must use reasonable judgment in handling injuries and emergencies. Caution should be exercised not to minimize or maximize any injury or illness. All personnel will understand the proper steps to be taken in the event of an injury or emergency.

The Superintendent will ensure that at least one other person on staff, aside from the school nurse, has current first aid and cardiopulmonary certification (CPR). If the school nurse or licensed practical nurse is not available, the person(s) who have current first aid and CPR certification is authorized to administer first aid and CPR as needed.

The school will obtain at the start of each school year emergency contact information of parents/guardians for each student and staff member.

The school physician, school nurse, or specially trained staff members shall assist in the treatment of injuries or emergency situations. Such individuals have the authority to administer oxygen in case of a medical emergency, if available and if appropriate. This authorization extends to administering oxygen to students without prior notification to parents/guardians.

The school nurse or other designated personnel may administer other medications to students in emergency situations, provided such personnel has all training as is required by law. Such medication may also be administered in emergency situations if a student's medical action plan has been filed and updated with the school district to the extent required by law.

Consistent with state law, the school nurse may maintain a supply of asthma related rescue medication and the emergency medication epinephrine. The school physician, if any, the school nurse, or specially trained staff members may also administer epinephrine to any student in case of a medical emergency, if appropriate. This authorization extends to administering epinephrine without prior notification to parents/guardians. The school nurse or other designated personnel may administer or make available to self-administer a bronchodilator, spacer, or nebulizer to a student who has been diagnosed with asthma for use in emergency or other situations as determined by the school nurse.

The district will maintain all necessary records relative to the emergency administration of medication and will file all such reports as may be required under Board policy JLCD, or applicable laws or regulations.

Accident reports must be prepared and filed consistent with Board policy EBBB.

The District makes it possible for parents/guardians to subscribe to student accident insurance at low rates. This program is offered each year during September. The District does not provide student accident insurance.

Records related to the emergency administration of any medication under this policy shall be made and maintained by the school nurse as provided in Board policy JLCD and District procedures JLCD-R. The school nurse will follow other first aid reporting protocols, as may be determined by other Board policy or administrative directive.

***Naloxone/Narcan and Opioid Antagonists:***

The Board authorizes the District to obtain, store and administer naloxone/Narcan and/or other opioid antagonists for emergency use in schools.

The school nurse or other properly trained staff member may administer such medication in emergency situations. Opioid antagonists will be available during the regularly scheduled school day. They may be available at other times at the discretion of the Superintendent.

The Superintendent is authorized to procure such medication on behalf of the District.

All such medication will be clearly marked and stored in a secure space in the school nurse's office or other appropriate location. The school nurse is responsible for storing the medication consistent with the manufacturer's instructions and Board policy JLCD and District procedures JLCD-R.

Local law enforcement and emergency medical service personnel will be notified if such medication is administered by the District.

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**District Policy History:**

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***District revision history:***

**Pasquaney School District**  
**Policy EBBD: Indoor Air Quality & Water Quality**

A. **Indoor Air Quality.** In order to ensure that all school buildings have adequate indoor air quality, the Board directs the Superintendent or the Superintendent's designee to address methods of minimizing or eliminating emissions from buses, cars, delivery vehicles, and other motorized vehicles. The Superintendent/designee may delegate the implementation of these methods to building principals. The Board encourages the Superintendent/designee to utilize methods and recommendations established by various State agencies.

In addition to addressing methods eliminating emissions, building principals are directed to annually investigate, and report to the Superintendent/designee, air quality in their respective school buildings using a checklist provided by the New Hampshire Department of Education.

In support of this policy, the Superintendent is authorized to establish regulations and/or administrative rules necessary to implement anti-idling and clear air measures aimed at improving indoor air quality.

B. **Water Quality and Access.** The Board directs the Superintendent/designee to take measures to limit lead exposure in school drinking water and ensure compliance with RSA 485:17-a, III, and consistent with regulations and guidance of the N.H. Departments of Environmental Services and of Education.

Water stations in school buildings shall be installed in accordance with Ed Rule 321.18(h) relative to the number of drinking fountains required.

The Superintendent/designee will make recommendations to the Board for any modifications that involve expenditures greater than \$15,000

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**District Policy History:**

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**Pasquaney School District**  
**Policy EEAEA: Mandatory Drug and Alcohol Testing –**  
**School Bus Drivers and Contracted Carriers**

**1. Statement of Policy**

The School Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the vehicle.

This policy applies to two categories of drivers:

- a. school bus drivers (see RSA 189:13-b; 263:29 & 29-a);
- b. “contracted carriers”: drivers of vehicles designed to transport 16 or more passengers, including the driver, which are a contract carrier of passengers that has been contracted by the school (see RSA 376:2).

Each driver, as well as others who perform safety-sensitive functions with commercial vehicles that transport students, must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy related to the fitness for duty of transportation personnel.

The Superintendent/designee shall adopt and enact any procedures necessary or appropriate to assure compliance with applicable state and federal laws and regulations.

**2. Medical Examination of School Bus Operators**

In accordance with RSA 200:37, before employing any person as a school bus driver, directly or through a vendor, the District shall require that such persons submit a certificate signed by a licensed physician setting forth the physician’s findings as a result of the examination to determine the physical condition of drivers in accordance with the requirements of 49 C.F.R. Part 391.41-391.49. Such certificate shall be submitted to the District prior to the commencement of such employment and the District shall retain a copy of such certification. Every 2 years thereafter, either prior to the commencement of the school year or prior to the reemployment of such persons as a school bus driver, the School District shall require submission of a like certificate, except that school bus operators attaining the age of 70 shall be required to undergo an annual examination and to submit a certificate annually. *This provision does not apply to contracted carriers.*

**3. Certification**

No person shall be employed as a school bus driver, directly or through a vendor, unless the person has received a School Bus Driver’s Certificate from the NH Department of Motor Vehicles as required by RSA 263:29.

Contracted carriers shall comply with all applicable provisions of RSA 376:2, as well as have a valid commercial driver’s license and operate a vehicle with a valid state inspection sticker.

#### **4. Criminal Background Investigation**

Before employing any person as a school bus driver, directly or through a vendor, or as a contracted carrier, the School District shall require a criminal background investigation as set forth in RSA 189:13-a and School District policy GBCD. For a school bus driver employed directly by or who volunteers for the District, then the employee will pay for the investigation. If the District contracts with a vendor to provide transportation services, either the vendor or the driver will pay for the investigation at the discretion of the vendor.

#### **5. Mandatory Drug and Alcohol Testing**

In compliance with the United States Department of Transportation's Title 49 Code of Federal Regulations, Part 391, all commercial driver's license holders and personnel performing safety-sensitive functions related to the transportation of the students of this School District will be required to submit to drug and alcohol testing. Testing procedures and facilities used for the tests shall conform to the requirements of the 49 C.F.R. Part 40. The District and any transportation contractor transporting students on behalf of the District shall utilize the Drug and Alcohol Clearinghouse to comply with all requirements for drug and alcohol testing and reporting, in accordance with 49 C.F.R. Parts 382 and 391.

The term "CDL holder" means someone who is required as part of their job duties to hold a Commercial Driver's License. The term "safety-sensitive function" refers to all tasks associated with the operation and maintenance of commercial vehicles. A "commercial vehicle" is any vehicle capable of carrying 16 or more passengers including the driver.

If the School District employs the transportation personnel directly, the District will be responsible for ensuring compliance with the Mandatory Drug and Alcohol Testing requirements. If the School District contracts with a vendor to provide student transportations services, the vendor shall be the employer and provide assurance to the District on an annual basis that they are in compliance with the Mandatory Drug and Alcohol Testing requirements.

The Drug and Alcohol Testing will include pre-employment, random, reasonable suspicion and post-accident testing as defined by Department of Labor Regulations. The School District supports a zero tolerance policy related to substance abuse. Therefore any personnel who have a confirmed positive test for drugs or a confirmed alcohol concentration of 0.02<sup>1</sup> or greater will be terminated from employment.

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

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

#### **District revision history:**

**Pasquaney School District**  
**Policy EFA: Availability and Distribution of Healthy Foods**

The School District will support the availability and distribution of healthy foods and beverages in all school buildings during the school day.

The Superintendent or his/her designee is responsible for ensuring that all foods and beverages distributed within the district meet nutritional standards established by state and federal law relative to: (1) nutrient density; (2) portion size; and (3) nutrition targets, as defined in pertinent law.

The Superintendent or his/her designee is responsible for implementing developmentally appropriate opportunities to learn food preparation skills that support nationally recognized research-based nutrition standards. The Superintendent or his/her designee is responsible for providing annual communication information about the policy and procedure and related curricula to the school community.

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**District Policy History:**

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***District revision history:***



**Pasquaney School District**  
**Policy EFAA: School Lunch Program Meal Charges**

The District encourages all parents and guardians (hereinafter "parents") to provide a healthy breakfast and lunch for their student(s). Parents are welcome to send students to school with a "brown bag/lunch box" meal. The District provides the opportunity to purchase (breakfast and) lunch from the school cafeteria. Each meal meets or exceeds the federal nutrition standards. Payment is expected no later than when the meal is served. Payment may be in cash (check) or as a debit against funds deposited into an established student lunch account.

The school lunch program is required by federal law to operate as a non-profit which must end each fiscal year without a negative balance. Uncollected debt must be paid to the school lunch program from other funds. Therefore, parents of students required to pay the full or reduced price for meals must ensure that the school lunch program is paid for their student's meals. The District's policy is to quickly escalate efforts to bring student meal accounts into positive balance, to avoid circumstances where these accounts build significant debt.

Each year the director of food services will send home paper work that outlines the process of establishing your lunch account and other processes related to the school lunch program.

Free or Reduced Price Meals

The District participates in the federally supported program to provide free or reduced price meals to students from families whose economic circumstances make paying for meals difficult. Income guidelines for eligibility are based on family size and are updated each year by the USDA. The District will ensure parents are informed of the eligibility requirements and application procedures for free or reduced cost meals as well as the requirements of this policy.

As required by the Civil Rights Act of 1964 and USDA guidance, parents with Limited English Proficiency ("LEP") will be provided with information on this policy and the free and reduced price meal program in a language the parents can understand. The District will utilize USDA and community resources to fulfill this requirement. This policy and links to application materials for the free or reduced price meal program will be posted on the school web site and made available to parents at each school.

Students Without Cash in Hand or A Positive Account Balance

Regardless of whether a student has money to pay for a meal or has a negative balance in the student meal account, a student requesting a meal shall be provided with a meal from among the choices available to all students. The only exception will be where the student's parents have provided the District with specific written direction that the student not be provided with a school lunch program meal, the student has a meal sent from home, or otherwise has access to an

appropriate meal. Under no circumstances will a student's selected meal be thrown away because of the status of the student's meal account.

It is the parents' responsibility to provide their student with a meal from home or to pay for school prepared meals. Therefore, the District's policy is to direct communications to parents about student meal debt. When parents chose to provide meals sent from home, it is the parents' responsibility to explain to their student the necessity of the student not using the school meal program.

Unresolved Debt

If parents continue to fail to provide the student with a meal sent from home, continue to fail to provide funds for their student to use the school lunch program, continue to refuse to cooperate with reasonable requests by District staff to address the overdue debt, and the parent is believed to have the ability to pay, the Superintendent may pursue payment through civil legal action, including filing a claim in small claims court pursuant to RSA Chapter 503. The Superintendent is delegated authority to assess the likelihood that civil action will lead to payment, the resources required to pursue collection, and to pursue such action only when doing so is in the best interest of the District.

If a student's meal account has a negative balance of \$10.00 or more the student will be allowed to charge only an alternative meal. In accordance with state law, the alternative meal will be one of the meal choices generally available to all students, but which has the lowest cost to the lunch program to produce. The purpose of limiting students with negative balance meal accounts to the alternative meal is to mitigate the losses to the District from providing uncompensated meals, while ensuring that the student has access to a healthy meal. These students will also not be allowed to charge a la carte or extra items. It is the parents' responsibility to explain to the student that only alternative meals may be charged. A notice which directs the parent to have their student select only the alternative meal and not to charge a la carte or extra items, until the student's meal account is brought into positive balance, will be included with the communication demanding payment of the negative balance.

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**District Policy History:**

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**Pasquaney School District**  
**Policy EHAA: Computer Security, E-Mail and Internet Communications**

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

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

1. The computer hardware system, software and e-mail system are owned by the District, and all messages or data composed, stored, sent, or received using the system are and remain the private property of the District. They are not the property of the employee.
2. The computer and e-mail system is to be used for business purposes only. Personal business is unauthorized and should not be conducted on the system.
3. The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations.
4. The District prohibits discriminatory, harassing, or offensive materials in any form of media. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comments that offensively address someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
5. The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
6. The District reserves, and intends to exercise without prior notice, the right to read, review, audit, intercept, access or disclose any and all information on an employee's computer system or messages created, received or sent over the electronic mail system for any purpose, even if coded or passworded.
7. The confidentiality of any message or data should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. The use of passwords for security does not guarantee confidentiality, or that the District will not retrieve it. All passwords must be disclosed to the computer administrator.
8. Any communications created, sent, or retrieved using e-mail may be read by individuals other than the intended recipient.
9. Notwithstanding the District's right to retrieve and monitor any e-mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail that is not sent to them. Any exception to this policy must receive prior approval by the Superintendent.

10. Any employee who violates this policy or uses the computer system or electronic mail system for improper purposes shall be subject to discipline up to and including discharge.
11. The District has the authority to terminate or limit access to any program at any time.
12. Personal disks cannot be used on the system unless pre-authorized by the computer coordinator.
13. The District will take all necessary measures to maintain student privacy relative to the District's website, online information and storage of student personally identifiable information, as required by state and federal law.

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**District Policy History:**

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Second reading/adopted: \_\_\_\_\_

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**Pasquaney School District**  
**Policy EHAB: Data Governance and Security**

To accomplish the District's mission and comply with the law, the District must collect, create and store information. Accurately maintaining and protecting this data is important for efficient District operations, compliance with laws mandating confidentiality, and maintaining the trust of the District's stakeholders. All persons who have access to District data are required to follow state and federal law, District policies and procedures, and other rules created to protect the information.

The provisions of this policy shall supersede and take precedence over any contrary provisions of any other policy adopted prior to the date of this policy.

**A. Definitions**

Confidential Data/Information - Information that the District is prohibited by law, policy, or contract from disclosing or that the District may disclose only in limited circumstances. Confidential data includes, but is not limited to, personally identifiable information (i.e., "PII") regarding students and employees.

Critical Data/Information - Information that is determined to be essential to District operations and that must be accurately and securely maintained to avoid disruption to District operations. Critical data is not necessarily confidential.

Cybersecurity Incident – an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information processes, stores, or transmits, if that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

**B. Data and Privacy Governance Plan - Administrative Procedures.**

1. Data Governance Plan. The Superintendent, in consultation with the District Information Security Officer ("ISO") (see paragraph C, below), shall update the Data and Privacy Governance Plan ("Data Governance Plan") for presentation to the Board no later than June 30 each year.

The Data Governance Plan shall include:

- a. An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
- b. A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- c. Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);

- d. A response plan for any breach of information/cybersecurity incidents; see RSA 31:103-b and RSA 359-C:19-21;
- e. A requirement for a service provider to meet or exceed standards for data protection and privacy; and
- f. A provision that students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, which require the provision of personally identifiable information. Copies of written parental consent shall be retained as part of a student's educational record.

The Data Governance Plan shall include standards and provisions that meet or exceed the standards set forth in the N.H. Dept. of Education's *Minimum Standards for Privacy and Security of Student and Employee Data*.

- 2. Policies and Administrative Procedures. The Superintendent, in consultation with the ISO, is directed to review, modify, and recommend (policies) create (administrative procedures), where necessary, relative to collecting, securing, and correctly disposing of District data (including, but not limited to Confidential and Critical Data/Information, and as otherwise necessary to implement this policy and the Data Governance Plan. Such policies and/or procedures may or may not be included in the annual Data Governance Plan.

### **C. Information Security Officer.**

The **Director of Technology** is hereby designated as the District's Information Security Officer (ISO) and reports directly to the Superintendent or designee. The ISO is responsible for implementing and enforcing the District's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better protect the confidentiality and security of District data. The ISO will work with both the District and building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the District's data.

### **D. Responsibility and Data Stewardship.**

All District employees, volunteers and agents are responsible for accurately collecting, maintaining, and securing District data including, but not limited to, confidential and/or critical data/information.

### **E. Data Managers.**

All District administrators are data managers for all data collected, maintained, used and disseminated under their supervision as well as data they have been assigned to manage in the District's data inventory. Data managers will monitor employee access to the information to ensure that confidential information is accessed only by employees who need the information to provide services to the District and that confidential and critical information is modified only by authorized employees. Data managers will assist the ISO in enforcing District policies and procedures regarding data management.

## **F. Confidential and Critical Information.**

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise.

The Superintendent and/or the ISO shall immediately report any known or suspected cybersecurity incidents within the District's information systems, or within an information system of any vendor of the District, to the New Hampshire Cyber Integration Center of the Department of Information Technology. The Superintendent and/or the ISO shall disclose all known information and interactions. See RSA 31:103-b.

The ISO or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO, or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach.

As a part of this investigation, the ISO or designee will promptly determine the likelihood that any information part of a cybersecurity incident has been or will be misused. If the determination is that the misuse of information has occurred or is reasonably likely to occur, or if a determination cannot be made, the ISO will notify the affected individuals as soon as possible, consistent with the notification requirements under RSA 359-C:20.

Likewise, the District will take steps to ensure that critical information is secure and is not inappropriately altered, deleted, destroyed or rendered inaccessible. Access to critical information will only be provided to authorized individuals in a manner that keeps the information secure.

All District staff, volunteers, contractors, and agents who are granted access to critical or confidential information/data are required to keep the information secure and are prohibited from disclosing or assisting in the unauthorized disclosure of such confidential or critical data/information. All individuals using confidential and critical data/information will strictly observe all administrative procedures, policies, and other protections put into place by the District including, but not limited to, maintaining information in locked rooms or drawers, limiting access to electronic files, updating and maintaining the confidentiality of password protections, encrypting and redacting information, and disposing of information no longer needed in a confidential and secure manner.

## **G. Using Online Services and Applications.**

District staff members are encouraged to research and utilize online services or applications to engage students and further the District's education mission. District employees, however, are prohibited from installing or using applications, programs or other software, or online system/website, that either stores, collects, or shares confidential or critical data/information, until the ISO approves the vendor and the software or service used. Before approving the use or purchase of any such software or online service, the ISO or designee shall verify that it meets the requirements of the law, Board policy, and the Data Governance Plan, and that it appropriately protects confidential and critical data/information. This prior approval is also required whether or not the software or online service is obtained or used without charge.

Notwithstanding the prohibition on the use of applications, etc. that store, collect or share personally identifiable information concerning a student ("PII"), students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, even if said platforms and services require the collection, storage and sharing of the student's PII. Use of these platforms and services is subject to the conditions set forth in B.1(f), above, and related provisions of the Data Governance Plan. The written parental consent forms shall be retained as student records.

## **H. Training.**

The ISO will provide appropriate training to employees who have access to confidential or critical information to prevent unauthorized disclosures or breaches in security. All school employees will receive annual training in the confidentiality of student records, and the requirements of this policy and related procedures and rules.

## **I. Data Retention and Deletion.**

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be incorporated into the data/record retention schedule established under Board policy EHB and administrative procedure EHB-R], including but not limited to, provisions relating to Litigation and Right to Know holds as described in Board policy EHB].

## **J. Consequences**

Employees who fail to follow the law, or District policies or procedures, regarding data governance and security (including failing to report) may be disciplined, up to and including termination. Volunteers may be excluded from providing services to the District. The District will end business relationships with any contractor who fails to follow the law, District policies or procedures, or the confidentiality provisions of any contract. In addition, the District reserves the right to seek all other legal remedies, including criminal and civil action and seeking discipline of an employee's teaching certificate.

The District may suspend all access to data or use of District technology resources pending an investigation. Violations may result in temporary, long-term, or permanent suspension of user



privileges. The District will cooperate with law enforcement in investigating any unlawful actions. The Superintendent or designee has the authority to sign any criminal complaint on behalf of the District.

Any attempted violation of District policies, procedures, or other rules will result in the same consequences, regardless of the success of the attempt.

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Second reading/adopted: \_\_\_\_\_

**District revision history:**

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*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 189:65

**Description**

[Definitions](#)

RSA 189:66

[Data Inventory and Policies Publication](#)

RSA 189:67

[Limits on Disclosure of Information](#)

RSA 189:68

[Student Privacy](#)

RSA 189:68-a

[Student Online Personal Information](#)

RSA 31:103-b

[Cybersecurity](#)

RSA 359-C:19-21

[Right to Privacy/Notice of Security Breach](#)

**Federal Statutes**

15 U.S.C. §§ 6501-6506

**Description**

[Children's Online Privacy Protection Act \(COPPA\)](#)

20 U.S.C. § 1232h

[Protection of Pupil Rights Amendment \(PPRA\)](#)

20 U.S.C. § 1400-1417

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

20 U.S.C. § 7926

[Elementary and Secondary Education Act \(ESSA\)](#)

20 U.S.C. §1232g

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

## Cross References

<b>Code</b>	<b>Description</b>
DFGA	<a href="#">Crowdfunding</a>
EHAA	<a href="#">Computer Security, E-Mail and Internet Communications</a>
EHAC	<a href="#">Electronic/Digital Records and Signatures</a>
EHB	<a href="#">Data/Records Retention</a>
EHB-R(1)	<a href="#">Data/Records Retention - Local Records Retention Schedule</a>
GBEBD	<a href="#">Employee Use of Social Networking Websites</a>
IHBH	<a href="#">Extended Learning Opportunities</a>
IHBH-R(1)	<a href="#">Extended Learning Opportunities - Application</a>
IHBH-R(2)	<a href="#">Extended Learning Opportunities - Memorandum of Understanding for Extended Learning Opportunities</a>
IHBH-R(3)	<a href="#">Extended Learning Opportunities - Application</a>
JICJ	<a href="#">Unauthorized Communication Devices</a>
JICJ-R(1)	<a href="#">Unauthorized Communication Devices - Procedures for Handling Unauthorized Communication Devices</a>
JICL	<a href="#">School District Internet Access for Students</a>
JICL-R(1)	<a href="#">School District Internet Access for Students - Acceptable Internet Use Procedures - Students</a>
JICM	<a href="#">Bring Your Own Device/Technology</a>
KD	<a href="#">School District Social Media Websites</a>
KD-R(1)	<a href="#">School District Social Media Websites - Regulations</a>
KDC	<a href="#">Website Publishing</a>
KDC-R(1)	<a href="#">Website Publishing - Student Publications/Productions/Website Publications</a>

**Pasquaney School District**  
**Policy EHB: Data/Records Retention**

The Superintendent shall develop and maintain (a) a schedule for the minimum retention of various district records (“Record Retention Schedule”) as required under RSA 189:29-a, and (2) procedures for records retention and/or destruction. The procedures should ensure that all pertinent records are stored safely and are stored for such durations as are required by state or federal law. The Superintendent shall develop procedures necessary to protect individual rights and preserve confidential information.

This policy applies to all district records, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc.

**A. Record Retention Schedule.** Records of the District shall be retained no less than the time prescribed in District’s Record Retention Schedule EHB-R. The Superintendent shall update the Record Retention Schedule from time-to-time in accordance with legislative or regulatory changes, directives of the Board, as recommended by the New Hampshire School Boards Association, or upon advice of counsel. The Superintendent shall inform the Board of any revisions to EHB-R no later than the second School Board meeting after the changes were made.

**B. Special Holding or Destruction Provisions.** Notwithstanding the District’s Record Retention Schedule, (a) special destruction rules may apply to student special education records, and, (b) for other records, the normal retention periods may be suspended when the records are implicated by either a litigation hold or a request for records under the New Hampshire Right to Know law, RSA 91-A.

**1. Special Education Records.**

- a. Upon a student's graduation from high school, his or her parent(s)/guardian(s) may request in writing that the District destroy the student's special education records, including any final individualized education program.
- b. The District shall provide public notice of its document destruction policy at least annually.
- c. The District shall provide parents/guardians, or where applicable, the adult student, with a written notice of the District's document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first.
- d. A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR 300.624.
- e. Absent any request by a student's parents to destroy the records prior to the twenty-sixth birthday, or to retain such records until the student's thirtieth birthday, the District shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday.

- f. The parent(s)/guardian(s) may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.
2. **Litigation Hold.** On receipt of notice from legal counsel representing the District in that a litigation hold is required, the routine destruction of governmental records, including paper and electronic or digital records, which are or may be subject to the litigation hold shall cease. The destruction of records subject to a litigation hold shall not resume until the District has received a written directive from legal counsel authorizing resumption of the routine destruction of those records in accordance with the retention requirements of this policy and the associated procedures.
3. **Right-to-Know Request Hold.** On receipt of a Right-to-Know law request to inspect or copy governmental records, the Superintendent shall cease any destruction of governmental records which are or may be the subject of the request. The records shall be retained regardless of whether they are subject to disclosure under RSA Chapter 91-A, the Right-to-Know law. If a request for inspection is denied on the grounds that the information is exempt under this chapter, the requested material shall be preserved for no less than ninety (90) days and until any lawsuit pursuant to RSA 91-A:7-8 has been finally resolved, all appeal periods have expired, and a written directive from legal counsel representing the District authorizing destruction of the records has been received.

**C. Disposal of Sensitive Information & Media Sanitization. District records which include "Sensitive Information" shall be destroyed as provided in this paragraph.** All electronic devices with storage capacity shall be deemed to contain sensitive information. For purposes of this section, "Sensitive Information" shall mean and include:

- Records containing student or employee personally identifiable information (PII) as defined in RSA 189:65, VII and VII-a;
- Criminal History Records Information (see Board policy GBCD);
- Drug test records;
- Child labor permits;
- Cobra notices;
- Accident reports;
- Special education student records;
- Records pertaining to civil rights investigations;
- Bonds and continuation certificates;
- Accident reports;
- Banking records;
- Business correspondence including confidential information such as account numbers, banking or digital transaction information;
- Tax forms, unemployment records, etc. with confidential data; and

- Any other information that would be exempt from disclosure under RSA 91-A:5 or deemed sensitive information by the Board, the Superintendent, Building Principal or their designees.
1. **Physical media** (i.e., “hard copies”, print-outs, etc.) including sensitive information shall be destroyed by one of the following:
    - shredding using District issued cross-cut shredders;
    - placed in locked shredding bins approved by the Superintendent to come on-site and shred, witnessed by District personnel throughout the entire process; or
    - incineration using District incinerators or if conducted by non-authorized personnel offsite, witnessed by the Superintendent or Superintendent’s designee.
  2. **Electronic media.** *All electronic media should be assumed to contain sensitive information.* When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, and other similar items used to process, store and/or transmit district records with sensitive data shall be disposed of as follows:
    - Overwriting (at least three times)
    - Degaussing (removal of magnetism)
    - Physical destruction (i.e., dismantling by methods of crushing, disassembling, etc., ensuring that the platter or other storage device has have been physically destroyed so that no data can be extracted).

Computers and other digital or electronic devices or systems that have been used to process, store, or transmit sensitive information shall not be released from the District’s direct control until the equipment has been sanitized and all stored sensitive information has been destroyed using one of the above methods.

**D. Destruction of District Records with No Sensitive Information.** All records which do not include sensitive information should be destroyed as soon as practicable upon the expiration of the applicable retention period and in a manner deemed most efficient and practical.

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***District Policy History:***

First reading: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_

***District revision history:***

**Pasquaney School District**  
**Appendix EHB-R: Data/Records Retention - Local Records Retention Schedule**

The following schedule shall apply to all records obtained, created or maintained by the District, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc..

**A. Special Education Records.**

1. Upon a student's graduation from high school, his or her parent(s)/guardian(s) may request in writing that the District destroy the student's special education records, including any final individualized education program.
2. The parent(s)/guardian(s) may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.
3. Absent any request by a student's parents to destroy the records prior to the twenty-sixth birthday, or to retain such records until the student's thirtieth birthday, the District shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday.
4. A permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR 300.62.
5. The District shall provide parents/guardians, or where applicable, the adult student, with a written notice of the District's document destruction policies upon the student's graduation with a regular high school diploma or at the transfer of rights, whichever occurs first.
6. The District shall provide public notice of its document destruction policy at least annually.

**B. Litigation Hold.**

On receipt of notice from legal counsel representing the District that a litigation hold is required, the routine destruction of governmental records, including paper and electronic records, which are or may be subject to the litigation hold shall cease. The destruction of records subject to a litigation hold shall not resume until the district has received a written directive from the attorney representing the district authorizing resumption of the routine destruction of those records.

**C. Right-to-Know Request – Hold.**

On receipt of a Right-to-Know law request to inspect or copy governmental records, the Superintendent shall cease any destruction of governmental records which are or may be the subject of the request. The records shall be retained regardless of whether they are subject to disclosure under RSA Chapter 91-A, the Right-to-Know law. If a request for

inspection is denied on the grounds that the information is exempt, the requested material shall be preserved for no less than 90 days and until any lawsuit pursuant to RSA 91-A:7-8 has been finally resolved, all appeal periods have expired, and a written directive from the attorney representing the District authorizing destruction of the records has been received.

D. **Electronic Records.**

For legal purposes, electronic records and communications are no different than paper documents. The state law on preservation of electronic records, RSA 33-A:5-a Electronic Records, does not explicitly apply to school districts, but does provide guidance: "Electronic records as defined in RSA 5:29, VI and designated on the disposition schedule under RSA 33-A:3-a to be retained for more than 10 years shall be transferred to paper or microfilm, or stored in portable document format/archival (PDF/A) on a medium from which it is readily retrievable. Electronic records designated on the disposition schedule to be retained for less than 10 years may be retained solely electronically if so approved by [Superintendent as the party] responsible for the records. The Business Administrator is responsible for assuring the accessibility of the records for the mandated period

In this case, e-mail messages in users mailboxes have little or no continued value and may be deleted. The district will not store or back up email for more than 24 hours.

E. **Retention Period Schedule.**

The following schedule shall apply to all records obtained, created or maintained by the District, irrespective of the specific medium of the record, i.e., paper, electronic, digital, cloud, etc.

**Note regarding records relating to federal funds (items marked below with "\*\*"):** Before any records related to federal funds are destroyed, however, the requirements of the General Education Provisions Act (GEPA) 20 U.S.C. 1232f shall be observed. Namely, that statute requires that district "shall keep records which fully disclose the amount and disposition by the recipient of [federal] funds, the total cost of the activity for which the funds are used, the share of that cost provided from other sources, and such other records as will facilitate an effective financial or programmatic audit, for three years after the completion of the activity for which the funds are used." Therefore, to the extent that the below schedule, or other authorities, suggest that a purchase order, with accompanying documentation, may need to be retained only until the records are audited, plus 1 year, if the purchase is in part or in whole with federal funds the record must be retained for three years after the completion of the activity for which the funds are used, a much longer period of time.

## RECORDS RETENTION SCHEDULE

Type of Record	Statute, Rule, or other legal authority – if none listed the retention period is a recommendation	Retention Period
<b>Business Records</b>		
Accident Reports:		
• Employee		Term of employment, plus 6 years
• Student		Age of majority, plus 6 years
Accounts Receivable	RSA 33-A:3-a	Until audited, plus 1 year
Annual Audit	RSA 33-A:3-a (10 years)	Permanent
Annual Report (District), Warrants, Annual Meeting Minutes, Budgets (District & SAU)	RSA 33-A:3-a	Permanent
Application for Federal Grants	20 U.S.C. 1232f., (three years after the completion of the activity for which the funds are used) other authorities may apply	5 years
Architectural Plans		Permanent
Asbestos Removal		Permanent
Bank Deposit Slips	RSA 33-A:3-a	6 years
Bonds and continuation certificates	RSA 33-A:3-a (expiration plus 2 years)	Permanent
Budget Worksheets		End of budget year, plus 1 year
Cash receipts, disbursement records, checks	RSA 33-A:3-a	Until Audited and at least 6 years after last entry
Child Labor Permits		1 year



Work-study	29 C.F.R. §570.37	3 years from date of enrollment
<ul style="list-style-type: none"> <li>Construction Contracts, Capital projects, fixed assets that require accountability after acquired*</li> </ul>	RSA 33-A:3-a (Life of project/asset)	Life of contract, building, asset plus 20 years
<ul style="list-style-type: none"> <li>Engineering Surveys</li> </ul>		Permanent
<ul style="list-style-type: none"> <li>Unsuccessful bids</li> </ul>	RSA 33-A:3-a (Completion of project, plus one year)	Life of contract plus 3 years
Certified Educator		Permanent
COBRA Notices	42 U.S.C. 300bb-1, <i>et. seq.</i> (3 years) ERISA 29 U.S.C. §1027 ( 6 years)	6 years from date of issue
Collective Bargaining Agreements		Permanent
Correspondence for Business transactions*		Life of subject matter plus 4 years
Correspondence - General		3 years or longer when historic/useful
Correspondence Transitory	RSA 33-A:3-a	As needed for reference
Deeds		Permanent
District Meeting Minutes & Warrant		Permanent
Insurance policies	RSA 33-A:3-a	Permanent
Notes (loan documents)	RSA 33-A:3-a	Until paid, Audited, plus 3 years
Student Activities Records/Accounts	RSA 33-A:3-a (bank deposit slips and statements 6 years)	Until Audited, plus 6 years
Enrollment Reports:		
<ul style="list-style-type: none"> <li>Fall Reports A12A (RSA 189:28)</li> </ul>		Permanent

• Pupil Registers	RSA 189:27-b	Permanent
• Resident Pupil Membership Forms		14 years
• School Opening Reports		3 years
• Statistical Report A-3 (RSA 189:28)		Permanent
Federal Projects Documents	Review specific project/grant program requirements. 20 U.S.C. 1232f, (three years after the completion of the activity for which the funds are used), other authorities may apply	5 years after submission of final audit report and documentation for expenditures, unless there is an ongoing audit
FICA Reports - monthly		7 years
Fixed Trip Requests/Confirmation		1 year
Fixed Assets Schedule		Permanent/as updated
Form C-2 Unemployment		6 years
Wage Report (DES 100)		6 years
Invoices*	Until Audited, plus 1 year	3 years*
MS-22 Budget Form		6 years
MS-23 Budget Form		6 years
MS-25 Budget Form		Permanent
Minutes of Board Meetings, Board Committees	RSA 91-A:2, II, RSA 33-A:3-a	Permanent
Purchase Orders*		Until Audited, plus 1 year
Request for Payment Vouchers*		Until Audited, plus 1 year
Requisitions*		Until Audited, plus 1 year
Retirement Reports - Monthly		1 year

Time Cards:		
• Bus Drivers	Lab 803.03. Notification and Records no less than 4 years	5 years
• Custodial	Lab 803.03. Notification and Records no less than 4 years	5 years
• Secretarial	Lab 803.03. Notification and Records no less than 4 years	5 years
• Substitute Teachers pay slips	Lab 803.03. Notification and Records no less than 4 years	5 years
Payroll Records	RSA 33-A:3-a Audited, plus 2 year 29 C.F.R. §1627.3 (3 years) ADEA: 29 U.S.C. §626, 29 CFR Part 1602 (2 years from job action); 29 C.F.R § 825.500 FMLA, 29 U.S.C.§2616, 3 years	6 years
Travel Reimbursements*	Until Audit, plus 1 year	3 years*
Treasurer's Receipts – canceled checks		6 years
Treasurer's Report		6 years
Vocational Education:		
• AVI Forms		1 year
• Vocational Center Regional Contracts		20 years
• Federal Vocational Forms*		6 years
Vouchers Manifests*		Until Audit, plus 1 year
Tax Forms:		
• W-2's, 1099 *	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2)(tax advisors say 7 years)	7 years
• W-4 Withholding Exemption Certificate	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years)	7 years

<ul style="list-style-type: none"> <li>W-9</li> </ul>	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years)	7 years
<ul style="list-style-type: none"> <li>941-E Quarterly Taxes</li> </ul>	Keep all records of employment taxes for at least four years after filing the 4th quarter for the year. – 26 C.F.R § 31.6001-1 (e)(2) (tax advisors say 7 years)	7 years
Personnel Records	RSA 33-A:3-a. Retirement or termination, plus 50 years	Term of Employment, plus 50 years
Application for employment - Successful	RSA 33-A:3-a Unsuccessful applicants: current year, plus 3 years.	Term of Employment, plus 50 years
Attendance Records:		
<ul style="list-style-type: none"> <li>Leaves</li> </ul>	Family Medical Leave Act – 3 years	3 years
<ul style="list-style-type: none"> <li>Request for Leaves</li> </ul>		1 year
Class Observation Forms		1 year
Criminal Record Check:		
<ul style="list-style-type: none"> <li>No criminal record</li> </ul>	RSA 189:13-a (Superintendent only)	Destroy immediately after review
<ul style="list-style-type: none"> <li>Criminal record</li> </ul>	RSA 189:13-a (Superintendent only)	Destroy within 30 days of receipt
Civil Rights Forms, Discrimination claims, accommodation under ADA, information used for EEO-5 report, EEO-5 report	29 C.F.R. §1602.40; 42 U.S.C. 12117; 42 U.S.C. § §§ 2000e-8-2000e-12; 42 U.S.C. § 2000ff-6; (final disposition, 2 years, 3 years)	6 years
Deferred Compensation plans	RSA 33-A:3-a	7 years
Dues Authorization	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Employment test papers with results	29 C.F.R. §1627.3	One year from date of personnel action
Evaluations	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years

HIPPA Documentation	RSA 33-A:3-a. – Personnel record HIPPA: 45 C.F.R. §164,316(b) & .530(j) – 6 years. HITECH 42 U.S.C. §17938	Term of Employment, plus 50 years
Labor-PELRB actions	RSA 33-A:3-a	Permanent
Labor Negotiations	RSA 33-A:3-a	Permanent
Legal Actions - lawsuits	RSA 33-A:3-a	Permanent
Medical Benefits Application	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Medical exams, Physical examinations used for personnel action	29 C.F.R. §1627.3(One year from date of personnel action) RSA 33-A:3-a. – Personnel record 29 C.F.R. §1910.1020 (term of employment plus 30 years)	Term of Employment, plus 50 years
Oaths of Office	RSA 33-A:3-a Term, plus 3 years	Permanent
Promotion, demotion, transfer, selection for training, layoff, recall, or discharge	29 C.F.R. §1627.3 (1 year from date of action) RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Recruitment Documents	29 C.F.R. §1627.3	One year from date of personnel action
Re-employment Letter of Assurance	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Retirement application	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
School Bus Driver Drug Tests – positive results & records of administration of test	49 C.F.R. §382.401; 49 C.F.R. § 40.333	5 years
School Bus Driver Drug tests – negative & cancelled	49 C.F.R. §382.401	1 year
Separation from Employment Form/Letter	RSA 33-A:3-a. – Personnel record	Term of Employment, plus 50 years
Settlement agreements, even if in anticipation of a lawsuit	RSA 91-A:4, VI (10 years)	Permanent

Staff Development Plan	Term of Employment, plus 50 years	Term of Employment, plus 50 years
Substitute Teacher Lists		7 years
<b>Student Records:</b>		
Applications for Free/Reduced Lunch		6 years
Assessment Results	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Attendance	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Disciplinary Records		Term of Enrollment, plus 3 years
Early Dismissal		1 year
Emergency Information Form		1 year/as updated
Grades	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
Health and Physical Records		Term of Enrollment, plus 3 years
Immunization Record		Term of Enrollment, plus 3 years
Log of requests for access to education records	FERPA 20 U.S.C. §1232g (b)(4)(A)	As long as the education record is retained
Medical Reports		Term of Enrollment, plus 3 years
Registration Form		Term of Enrollment, plus 3 years

Student Handbook		1 copy of each edition, Permanent
Transcripts	Ed 306.04 <u>Policy Development</u> , (h) complete and accurate records of students' attendance and scholarship be permanently kept and safely stored in a fire-resistant file, vault, or safe.	Permanent
<b>Internal Records:</b>		
Child Abuse Reports/Allegations		Permanent
Criminal Investigation		Permanent
Personnel Investigations		Permanent
Sexual Harassment		Permanent
Records Management, transfer to storage or disposal	RSA 33-A:3-a (summary report of what category of records, for what range of dates, was put in storage or destroyed)	Permanent
Vehicle maintenance	RSA 33-A:3-a	Life of vehicle, plus 3 years

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**District Policy History:**

First reading: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_

**District revision history:**

Pasquaney School District  
Anti-Discrimination Plan  
2024



# ANTI-DISCRIMINATION PLAN

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## NOTIFICATIONS:

### NOTIFICATION OF TITLE VI, TITLE XI, SECTION 504 POLICIES

Under New Hampshire law and Board policy, no person shall be excluded from, denied the benefits of, or subjected to discrimination in the District's public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin. Discrimination, including harassment, against any student in the District's education programs, on the basis of any of the above classes, or a student's creed, is prohibited. Finally, there shall be no denial to any person of the benefits of educational programs or activities, on the basis of any of the above classes, or economic status.

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

### EQUAL EMPLOYMENT & PROHIBITION AGAINST DISCRIMINATION IN EMPLOYMENT

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

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

### SUMMARY OF PARENT/GUARDIAN RIGHTS:

These safeguards are guaranteed to children and their families by Public Law 94-142, The Individuals with Disabilities Education Act (IDEA 2004), and Section 504 of Public Law 93-122, The Vocational Rehabilitation Act of 1973.

1. Parents and Guardians must receive written notification before the school may conduct individual testing of students.
2. Parents and Guardians must receive written notification of any initiation or refusal to initiate a change in their student's educational placement.
3. Parents and Guardians have the right to present their views regarding the identification, evaluation, placement or provision of a free appropriate education to their child. This includes the right to request an educational evaluation.
4. Parents and Guardians have the opportunity to present information from an independent educational evaluation of their student.
5. Parents and Guardians have access to all relevant school records of their student.
6. Either Parents and Guardians or the school may initiate an impartial due process hearing to resolve differences that could not be resolved informally. The request is filed with the NH Department of Education. In conducting such a hearing, parents must:

- a. receive timely and specific notice of the hearing
- b. have the right to be accompanied and advised by counsel and/or individuals with specific knowledge or training with respect to the problems of handicapped students
- c. confront, cross-examine and compel the attendance of witnesses
- d. present evidence relevant to the decision
- e. obtain a written or electronic verbatim record of the hearing, and obtain written findings of facts and decisions.
- f. The hearing will be conducted by an impartial hearing officer selected from a list provided by the Department of Education.
- g. The decision of the hearing is binding on all parties pending appeal.
- h. Either party has the right to appeal the findings and decision of the hearing through the Board of Education.
- i. During the above process the students shall remain in the original program or any other program to which both parties can agree.
- j. Students receiving special education and related services must receive a periodic re-evaluation every three years.
- k. These rights transfer to a student when he/she reaches the age of 18 unless a guardian has been appointed by the court. These rights would then be retained by a court appointed guardian.

## ANNUAL NOTIFICATION REGARDING PARENTS RIGHTS OF ACCESS TO STUDENT RECORDS:

It is required that parents and students receive annual notification of the student records and access policy. Parents of students or 18-year old students who wish to review any or all of the school records pertaining to the student should contact the school building personnel, and parents may have copies of the records for the cost of copying.

## PROCEDURE TO INSPECT AND REVIEW RECORDS

- Parents/guardians and eligible students wishing to inspect student records must file a written request to do so with the building Principal. Such inspection shall take place during regular school hours or at reasonable times during vacation periods, but not during weekends or holidays.
- Single copies of appropriate records shall be made available in a reasonable length of time, but in no case more than 45 days after request has been made in writing to the building principal. The records may be inspected by the parents, guardians, and all students once they reach eighteen in the presence of the records manager or their designee.
- The school shall make a written record of the disclosure of all student information, except directory information, and such record will be kept in the student's file. This record of disclosure is also available for inspection by the parent or eligible student. A record of inspections will also be kept.
- In cases involving a third-party request for records requiring consent for disclosure under law, the student over 18, parent, or guardian shall sign a consent form furnished by the principal. Forms used will identify the records to which access is sought and will be placed in the student's file as a record of the request.
- Access will be refused or granted depending upon the propriety of the request and validity of the request and consent forms.
- If a request for access is refused, and the party who requested access objects to said refusal, said request will be referred to the Superintendent for a final ruling.
- The building principal shall be the custodian of all student records in their school.

## PROCEDURE TO AMEND RECORDS

- The parent(s), guardian(s) of a student under 18, or a student over 18, shall have an opportunity to identify in writing, addressed to the building principal, the record or records which they believe to be inaccurate, misleading, or otherwise in violation of the privacy rights, together with a statement of the reasons for the requested amendment of the record.□
- A response by the building principal shall be made within fourteen (14) days indicating whether they find the record to be inaccurate, misleading or otherwise in violation of the student's privacy rights and if so how the record will be corrected or deleted. The parent or eligible student will then be given five (5) days from receipt of the principal's decision to refer the request on to the Superintendent for a hearing.□
- If requested, a hearing before the Superintendent or their designee who does not have a direct interest in the outcome of the hearing, shall be held within a reasonable period of time, but in no case more than forty-five (45) days after receipt of such a request by the superintendent of schools. The parent(s), guardian(s) or student 18 years or older, will have the right to be represented by counsel and to present evidence in support of their belief that the record should be amended. A written decision will be rendered within thirty (30) days stating the disposition of the challenge to the record and the reasons for the determination. Although the hearing may be informal in nature, the processes used shall ensure fairness and impartiality. The decision made shall be final and not subject to appeal.□
- If as a result of the hearing the Superintendent or their designee decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, they shall inform the parent or the eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the School District.□

## MAINTENANCE OF STUDENT RECORDS

Each principal shall be responsible for record maintenance and access within their building. All student records when not in use shall be kept under lock and key.

Any request to examine a student's record by a parent or legal guardian of a minor student or by a student (of legal age) shall be honored. Requests by agents, when accompanied by written authorization from the parent, legal guardian or student of legal age, shall also be honored.

The file shall contain a composite of all requests for information and all completed forms involving requests, authorizations, or permission to view and receive educational records. (Each person viewing the file shall sign and date the form provided for that purpose.)

Three (3) years after graduation or three years after the termination of the provision of educational services to the student, all but the Permanent Record Card may be destroyed. The Permanent Record Card shall contain only name, address and phone number, the pupil's record of grades, years enrolled, courses attended and grades completed. The Permanent Record Card shall be retained in perpetuity.

The contents of a pupil's Special Educational Services Record shall be destroyed within five (5) years after the information is no longer needed to provide educational services to the child. Prior to destruction of such a record or data from the cumulative record which pertains to the pupils' handicapping condition, reasonable effort shall be made to notify the parents of their right to copy of such data.

# PROHIBITION OF DISCRIMINATION, HARASSMENT AND VIOLENCE:

## GENERAL STATEMENT OF POLICY

Under New Hampshire law and Board policy, no person shall be excluded from, denied the benefits of, or subjected to discrimination in the District's public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin. Discrimination, including harassment, against any student in the District's education programs, on the basis of any of the above classes, or a student's creed, is prohibited. Finally, there shall be no denial to any person of the benefits of educational programs or activities, on the basis of any of the above classes, or economic status. The School District will act to investigate all complaints, either formal or informal, verbal or written, of harassment or discrimination and to discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who is found to have violated this policy.

Procedure for filing a written complaint are outlined within this document.

## DISCRIMINATION / HARASSMENT DEFINED

Harassment generally includes, but is not limited to, physical contact or violence or verbal statements relating to an individual's race, color, religion, gender identity, sexual orientation, national origin, age, disability, or status in any group protected by federal, state or local law when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. Otherwise adversely affects an individual's employment or academic opportunities.

## SEXUAL DISCRIMINATION / HARASSMENT DEFINED (See Policy ACAA)

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
3. Conduct or communication that has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating, hostile or offensive employment environment.

Sexual discrimination / harassment may include but is not limited to:

1. Verbal harassment and/or abuse of a sexual nature;
2. Leering at an individual's body;
3. Making jokes of a sexual nature;
4. The display anywhere on school facilities of sexually suggestive, sexually demeaning or pornographic objects, pictures, writings, posters or cartoons;

5. Making graphic verbal comments about an individual's body, clothing or sexual activity;
6. Subtle pressure for sexual activity;
7. Inappropriate patting or pinching or any sexually motivated unwelcome touching;
8. Intentional brushing against an employee's body;
9. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment

Sexual violence is a physical act of aggression that includes a sexual act or sexual purpose.

## RACIAL DISCRIMINATION / HARASSMENT DEFINED

Racial harassment in public schools violates Title VI of the Civil Rights Act of 1964; sexual harassment violates Title IX of the Education Amendments of 1972. Racial discrimination/harassment is present if a person is treated differently on the basis of race, color, or national origin in the context of an educational program or activity without legitimate nondiscriminatory reason so as to interfere with or limit the ability of the person to participate in or benefit from the services, activities, or privileges provided by the recipient.

Racial discrimination/harassment may include but is not limited to:

1. Harassing conduct that is physical, verbal, graphic or written;
2. Injury to persons or property or;
3. Conduct threatening injury to person or property.

## REPORTING:

### REPORTING PROCEDURES

Any person who believes that they have been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should contact the District Human Rights Officer, or otherwise as provided in the policies referenced below 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 their immediate supervisor, the District Human Rights Officer (Title IX Coordinator), or as provided in one of the policies or administrative procedures referenced below 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 below and related administrative procedures or regulations. Complaints or reports regarding matters not covered in one or the other of those policies should be made to the District Human Rights Officer.

1. Reports or complaints of Title VI or VII violations, inclusive of discriminatory practices and employment practices restricting equal opportunity for employment or relating to race, color, or national origin by employees or third-party contractors, should be made to the Human Rights Officer.

2. Reports or complaints of Title IX violations, inclusive of sexual harassment or sexual violence by employees or third-party contractors, should be made under Board policy ACAB;
3. Reports or complaints of Title IX violations, inclusive of sexual harassment or sexual violence by students, should be made under Board policy ACAA;
4. Reports or complaints of discrimination on the basis of disability should be made under Board policy ACE, except for complaints regarding facilities accessibility by disabled non-students or employees, which should be made under Board policy KED; and
5. Reports or complaints of bullying or other harassment of pupils should be made under Board policy JICBB.

## ALTERNATIVE COMPLAINT PROCEDURES AND LEGAL REMEDIES

At any time, whether or not an individual files a complaint or report under this Policy, an individual may file a complaint with the Office for Civil Rights (“OCR”), of the United States Department of Education, or with the New Hampshire Commissioner for Human Rights.

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

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

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

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

## INVESTIGATION PROCEDURES

The building principal or superintendent upon receipt of a report or complaint alleging discrimination and/or harassment, either verbal or written, shall immediately undertake or authorize an investigation. The investigation may be conducted by the Building Principal, District’s Human Right’s Officer, Title IX Coordinator, 504 Coordinator or by a third party designated by the Superintendent or designee.

## FILING THE COMPLAINT FORM

1. The complaint shall be signed by the complainant;
2. Shall describe in detail the specific incident(s), occurrence(s), decision(s), and other factual matters believed to constitute unlawful discrimination, harassment, or retaliation;
3. Name as the respondent(s) the individual, department, committee, or other body whom the complainant believes to have engaged in prohibited behavior; and
4. Include a brief statement describing the resolution, relief, or action requested by the complainant;

Someone other than the complaining party can write the complaint if necessary.

See Appendix A for Complaint Form.

Jurisdiction under these procedures is met when:

1. The allegations of the complaint meet the definition of discrimination or harassment;
2. The complaint was timely filed; and
3. The complaint has complied with “Filing the Complaint Form” requirements as described above.
4. The complaint shall be dismissed if the Superintendent determines that the district does not have jurisdiction over the complaint.

There shall be the right for either party to request the Superintendent to reconsider decisions. There is also the right to appeal the decision of the Superintendent to the school board. The complaining party may, at any time, pursue the matter through other state agencies or through the United States Department of Education, Office for Civil Rights.

## INVESTIGATION

1. The investigation, at a minimum, will consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods including retrieval and review of documents deemed pertinent by the investigator.
2. In determining whether alleged conduct constitutes a violation of this policy, the investigation should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
3. In addition, the principal, assistant superintendent or superintendent may take immediate steps to protect the complainant, pupils, teachers, administrators, or other school personnel pending completion of an investigation of alleged discrimination/harassment.
4. The investigation will be completed as soon as possible, but within 20 business days of the date the complaint was received by District, the superintendent will update the complainant and respondent on the progress of the investigation.
5. The investigator shall make a report to the Superintendent upon completion of the investigation.
6. If the complaint involves the Superintendent, the report may be filed directly with the School Board Chair.

## INFORMAL RESOLUTION

Because of the personal and often upsetting disclosures concomitant to making or responding to accusations of discrimination / harassment, the district strongly encourages complainants to attempt to resolve their complaint informally (in lieu of or before commencing formal proceedings).

Informal resolutions may be attempted by taking the opportunity to utilize facilitated mediation with a neutral party (e.g. HR Department Representative). This step is not mandatory and would require the consent of both complainant and respondent.

## DISCIPLINARY ACTIONS

Upon receipt of an investigation report which indicates that the complaint is valid, the Superintendent shall determine the appropriate disciplinary action if the individual(s) against whom the complaint is filed is an employee. Disciplinary action shall be appropriate to the severity of the discrimination/harassment and may include warning, referral of an employee to the Employee Assistance Program, suspension, or termination.



If a substantiated complaint is filed against a student, the building principal shall determine the appropriate disciplinary action. Parents shall be notified consistent with policies dealing with discipline and due process procedures. Disciplinary action shall be appropriate to the severity of the discrimination/harassment and may include warning, suspension, or recommendation to the superintendent for potential expulsion.

The results of the investigation and the disciplinary action taken will be reported in writing to the complainant by the principal within ten working days following the receipt of the investigation report, which validated the complaint.

In all instances involving certified staff members, a substantiated complaint will result in the Superintendent immediately notifying the Department of Education's Office of Credentialing.

## RETALIATION

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 participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless that person knew the complaint or report was false or knowingly provided false information

## PREVENTION

It is important that all students and employees understand what constitutes discrimination and harassment and their right to report unwelcome behavior. Administration should educate those within their building regarding this policy annually, and should be watchful for behavior which fits the description of discrimination or harassment. Employees who witness such behavior as a third party have a responsibility to report it.

## FALSE CLAIMS OF NON-DISCRIMINATION/NON-HARASSMENT:

The school district recognizes that not every advance or communication based on race, color, religion, gender identity, sexual orientation, national origin, disability, age or status in any group protected by federal or state law constitutes discrimination or harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory/harassing employment or classroom learning effect requires a determination based on all the facts and surrounding totality of circumstances. False accusations of discrimination and/or harassment can have a serious detrimental effect on innocent parties and may result in disciplinary action.

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

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

### ***District revision history:***

## APPENDIX A – DISCRIMINATION / HARASSMENT COMPLAINT FORM

### **HARASSMENT, DISCRIMINATION, OR RETALIATION COMPLAINT FORM**

*If you have experienced or been threatened physically or sexually with assault, harm, or injury, notify 911 immediately.*

Directions:

Please fill out this form if you believe you have experienced or witnessed an act of discrimination, harassment (including bullying and other behaviors that lead to a hostile work environment), or retaliation. Please see pages 3-5 for information on different types of discrimination, harassment, or retaliation.

You may submit this form electronically or by hard copy to a trusted supervisor, administrator, or the Human Resources department at the district SAU 85 office located at Lower Main St Pasquaney 03782. If you prefer to submit a complaint verbally, you may do so by contacting any of the previously mentioned staff members. If you prefer to submit this complaint anonymously, please mail to the

70 Lower Main St or send through interoffice mail to: Human Rights Officer – SAU Office.

Whether or not you file a complaint with the Brookline School District, Hollis School District, and Hollis Brookline Cooperative School District, you also have the right to file a complaint with an external agency. These include:

- **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](mailto:OCR.Boston@ed.gov)□
- **Office of Civil Rights, U.S. Dept of Agriculture;** 1400 Independence Avenue, SW, Washington, D.C., 20250-9410; Telephone - 866-632-9992; Email – [program.intake@usda.gov](mailto:program.intake@usda.gov)□
- **N.H. Commission for Human Rights,** 2 Industrial Park Drive, Concord 0330, Telephone - 603-271-2767; Email – [humanrights@nh.gov](mailto:humanrights@nh.gov)□
- **N.H. Department of Justice, Civil Rights Unit;** 33 Capitol Street, Concord, NH 03301; Telephone – 603-271-1181□
- **N.H. Department of Education, Commissioner of Education;** 101 Pleasant Street, Concord, NH 03301, Telephone – 603-271-3494; Email - [info@doe.nh.gov](mailto:info@doe.nh.gov)□

**HARASSMENT, DISCRIMINATION, OR RETALIATION COMPLAINT FORM**

**What type of complaint are you filing?**

(Choose all that apply, please see definitions at end of form)

Discrimination (check all that apply)

- Age
- Creed
- Disability, presence or perception of
- Gender
- Gender Identity
- Genetic information
- Marital status
- Military status
- National origin
- Pregnancy
- Race/ethnicity/color
- Religion
- Sexual orientation
- Other (please explain):

Harassment

Hostile Work Environment

Retaliation

Sexual Harassment

Other (please explain): \_\_\_\_\_

<b>Who is this complaint against?</b>	
Name:	
<input type="checkbox"/> SAU108 Employee	<input type="checkbox"/> Non-SAU108 Employee
School:	Affiliation:
Phone:	Phone:
Email:	Email:
Notes:	Notes:
Date(s) of incident(s):	Date(s) of incident(s):

**Please include any information that you are able to and/or comfortable including.**

<b>Who is filing this complaint?</b> <i>Leave blank if filing anonymously.</i>	
Name:	
<input type="checkbox"/> SAU108 Employee	<input type="checkbox"/> Non-SAU108 Employee
School:	Affiliation:
Phone:	Phone:
Email:	Email:
Notes:	Notes:

**Please describe what happened.** The more information and details you are able to provide, the more helpful it will be in our ability to follow-up. The type of information that is helpful includes: dates, times, locations, witnesses, and any details you are able to provide about the event(s), incident(s), and/or behavior(s). If you have included your name, the Office of Human Resources may follow up with you for more information.

**Is there anything else you'd like the Office of Human Resources to know?**

**Definitions:**

**Discrimination:** Unlawful discrimination in employment occurs when an employer takes an adverse, harmful, harassing and/or retaliatory employment action against an employee (or potential employee) based on that employee's race/ethnicity/color, creed, sex, pregnancy, age, religion, national origin, marital status, the presence or perception of a disability, veteran's status, military status, genetic information, sexual orientation, gender, or gender identity. See SAU85 Anti- Discrimination Plan document for full definitions.

**Harassment:** Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), the Americans with Disabilities Act of 1990 (ADA), and NH SB 263. Harassment is offensive conduct that may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- Asking unwelcome personal questions or other unwelcome treatment based on a person's age, creed, disability, gender expression, gender identity, genetic information, national origin, marital status, military status, pregnancy, race/ethnicity/color, religion, sex, sexual orientation/, gender identity, or veteran's status.
- Disclosing an individual's sexuality, gender identity, or gender expression against their wishes.

- The deliberate misuse of an individual's preferred name, form of address, or gender-related pronouns (except on legally mandated documentation, if the individual has not officially obtained a name change).
- Posting offensive pictures or sending offensive electronic or other communications.
- Unwelcome physical conduct.

Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a hostile, intimidating, or abusive work environment.

Bullying may be a type of harassment seen in the workplace.

**Bullying:** A behavior that intends to frighten, hurt, or threaten others and cause harm, humiliation, or intimidation. Bullying behavior is often repetitive. It may involve verbal harassment, verbal or non-verbal threats, physical assault, stalking, or other methods of coercion such as manipulation, blackmail, or extortion. An imbalance of power, either real or perceived, between the aggressor and the victim is often involved.

**Hostile Work Environment:** A hostile work environment is one that is intimidating, hostile, or offensive. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name-calling, assumptions based on stereotypes, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and inappropriate interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, a subordinate, an agent of the employer, a co-worker, or a non-employee (such as a fellow, volunteer or intern).
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

**Protected Classes:** Race/ethnicity/color, creed, sex, pregnancy, age, religion, national origin, marital status, the presence or perception of a disability, veteran's status, military status, genetic information, sexual orientation, or gender identity.

**Retaliation:** Retaliation occurs when employers treat applicants, employees or former employees, fellows/volunteers/interns, or people closely associated with these individuals, less favorably for

- reporting discrimination;
- participating in a discrimination investigation or lawsuit (for example, serving as a witness), or;
- opposing discrimination (for example, threatening to file a charge or complaint of discrimination).

Retaliation will not be tolerated by the SAU85. Any employees, fellows/volunteers/interns, and applicants found to have retaliated will be subject to corrective or disciplinary action that is appropriate to the circumstances, up to and including dismissal.

**Sexual Harassment:** Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.