

NON-DISCRIMINATION/EQUAL OPPORTUNITY & AFFIRMATIVE ACTION

The Pasquaney School District does not discriminate on the basis of sex and other protected categories in its education programs and activities, as required by federal and state laws and regulations.

The Pasquaney School District prohibits discrimination, including harassment, of school employees on the basis of:

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

The Pasquaney School District prohibits discrimination, including harassment, of students on the basis of:

- Race (including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists, and locks);
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin; and
- Disability.

The Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students, and other individuals having access rights to school premises, programs, and activities.

The school district has designated and authorized a Title IX Coordinator who is responsible for ensuring compliance with all federal and state requirements prohibiting discrimination, including sexual/sex-based harassment. The Title IX Coordinator is a person with direct access to the Superintendent.

The school district has implemented complaint procedures for resolving complaints of discrimination and harassment under this policy. The school district provides required notices of non-discrimination policies and complaint procedures, how they can be accessed, and the school district's compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents, and other interested parties.

Legal References:

Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1965, 42 U.S.C. §§ 2000e to 2000e-17
Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, as amended by 34 C.F.R. § 106
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7
Age Discrimination in Employment Act, 29 U.S.C. §§ 623-634
Equal Pay Act of 1963, 29 U.S.C. § 206
Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as amended by 34 C.F.R. § 104.7
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107
Genetic Information Nondiscrimination Act of 2008, 29 U.S.C. §§ 2000ff to 2000ff-11
Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg to 2000gg-6
New Hampshire Human Rights Act, RSA 354-A:7, 354-A:27-28

District Policy History:

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District revision history:

HARASSMENT OF STUDENTS

The Pasquaney School District prohibits harassment of students on the basis of:

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

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

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

A. Harassment

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

B. Sexual/Sex-Based Harassment

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

1. Sex-Based Harassment Under Title IX

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

- a. “Quid pro quo” harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service (such as a better grade or college recommendation) on the individual’s participation in unwelcome sexual conduct.

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

2. Sexual Harassment Under New Hampshire Law

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

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

C. Reports and Complaints of Harassment

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

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

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

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

Legal References:

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

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

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

Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c to 2000c-9.

New Hampshire Human Rights Act, RSA 354-A:7, RSA 354-A:27-28.

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Student Discrimination & Harassment Complaint Procedures

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

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

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

TITLE IX COORDINATOR

Section 1. Definitions

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

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

Section 2. Complaint Procedure

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

A. How to Make a Complaint

- 1. School employees are required to promptly make a report to the Title IX Coordinator if they have reason to believe that a student has been discriminated against or harassed.

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

B. Complaint Handling and Investigation

1. The Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
 - a. If the allegations include sex discrimination or sexual/sex-based harassment, ACAAR2 will be followed instead of this procedure.
2. The Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The Title IX Coordinator may implement supportive measures for a student to reduce the risk of further discrimination or harassment of the student while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved, changing class schedules, or other steps.

4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Board Chair, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator shall consult with the Title IX Coordinator as appropriate during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation.
7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement will be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation will be completed within forty (40) school days of receiving the complaint, if practicable.
11. The investigator will provide a written report and findings to the Title IX Coordinator.

C. Findings and Subsequent Actions

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

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either:

- a. Prejudicial procedural error; or
 - b. The discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five (5) school days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five (5) school days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal will be provided to the parties within ten (10) school days, if practicable. The Superintendent's decision is final.

E. Records

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

Cross References:

AC – Nondiscrimination/Equal Opportunity district and Human Rights

ACAA – Harassment of Students

ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure

JIE - Pregnant Students

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STUDENT SEX DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

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

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

Complaints alleging unlawful discrimination or harassment of a student on the basis of other protected categories (race, color, religion, ancestry or national origin, and disability) are addressed under ACAA-R1 – *Student Discrimination and Harassment Complaint Procedure*.

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

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

TITLE IX COORDINATOR

Name Here

Section 1. Definitions

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

- A. “Complainant” means: (1) the student victim of alleged sex discrimination (including sexual/sex-based harassment); or (2) other victim of alleged sex discrimination (including sexual/sex-based harassment) who was participating or attempting to participate in the school district’s education programs or activities at the time of the alleged sex discrimination.
- B. “Complaint” under the Title IX regulations: An oral or written request to the [school district] to investigate and make a determination about alleged discrimination under Title IX.” An oral request for investigation should be documented by the Title IX Coordinator.
- C. “Confidential employee” means: (1) an employee of the school district whose communications are privileged or confidential under federal or state law. The employee’s confidential status, for purposes of Title IX, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) an employee of the school district designated as confidential for the purpose of providing services to persons related to sex discrimination (in which case the employee’s confidential status applies only to information received about sex discrimination in connection with providing those services).

- D. "Discrimination": Treating individuals differently or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
- E. "Gender identity": The gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."
- F. "Parental status": The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) a biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person."
- G. "Party": A complainant or respondent.
- H. "Pregnancy and related conditions" include "(1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions."
- I. "Respondent": A person who is alleged to have violated the school district's prohibition on sex discrimination.
- J. "Retaliation": Intimidation, threats, coercion, or discrimination against any person by the school district, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or services under the [school district's] education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participating or refused to participate in any manner in an investigation, proceeding, or other action taken by a school district in regard to allegations of sex discrimination."
- K. "Sex-based harassment" under Title IX: Harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that meets one of the following:
 - 1. "Quid pro quo" harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on the individual's participation in unwelcome sexual conduct.
 - 2. "Hostile environment" harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the school district's education program or activity (i.e., creates a hostile environment). A

school district is obligated to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity. Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors.

- i. Factors to consider in regard to the creation of a “hostile environment”: “(i) the degree to which the conduct affected the complainant’s ability to access the [school district’s] education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties’ ages, roles within the [school district’s] education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other sex-based harassment in the [school district’s education program or activity.”
3. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined below or in the Title IX regulations.
 - i. “Sexual assault” is an offense classified as a forcible or nonforcible sex offense under the uniform reporting system of the Federal Bureau of Investigation. Such offenses include but are not limited to rape, sodomy, sexual assault with an object, and fondling.
 - ii. “Dating violence” is violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.”
 - iii. “Stalking”: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person’s safety or the safety of others; or (b) suffer substantial emotional distress.”
- L. “Sexual harassment” under New Hampshire law: Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s educational benefits;
 2. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
 3. Such conduct has the purpose and effect of substantially interfering with a student’s academic performance, or creates an intimidating, hostile, or offensive environment.

- M.** “Sexual orientation”: Under New Hampshire law means “having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality.” Sexual orientation is also covered by Title IX.
- N.** “Gender identity”: Under New Hampshire law, means “a person’s gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth.
- O.** “Student”: A person enrolled in the school district.

Section 2. Complaint Procedure

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

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

1. Any school district employee (except for designated confidential employees) who receives a report or has reason to believe that a student may have been discriminated against or harassed on the basis of sex is required to promptly notify the Title IX Coordinator.
2. Confidential employees who receive a report that a student may have experienced sex discrimination or sexual/sex-based harassment must inform the person making the report that the employee is designated “confidential” and inform them of the circumstances in which the employee is not required to make a report to the Title IX Coordinator. The confidential employee will provide the reporter with the Title IX Coordinator’s contact information and explain that the Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process, or initiate an investigation under this complaint procedure.
3. Students (and others) who believe that they or another student has been discriminated against or harassed on the basis of sex should report their concern promptly to the Title IX Coordinator. The report will be documented by the Title IX Coordinator.
4. The individual making the report should provide basic, available information orally or in writing concerning the allegation (i.e., individuals involved, date, time, location, and type of allegation). If the information is conveyed orally, the Title IX Coordinator will document it.
5. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, they are encouraged to discuss the matter with the Title IX Coordinator.
6. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal/state nondiscrimination laws and Board policies, and any retaliation will result in disciplinary action, up to and including termination for employees and expulsion for students.

7. The Superintendent will be promptly notified of all reports of alleged discrimination or harassment of a student.
8. Students and others are encouraged to utilize this complaint procedure. However, individuals are hereby notified that they also have the right to report incidents of discrimination or harassment to:
 - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 (telephone: 603-271-2767); and/or
 - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Processing of Complaints

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

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

3. Supportive Measures
 - a. Supportive measures are individualized measures designed to ensure the student can continue to access educational programs and activities (including but not limited to: requiring no contact between individuals, changing schedules, classes, extracurricular activities, etc.).
 - b. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school district's educational environment or to provide support during the complaint procedure or an informal resolution process. The school district may not impose such measures for punitive or disciplinary reasons.
 - c. Supportive measures may be continued even if a complaint or informal resolution process is not initiated, or after the conclusion of such processes, if appropriate under the circumstances.
 - d. Complainants and respondents must be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee must not be the Title IX Coordinator and must have the authority to modify or reverse the decision.

- e. Complainants and respondents also have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change.
 - f. The school district will not disclose information about supportive measures to persons other than the person to whom they apply unless it is necessary to provide a supportive measure or to restore or preserve a party's access to education programs and activities.
 - g. If a complainant or respondent is a student with a disability, the Title IX Coordinator will consult with one or more members of the student's IEP team or Section 504 Team, if any, to determine how to comply with the requirements of the IDEA and Section 504 in implementing supportive measures.
4. If the Title IX Coordinator reasonably determines that the conduct alleged does not involve illegal discrimination or harassment, the school district is not obligated to initiate the complaint process and may dismiss the complaint (See Subsection C.1. below). If the alleged conduct potentially violates other laws, Board policies/procedures, or professional expectations (in the case of employees), the matter may be referred to the Superintendent and/or other appropriate administrator(s) to address as deemed appropriate.
5. In response to a complaint alleging prohibited sex discrimination or sexual/sex-based harassment, the Title IX Coordinator will initiate the complaint process or the informal resolution process (if available and appropriate) according to this procedure. When feasible, the decision to initiate an investigation or informal resolution process or dismiss the complaint will be made within ten (10) school days of receipt of the complaint.
6. In certain circumstances, the Title IX Coordinator may initiate the investigation process, even when the alleged victim chooses not to, after any or all allegations are withdrawn by the alleged victim, or when an informal resolution process is not initiated or is terminated. To make this fact-specific determination, the Title IX Coordinator will consider, at a minimum:
- a. The complainant's request not to proceed with initiating a complaint;
 - b. The complainant's reasonable safety concerns regarding initiating a complaint;
 - c. The risk that additional acts of discrimination or harassment would occur if a complaint is not initiated;
 - d. The severity of the alleged discrimination or harassment, including whether the discrimination, if established, would require the removal of a respondent from school or imposition of another disciplinary sanction to end the discrimination or harassment and prevent its recurrence;
 - e. The age and relationship of the parties, including whether the respondent is an employee of the school district;
 - f. The scope of the alleged discrimination or harassment, including information suggesting a pattern, ongoing discrimination/harassment, or discrimination/harassment alleged to have impacted multiple individuals;
 - g. The availability of evidence to assist a decisionmaker in determining whether discrimination or harassment occurred; and

- h. Whether the school district could end the alleged discrimination or harassment and prevent its recurrence without initiating the complaint procedure.

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

- 7. If the Title IX Coordinator initiates a complaint, the complainant will receive prior notice and any reasonable safety concerns will be addressed.
- 8. The Title IX Coordinator will confirm the initiation of an investigation or informal resolution process in writing to both parties. The communication will include: a) a copy of the complaint procedure; b) sufficient information available at the time to allow the parties to respond to the allegations (including the identities of the parties involved, the conduct alleged to constitute sex discrimination or sexual/sex-based harassment, and the date(s) and location(s) of the alleged incident(s); c) notice that retaliation is prohibited; and d) notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.
- 9. Regardless of whether an investigation is initiated, the Title IX Coordinator will take appropriate, prompt, and effective steps to ensure that discrimination or harassment does not continue or recur. The Title IX Coordinator will also coordinate supportive measures as appropriate.
- 10. If a complainant or respondent is a student with a disability, the Title IX Coordinator will consult with one or more members of the student's IEP team or 504 Team, if any, to determine how to comply with the requirements of the IDEA and Section 504 during the course of the complaint procedure.
- 11. If the Title IX Coordinator decides to investigate additional allegations of discrimination or harassment made by the complainant against the respondent after the parties receive notice of the complaint, the Title IX Coordinator will notify the parties of the additional allegations in writing.
- 12. The Title IX Coordinator may consolidate complaints of discrimination or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.
- 13. The school district will presume that the respondent is not responsible for alleged discrimination or harassment until a determination is made at the conclusion of the investigation.

14. The school district will take reasonable steps to protect the privacy of the parties and witnesses during the complaint procedure and will comply with applicable state and federal privacy laws. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family; confidential employees/resources; or otherwise prepare for and participate in the complaint procedure.

C. Dismissal of Complaints

1. The Title IX Coordinator may dismiss a complaint in the following circumstances:
 - a. The school district is unable to identify a respondent after taking reasonable steps to do so;
 - b. The respondent is not participating in the school district's education programs and activities, or is not employed by the school district;
 - c. The complainant voluntarily withdraws any or all allegations in the complaint, the Title IX Coordinator declines to initiate a complaint and determines that, without the complainant's withdrawn allegations, the alleged conduct remaining, if any, would not constitute discrimination or harassment even if proven; or
 - d. The Title IX Coordinator determines that the conduct alleged in the complaint, even if proven, would not constitute discrimination or harassment under state/federal laws and regulations.
2. Upon dismissal, the Title IX Coordinator will promptly notify the complainant (and the respondent, if they had received notice of the complaint allegations) of the basis for the dismissal, and provide the opportunity to appeal the dismissal.
3. Dismissals may be appealed on the following bases:
 - a. Procedural irregularity that would change the outcome;
 - b. New evidence that would change the outcome and that was not reasonably available when the dismissal [or determination in the case] was made; and
 - c. The Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally, or the individual complainant or respondent that would change the outcome.
4. An appeal of a complaint dismissal must be made in writing to the Title IX Coordinator within five (5) school days and state the basis for the appeal.
5. If the dismissal is appealed, the Title IX Coordinator shall:
 - a. Notify the respondent of the appeal if they had received notice of the complaint allegations;
 - b. Implement the appeal procedure equally for the parties;
 - c. Ensure that the trained decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
 - d. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
 - e. Notify the parties in writing of the result of the appeal and the rationale for it within five (5) school days, if feasible.

6. When a complaint is dismissed, the Title IX Coordinator will, at a minimum:
 - a. Offer supportive measures to the complainant and respondent if appropriate; and
 - b. Take other prompt and effective steps, as appropriate to ensure that discrimination or harassment does not continue or recur within the school district's program or activity.
7. The Title IX Coordinator will document actions taken during the appeal process.

D. Emergency Removal of a Student

The Superintendent may remove a student from education programs and activities on an emergency basis during the complaint procedure, provided:

1. There is a determination, following an individualized safety and risk analysis, that a student respondent presents an imminent and serious threat to the health or safety of a complainant, or any students, employees, or other persons arising from the allegations of discrimination or harassment, that justifies emergency removal.
2. The respondent and the student's parent/legal guardian will be provided with an immediate opportunity to challenge the decision following the removal, and has the burden of demonstrating that such removal is unreasonable.
3. Any such removal shall be made in compliance with any applicable disability laws, including the IDEA, Section 504, and the Americans with Disabilities Act.
4. The Title IX Coordinator will document actions taken during the emergency removal process.

[Note: An employee may be placed on administrative leave during a complaint procedure, pursuant to the school district's customary process regarding administrative leave of employees]

E. Informal Resolution Process

1. Informal resolution is not permitted in cases where a student is the complainant and an employee is the respondent to alleged sex discrimination or harassment.
2. The Title IX Coordinator may, if appropriate, offer the parties the opportunity to resolve the complaint through an informal resolution process at any point prior to an investigation or determination of responsibility. Engaging in an informal resolution process is voluntary on the part of each party. The Title IX Coordinator also may decline to pursue an informal resolution despite a party's request (for example, if the alleged conduct presents a future risk of harm to the complainant or others).

3. Both (or all) parties must voluntarily agree in writing to participate in an informal resolution process, and a party may withdraw from the process at any time. The parties will not be required to attend meetings together unless they voluntarily agree to do so.
4. Before initiating an informal resolution process, the Title IX Coordinator will ensure that the parties receive notice of: i.) the allegations; ii.) the requirements of the informal resolution process; iii.) the right of any party to withdraw from the process and initiate or resume the investigation process; iv.) that the parties' agreement to an informal resolution would preclude them from initiating or resuming the investigation; v.) potential terms that may be requested or offered in an informal resolution agreement, including notice that an agreement is binding on the parties; and vi.) what information the school district will maintain regarding the informal resolution process.

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

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

F. Investigation Process

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. The investigator shall not have a conflict of interest or bias against complainants or respondents generally, or an individual complainant or respondent, and will consult with the Title IX Coordinator during the investigation process.
2. Any complaint about an employee who holds a supervisory position will be investigated by a person not subject to that supervisor's authority. Any complaint about the Superintendent will be submitted to the Board Chair, who will consult with legal counsel concerning the handling and investigation of the complaint.

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

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

G. Determinations of Responsibility

1. The standard used to determine whether illegal discrimination or harassment occurred is the preponderance of the evidence standard ("more likely than not").
2. The decisionmaker will review the investigation report, the evidence gathered (as appropriate), and will have the discretion to conduct additional interviews of parties and/or witnesses if needed to assess credibility.
3. The decisionmaker will make a written determination of responsibility/non-responsibility in regard to each allegation and the reasons therefore, which shall be shared with the Title IX Coordinator and the parties.
4. In general, the Title IX Coordinator will notify the parties of the determination decision(s) within five (5) school days of the determination being reached. Reasonable extensions of time may be approved by the Title IX Coordinator for good reason. The notification will include the permissible bases for appeal and the deadline for receipt of appeals.
5. If there is a determination that the respondent is responsible for violations, the appropriate administrator will make decisions as to appropriate disciplinary action and remedies.
6. The Title IX Coordinator shall, as appropriate:
 - a. Coordinate the provision and implementation of remedies to a complainant and any other persons if necessary to provide equal access to the school district's educational programs and activities that had been limited or denied by discrimination or harassment;
 - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

- c. Take other appropriate prompt and effective steps if necessary to ensure discrimination and harassment does not continue or recur.
- 7. A determination of responsibility becomes final on the date that the Title IX Coordinator provides the parties with the written determination of the results of the appeal, if an appeal is filed. If an appeal is not filed, the determination of responsibility becomes final on the date on which the appeal would no longer be considered timely.
- 8. The school district will not discipline a party, witness, or others participating in the complaint procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination that sex discrimination or sexual/sex-based harassment occurred.

H. Remedies, Discipline, and Other Actions

1. Remedies

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

2. Discipline and Other Actions

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

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

I. Appeals

- 1. After the conclusion of the investigation and decisionmaker determination(s), the complainant or respondent may seek an appeal of the findings based on the following factors:
 - a. Procedural irregularity that would change the outcome;
 - b. New evidence that would change the outcome and that was not reasonably available when the determination was made; and
 - c. The Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

2. The appeal must be made in writing to the Title IX Coordinator within five (5) school days and state the basis for the appeal.
3. The Superintendent is responsible for making a determination on the appeal. The Superintendent will conduct an impartial review of the appeal, including consideration of the written record in the case, and may consult with legal counsel or other school district officials in making their decision.
4. The Superintendent will issue the appeal determination in writing within ten (10) school days of receipt of the appeal, if feasible.
5. The Superintendent's decision is final.

Section 3. Recordkeeping

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

Cross References:

AC – Nondiscrimination/Equal Opportunity and Human Rights

ACAA – Harassment of Students

ACAA-R1 – Student Discrimination and Harassment Complaint Procedure

ACAB – Harassment of Employees

ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure

ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure

JIE - Pregnant Students

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

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HARASSMENT OF EMPLOYEES

The Pasquaney School District prohibits harassment of employees on the basis of:

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

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

A. Harassment

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

B. Sexual/Sex-Based Harassment

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

1. Sex-Based Harassment Under Title IX

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

- a. “Quid pro quo” harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service (such as a promotion or favorable evaluation) on the individual’s participation in unwelcome sexual conduct.
- b. “Hostile environment” harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offense, and is so severe or pervasive that it limits or denies an individual’s ability to participate in or benefit from the school district’s education program or activity (i.e., creates a hostile environment).

Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors (identified in *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*).

- c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined in applicable federal laws/regulations.

2. Sexual Harassment Under New Hampshire Law

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

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

C. Reports and Complaints of Harassment

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

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

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

Legal References:

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107.
Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as amended by 34 C.F.R. § 104.7.

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

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

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

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

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

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

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

Cross Reference:

ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure

ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure

AC – Nondiscrimination/Equal Opportunity and Affirmative Action

ACAA – Harassment of Students

ACAA-R1 – Student Discrimination and Harassment Complaint Procedure

ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure

GBGB – Workplace Bullying

ACAD – Hazing

JICIA – Weapons, Violence and School Safety

JIE – Pregnant Students

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

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EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

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

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

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

TITLE IX COORDINATOR

Name Here

Section 1. Definitions

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

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

Section 2. Complaint Procedure

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

A. How to Make A Complaint

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

B. Complaint Handling and Investigation

1. The Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
 - a. If the allegations include sex discrimination or sexual/sex-based harassment, ACAB-R2 will be followed instead of this procedure.
2. The Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.

3. The Title IX Coordinator may implement supportive measures for an employee to reduce the risk of further discrimination or harassment of the employee while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals, temporarily moving work locations or changing schedules, etc.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority.
5. Any complaint about the Superintendent should be submitted to the Board Chair, who should consult with legal counsel concerning the handling and investigation of the complaint.
6. The investigator shall consult with the Title IX Coordinator as appropriate during the investigation process.
7. The respondent will be provided with an opportunity to be heard as part of the investigation.
8. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
9. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement will be applied.
10. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
11. The investigation will be completed within forty (40) school days of receiving the complaint, if practicable.
12. The investigator will provide a written report and findings to the Title IX Coordinator.

C. Findings and Subsequent Actions

1. The Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the Title IX Coordinator, in consultation with the Superintendent, shall:
 - a. Determine what remedial action(s), if any, are required to end the discrimination or harassment, remedy its effects, and prevent recurrence; and
 - b. Determine what disciplinary action(s) should be taken against the individual(s) who engaged in discrimination or harassment, if any.

3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either:
 - a. Prejudicial procedural error; or
 - b. The discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five (5) school days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five (5) school days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal will be provided to the parties within ten (10) school days, if practicable. The Superintendent's decision is final.

E. Records

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

Cross References:

AC – Nondiscrimination/Equal Opportunity and Human Rights

ACAB – Harassment of Employees

ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure

JIE - Pregnant Employees

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

EMPLOYEE SEX DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

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

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

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

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

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

TITLE IX COORDINATOR
Name Here

Section 1. Definitions

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

- A. “Complainant” means: (1) the employee victim of alleged sex discrimination (including sexual/sex-based harassment); or (2) other victim of alleged sex discrimination (including sexual/sex-based harassment) who was participating or attempting to participate in the school district’s education programs or activities at the time of the alleged sex discrimination.
- B. “Complaint” under the Title IX regulations: An oral or written request to the [school district] to investigate and make a determination about alleged discrimination under Title IX.” An oral request for investigation should be documented by the Title IX Coordinator.
- C. “Confidential employee” means: (1) an employee of the school district whose communications are privileged or confidential under federal or state law. The employee’s confidential status, for purposes of Title IX, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) an employee of the school district designated as confidential for the purpose of providing services to persons related to sex discrimination (in which case the employee’s confidential status applies only to information received about sex discrimination in connection with providing those services).
- D. “Discrimination”: Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.

- E. “Gender identity”: The gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”
- F. “Parental status”: The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) a biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person.”
- G. “Party”: A complainant or respondent.
- H. “Pregnancy and related conditions” includes “(1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.”
- I. “Respondent”: A person who is alleged to have violated the school district’s prohibition on sex discrimination.
- J. “Retaliation” under Title IX: Intimidation, threats, coercion, or discrimination against any person by the school district, an employee or other person authorized by the recipient to provide aid, benefit, or services under the [school district’s] education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participating or refused to participate in any manner in an investigation, proceeding, or other action taken by a school district in regard to allegations of sex discrimination.”
- K. “Sex-based harassment” under Title IX: Harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that meets one of the following:
 - a. “Quid pro quo” harassment by a school employee, agent, or other person authorized by the school district to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on the individual’s participation in unwelcome sexual conduct.
 - b. “Hostile environment” harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies an individual’s ability to participate in or benefit from the school district’s education program or activity (i.e., creates a hostile environment). A school district is obligated to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient’s education program or activity. Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors.
 - i. Factors to consider in regard to the creation of a “hostile environment”: “(i) the degree to which the conduct affected the complainant’s ability to access the [school district’s] education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties’ ages, roles within the [school district’s] education program or activity, previous

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

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

Section 2. Complaint Procedure

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

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

1. Any school district employee (except for designated confidential employees) who receives a report or has reason to believe that an employee may have been discriminated against or harassed on the basis of sex is required to make a report to the Title IX Coordinator.
2. Confidential employees who receive a report that an employee may have experienced sex discrimination or sexual/sex-based harassment must inform the person making the report that the employee is designated “confidential” and inform them of the circumstances in which the employee is not required to make a report to the Title IX Coordinator. The confidential employee will provide the reporter with the Title IX Coordinator’s contact information and explain that the Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process, or initiate an investigation under this complaint procedure.
3. Employees who believe that they have been discriminated against or harassed on the basis of sex should report their concern promptly to the Title IX Coordinator. The report will be documented by the Title IX Coordinator.
4. The individual making the report should provide basic, available information orally or in writing concerning the allegation (i.e., individuals involved, date, time, location, and type of allegation). If the information is conveyed orally, the Title IX Coordinator will document it.
5. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, they are encouraged to discuss the matter with the Title IX Coordinator.
6. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal/state nondiscrimination laws and Board policies, and any retaliation will result in disciplinary action, up to and including termination.
7. The Superintendent will be promptly notified of all reports of alleged discrimination or harassment of an employee.
8. An employee who believes they have been discriminated against or harassed on the basis of sex is encouraged to utilize this complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:
 - New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301 (telephone: 603-271-2767); and/or
 - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Processing of Complaints

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

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

3. Supportive Measures

- a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (including but not limited to: requiring no contact between individuals, temporarily moving work locations, and changing schedules).
 - b. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school district's educational environment or to provide support during the complaint procedure or an informal resolution process. The school district may not impose such measures for punitive or disciplinary reasons.
 - c. Supportive measures may be continued even if a complaint or informal resolution process is not initiated, or after the conclusion of such processes, if appropriate under the circumstances.
 - d. Complainants and respondents must be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee must not be the Title IX Coordinator and must have the authority to modify or reverse the decision.
 - e. Complainants and respondents also have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change.
 - f. The school district will not disclose information about supportive measures to persons other than the person to whom they apply unless it is necessary to provide a supportive measure or to restore or preserve a party's access to education programs and activities.
4. If the Title IX Coordinator reasonably determines that the conduct alleged does not involve illegal discrimination or harassment, the school district is not obligated to initiate the complaint process and may dismiss the complaint (See Subsection C.1. below). If the alleged conduct potentially violates other laws, Board policies/procedures, or professional expectations (in the case of employees), the matter may be referred to the Superintendent and/or other appropriate administrator(s) to address as deemed appropriate.
 5. In response to a complaint alleging prohibited sex discrimination or sexual/sex-based harassment, the Title IX Coordinator will initiate the complaint process, or the informal resolution process (if available and appropriate), according to this procedure. When feasible, the decision to initiate an investigation or informal resolution process, or dismiss the complaint, will be made within ten (10) school days of receipt of the complaint.
 6. In certain circumstances, the Title IX Coordinator may initiate the investigation process, even when the alleged victim chooses not to, after any or all allegations are withdrawn by the alleged victim, or when an informal resolution process is not initiated or is terminated. To make this fact-specific determination, the Title IX Coordinator will consider, at a minimum:
 - a. The complainant's request not to proceed with initiating a complaint;
 - b. The complainant's reasonable safety concerns regarding initiating a complaint;
 - c. The risk that additional acts of discrimination or harassment would occur if a complaint is not initiated;
 - d. The severity of the alleged discrimination or harassment, including whether the discrimination, if established, would require the removal of a respondent from school or imposition of another disciplinary sanction to end the discrimination or harassment and prevent its recurrence;

- e. The age and relationship of the parties, including whether the respondent is an employee of the school district;
- f. The scope of the alleged discrimination or harassment, including information suggesting a pattern, ongoing discrimination/harassment, or discrimination/harassment alleged to have impacted multiple individuals;
- g. The availability of evidence to assist a decisionmaker in determining whether discrimination or harassment occurred; and
- h. Whether the school district could end the alleged discrimination or harassment and prevent its recurrence without initiating the complaint procedure.

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

- 7. If the Title IX Coordinator initiates a complaint, the complainant will receive prior notice and any reasonable safety concerns will be addressed.
- 8. The Title IX Coordinator will confirm the initiation of an investigation or informal resolution process in writing to both parties. The communication will include: a) a copy of the complaint procedure; b) sufficient information available at the time to allow the parties to respond to the allegations (including the identities of the parties involved, the conduct alleged to constitute sex discrimination or sexual/sex-based harassment, and the date(s) and location(s) of the alleged incident(s); c) notice that retaliation is prohibited; and d) notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.
- 9. Regardless of whether an investigation is initiated, the Title IX Coordinator will take appropriate, prompt, and effective steps to ensure that discrimination or harassment does not continue or recur. The Title IX Coordinator will also coordinate supportive measures, as appropriate.
- 10. If the Title IX Coordinator decides to investigate additional allegations of discrimination or harassment made by the complainant against the respondent after the parties receive notice of the complaint, the Title IX Coordinator will notify the parties of the additional allegations in writing.
- 11. The Title IX Coordinator may consolidate complaints of discrimination or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.
- 12. The school district will presume that the respondent is not responsible for alleged discrimination or harassment until a determination is made at the conclusion of the investigation.
- 13. The school district will take reasonable steps to protect the privacy of the parties and witnesses during the complaint procedure and will comply with applicable state and federal privacy laws. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, confidential employees/resources, or otherwise prepare for and participate in the complaint procedure.

C. Dismissal of Complaints

- 1. The Title IX Coordinator may dismiss a complaint in the following circumstances:
 - a. The school district is unable to identify a respondent after taking reasonable steps to do so;

- b. The respondent is not participating in the school district's education programs and activities, or is not employed by the school district;
 - c. The complainant voluntarily withdraws any or all allegations in the complaint, the Title IX Coordinator declines to initiate a complaint and determines that, without the complainant's withdrawn allegations, the alleged conduct remaining, if any, would not constitute discrimination or harassment even if proven; or
 - d. The Title IX Coordinator determines that the conduct alleged in the complaint, even if proven, would not constitute discrimination or harassment under state/federal laws and regulations.
- 2. Upon dismissal, the Title IX Coordinator will promptly notify the complainant (and the respondent, if they had received notice of the complaint allegations) of the basis for the dismissal, and provide the opportunity to appeal the dismissal.
- 3. Dismissals may be appealed on the following bases:
 - a. Procedural irregularity that would change the outcome;
 - b. New evidence that would change the outcome and that was not reasonably available when the dismissal [or determination in the case] was made; and
 - c. The Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally, or the individual complainant or respondent that would change the outcome.
- 4. An appeal of a complaint dismissal must be made in writing to the Title IX Coordinator within five (5) school days and state the basis for the appeal.
- 5. If the dismissal is appealed, the Title IX Coordinator shall:
 - a. Notify the respondent of the appeal if they had received notice of the complaint allegations;
 - b. Implement the appeal procedure equally for the parties;
 - c. Ensure that the trained decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
 - d. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
 - e. Notify the parties in writing of the result of the appeal and the rationale for it within five (5) school days, if feasible.
- 6. When a complaint is dismissed, the Title IX Coordinator will, at a minimum:
 - a. Offer supportive measures to the complainant and respondent if appropriate; and
 - b. Take other prompt and effective steps, as appropriate to ensure that discrimination or harassment does not continue or recur within the school district's program or activity.
- 7. The Title IX Coordinator will document actions taken during the appeal process.

D. Administrative Leave

- 1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable state laws, school policies, and collective bargaining agreement provisions.

2. Any decision to place an employee respondent on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
3. The Title IX Coordinator will document actions taken during the administrative leave process.

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

E. Informal Resolution Process

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

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

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

F. Investigation Process

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. The investigator shall not have a conflict of interest or bias against complainants or respondents generally, or an individual complainant or respondent, and will consult with the Title IX Coordinator during the investigation process.
2. Any complaint about an employee who holds a supervisory position will be investigated by a person not subject to that supervisor's authority. Any complaint about the Superintendent will be submitted to the Board Chair, who will consult with legal counsel concerning the handling and investigation of the complaint.
3. If the complaint is against an employee of the school district, any rights conferred under an applicable bargaining agreement will be applied, to the extent they do not conflict with the requirements of Title IX and accompanying regulations.
4. The burden is on the school district, and not the parties, to gather sufficient evidence (through the investigation) in order to determine whether illegal discrimination or harassment occurred.
5. The investigator shall provide an opportunity for the complainant and respondent to be heard as part of the investigation. The parties will not be required to attend meetings together.
6. The parties may suggest witnesses to be interviewed and/or submit materials that they believe are relevant to the allegations and complaint.
7. The investigator will evaluate evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
 - a. The Title IX regulations define "relevant" as "related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred."
8. The following types of evidence, and questions seeking that evidence, are impermissible:
 - a. Evidence that is protected under a privilege recognized by federal or state law, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing.
 - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment to the party or witness, unless the school district obtains that party's or witness's voluntary, written consent for use in the complaint procedure; and
 - c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed alleged sexual/sex-based harassment or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sexual/sex-based harassment. The fact of prior sexual conduct between the

complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

9. The investigator will provide each party with the opportunity to review the evidence that is relevant to the allegations of discrimination or harassment (and not otherwise impermissible), and to respond to it.
10. The Title IX Coordinator and investigator will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the complaint procedure. Disclosure of such information and evidence for the purposes of administering administrative proceedings or litigation related to the complaint are authorized.
11. The investigator will conclude the investigation and issue a written report to the Title IX Coordinator within forty (40) school days, if feasible.
 - a. If the investigator has been charged with making a determination of responsibility/non-responsibility with respect to each allegation, such determination(s) and the reasons, therefore, shall be included in the report.
12. Extensions of time may be granted to complete the investigation if approved by the Title IX Coordinator for reasonable cause. Notice of any extension and the reasons, therefore, will be provided to the parties.

G. Determinations of Responsibility

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

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

H. Remedies, Discipline, and Other Actions

1. Remedies

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

2. Discipline and Other Actions

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

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

I. Appeals

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

4. The Superintendent will issue the appeal determination in writing within ten (10) school days of receipt of the appeal, if feasible.
5. The Superintendent's decision is final.

Section 3. Recordkeeping

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

Cross References:

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

District Policy History:

First reading: _____
Second reading/adopted: _____

District revision history:

Pasquaney School District
Policy ACE: Procedural Safeguards: Nondiscrimination on the Basis of Disability

The school district will ensure that all parents/guardians of students with a disability are provided all necessary procedural safeguards as are required by law. Such procedural safeguards are found in pertinent federal and state laws and regulations. In addition, all staff, students, parents and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook (relative to the Individuals with Disabilities Education Act), or to the Model Process for 504 Plan Development (Section 504 of the Rehabilitation Act of 1973). For reporting or making a complaint of discrimination or harassment relative to a disability or perceived disability, see Board policy ACAA-R1 and ACAB-R1.

More specific information regarding the District's programs and procedures relative to programs for students with disabilities is found in Board policy IHBA, and procedural document IBHA-R.

***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 Dept of Ed Regulation

NH Department of Ed Admin Rules Ed
1120

Description

[Procedural Safeguards](#)

Federal Regulations

34 C.F.R. § 104

Description

[Nondiscrimination on the Basis of Handicap](#)

Federal Statutes

20 U.S.C. § 1400-1417

Description

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

29 U.S.C. 794

[Rehabilitation Act of 1973 \(Section 504\)](#)

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

[Title II of The Americans with Disabilities Act of 1990](#)

Cross References

Code

AC

Description

[Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan](#)

AC-R(2)

[Nondiscrimination, Equal Opportunity Employment, and Anti-](#)

ACA

[Discrimination Plan - Annual Notice of Contact Information](#)

IHBA

[Discrimination and Harassment Grievance Procedure](#)

IHBA-R(1)

[Programs for Pupils with Disabilities](#)

[Programs for Pupils with Disabilities - Section 504 - Notice of Parent & Student Rights](#)

JKAA

[Use of Restraints and Seclusion](#)

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Pasquaney School District
Policy ACN: Accommodation of Lactation Needs

A. Statement of Purpose.

The District provides a supportive environment as to time and place for students and employees (collectively “people with lactation or lactation related needs”) to express milk and address other lactation related needs. Subject to the terms and exceptions set forth in this policy, the District will accommodate the needs of people with lactation or lactation related needs by providing reasonable times and suitable spaces for people with lactation or lactation related needs to express milk during school and work hours for one year after pregnancy. Lactation for purposes of this policy will include expression of milk by manual or mechanical means, medical conditions related to lactation, and other lactation related needs.

No person with lactation needs will be discriminated against for milk expression or related activities as provided in this policy, and reasonable efforts will be made to assist people with lactation needs in meeting their lactation needs while at work or school.

B. Accommodation Notice and Plans.

A person with lactation needs should contact the building Principal, school nurse, or employee’s supervisor at least two weeks before the need for lactation accommodations arises. The District will endeavor to meet the break and space needs of each person with lactation needs. However, when ordinary accommodations (as discussed below) create undue hardship for the operations of the school/workplace, the District will work with the person with lactation needs to determine whether other reasonable accommodations may be made. Such other accommodations could include items like a change in work/class assignments, or schedules, additional break periods, permitted absences for medical appointments, or access to extra food and water throughout the day. When reasonable accommodations are unattainable, the school nurse, building Principal or other administrator working with the person with lactation needs should consult with the District’s Title IX Coordinator.

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

C. Reasonable Time to Express Milk during the School Day.

Absent undue hardship or other accommodations as established under Section B above, a person with lactation needs will have a minimum of three opportunities (“lactation period”) during a work or school day, at agreed upon intervals (which should include flexibility as appropriate and practicable) for the purpose of lactation or to address other needs relating to lactation. An employee or student can choose to use usual break and meal periods.

A person with lactation needs who is an hourly employee will be paid during lactation periods. People with lactation needs shall not be required to “make up” time relating to the use of unpaid lactation periods.

D. Suitable Private Areas for Lactation.

People with lactation needs will be provided with a private place, other than a bathroom, in each school district building in which a person with lactation needs spends the working or school day. The lactation area:

1. May be temporary or permanent;
2. Shall be shielded from view and free from intrusion by other persons, including without limitation other staff or students;
3. Shall be within a reasonable walk of the workstation or classroom of the person with lactation needs unless otherwise agreed by the person with lactation needs;
4. Have at a minimum:
 - a. An electrical outlet;
 - b. Appropriate seating;
 - c. A surface sufficient to place a breast pump;
 - d. A sink with running water or be in reasonable proximity to one;
 - e. A refrigerator for milk storage or be in reasonable proximity to one;

E. Responsibilities of the Person with Lactation Needs.

A person with lactation needs will:

1. Provide at least two weeks' advance notice of the need for lactation accommodations, preferably prior to their return to school. This will allow school administrators the opportunity to establish a location and work out scheduling issues. Note that, notwithstanding the requested two weeks' notice, an unnecessary delay in making a reasonable accommodation for a person with lactation needs could constitute a violation of the PWFA and Title IX.
2. Maintain the lactation area by wiping down surfaces with antibacterial wipes so the area is clean for the next user.
3. Provide their own supplies as is necessary.

F. Prohibited conduct.

Any intentional act which violates a lactating person's privacy, aims to frustrate a lactating person's intentions to use the lactation space, or constitutes harassment on account of a lactating person's needs or lactating status is prohibited, and shall be treated as violation of the applicable code of conduct with possible disciplinary consequences, and may constitute sex discrimination and shall be reported to the Title IX Coordinator in accordance with policy ACAA-R2 and ACAB-R2.

G. Dissemination of Policy.

This policy shall be printed or summarized in applicable employee and student handbooks. For employees, if the handbook is not provided at the time of hire, then the District will provide a copy of this policy at the time of hire.

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

NH Statutes

RSA 275:78-83

Description

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

Federal Regulations

89 FR 29182

Description

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

Federal Statutes

20 U.S.C 1681, et seq

Description

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

42 U.S.C. 2000gg

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

42 U.S.C. 218d

[Pump for Nursing Mothers Act \("PUMP Act"\)](#)

Cross References

Code

AC

Description

[Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan](#)

AC-R(2)

[Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information](#)

ACA

[Discrimination and Harassment Grievance Procedure](#)

ACAC

[Title IX Prohibition of Sex Discrimination and Sex-Based Harassment: Policy and Grievance Procedure](#)

GBEB

[Staff Conduct](#)

IHBCA

[Accommodation of Pregnancy and Related Medical Conditions: Students](#)

JIC

[Student Conduct](#)

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Pasquaney School District

Policy ADB: Drug-Free Workplace & Drug-Free Schools (dually coded as ADB/GBEC)

A. Drug-Free Workplace

1. All District workplaces are drug- and alcohol-free. All employees and contracted personnel are prohibited from:
 - a. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of any controlled substance or drug while on or in the workplace, including employees possessing a "medical marijuana" card.
 - b. Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.
2. For purposes of this policy, a "controlled substance or drug" means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or New Hampshire Controlled Drug Act RSA 318-B.
3. For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.
4. As a condition of employment, each employee and all contracted personnel will:
 - a. Abide by the terms of this policy respecting a drug- and alcohol-free workplace, including any administrative rules, regulations or procedures implementing this policy; and
 - b. Notify his or her supervisor **in writing** of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.
5. In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:
 - a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
 - b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;

- c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee/contracted personnel's conviction, within ten (10) days after receiving notice of the conviction.

The processes for disciplinary action shall be those provided generally to other misconduct for the employee/contractor personnel as may be found in applicable collective bargaining agreements, individual contracts, School Board policies, contractor agreements, and or governing law. Disciplinary action should be applied consistently and fairly with respect to employees of the District and/or contractor personnel as the case may be.

C. Drug-Free School Zone

Pursuant to New Hampshire's "Drug-Free School Zone" law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell prescribe administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a "drug-free school zone". The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B, I, and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.

D. Implementation and Review

- a. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
- b. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to:
 - i. determine and assure compliance with the notification requirements of section A.5.a, b and c;
 - ii. determine the effectiveness of programs established under paragraph A.5.c above;

- iii. ensure that disciplinary sanctions are consistently and fairly enforced; and
- (iv) and identify any changes required, if any.

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 318-B

Description

[Controlled Drug Act](#)

RSA Chapter 193-B

[Drug Free School Zones](#)

NH Dept of Ed Regulation

N.H. Code of Admin. Rules Section Ed 316

Description

[Procedure to mark drug-free school zones](#)

Federal Regulations

21 USC § 812

Description

[Schedules of Controlled Substances](#)

Federal Statutes

41 U.S.C. §101, et. seq.

Description

[Drug-free workplace requirements for Federal contractors, and Federal grant recipients](#)

Cross References

Code

DAF

Description

[Administration of Federal Grant Funds](#)

GBEC

[Drug-Free Workplace & Drug-Free Schools \(dually coded as ADB/GBEC\)](#)

IHAMA

[Teaching about Alcohol, Drugs, and Tobacco](#)

JICH

[Drug and Alcohol Use by Students](#)

JICHA

[Breathalyzer at Student Social Events](#)

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Pasquaney School District
Policy ADC: Prohibitions Regarding Use and Possession of Tobacco Products, E-Cigarettes
and E-Liquids in and on School Facilities and Grounds (tri-coded as ADC/GBED/JICG)

State law prohibits the use of any tobacco product, e-cigarette, or liquid nicotine in any facility or upon any grounds maintained by the District. Students and minors are further prohibited from possessing such items in or upon any facility, school vehicle, or grounds owned or maintained by the District.

- A. **Definitions.** These definitions shall also include any amendments to the referenced statutes as the same may be amended or replaced from time to time.

"Tobacco product(s)" means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes, as well as any other product or item included in RSA 126-K:2, XI.

"Device" means any product composed of a mouthpiece, a heating element, a battery, and electronic circuits designed or used to deliver any aerosolized or vaporized substance including, but not limited to, nicotine or cannabis. Device may include, but is not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, as well as any other object or item defined in RSA 126-K:2, II-a.

"E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that may or may not contain nicotine or e-liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name as well as any other product or item included in RSA 126-K:2, II-b.

"E-liquid" means any liquid, oil, or wax product containing, but not limited to, nicotine or cannabis intended for use in devices used for inhalation as well as any other substance included or defined in RSA 126-K:2, II-c.

"Liquid nicotine" means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes, as well as any other product or item included in RSA 126-K:2, III-a.

"Employee" shall include all persons within the definition of "covered person" under Board policy GBCD.

"Facility" is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, and storage areas.

B. Students

No student shall purchase, attempt to purchase, possess or use any tobacco product, device, e-cigarette, e-liquid, or liquid nicotine in any facility, in any school building or vehicle, or anywhere on school grounds maintained by the District.

Students are also subject to the provisions of D.2, below.

Enforcement of the prohibition against students shall initially rest with building principals, or their designees, who may also report any violation to law enforcement, for possible juvenile, criminal or other proceedings as provided under state law. Additional consequences may be administered pursuant to printed student conduct rules.

C. Employees

No employee shall use any tobacco product, device, e-cigarette, e-liquid, or liquid nicotine, in any facility, in any school building or vehicle, or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. Violations may also be referred to appropriate law enforcement and/or other appropriate agencies for criminal or other proceedings as provided under state law.

Employees are also subject to the provisions of D.2, below.

D. All other persons

1. No visitor, contractor, vendor or other member of the public, shall use any tobacco product, device, e-cigarette, e-liquid, or liquid nicotine in any facility, in any school building or vehicle, or anywhere on school grounds maintained by the District.
2. Additionally, no person, including, without limitation, students or employees (as defined above), may sell, give or furnish tobacco products, e-cigarettes, or e-liquid to any person under 21 in or upon any school facility.
3. The building principal(s), and where appropriate, other site supervisor (athletic director, vehicle driver, etc.), or their designee(s), shall have the initial responsibility to enforce this section, by requesting that any person who is violating this policy to immediately cease the use of tobacco products, e-cigarette or liquid nicotine. After this request is made, if any person refuses to refrain from using such products in violation of this policy, the principal, site supervisor, or designee may contact the appropriate law enforcement agency(ies) for possible criminal or other proceedings as provided under state law.

E. Implementation and Notice - Administrative Rules and Procedures

The Superintendent shall establish administrative rules and procedures to implement this policy, which rules and procedures may be building level and/or district-wide. Rules and procedures relating to student violations and resulting disciplinary consequences should be developed in consultation with building principal(s).

The Superintendent, working with the building principal(s), shall provide annual notice to employees, students and parents of the pertinent provisions of this policy (e.g., student or staff handbook) along with applicable administrative regulations and procedures, which may include prescribed consequences for violations of this policy. Such notice should include information that violation of this Policy could lead to criminal or other such proceedings.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited.

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 126-K:2

Description

[Definitions](#)

RSA 126-K:7

[Use of Tobacco Products on Public Educational Grounds Prohibited](#)

RSA 126-K:8

[Youth Access to and Use of Tobacco Products, Special Provisions](#)

RSA 126-K:6

[Possession and Use of Tobacco Products by Minors](#)

RSA 155:64 – 77

[Indoor Smoking Act \(Act starts at section 155:64\)](#)

Federal Statutes

20 U.S.C. 7973

Description

[Nonsmoking Policy for Children's Services](#)

Cross References

Code

GBED

Description

[Prohibitions Regarding Use and Possession of Tobacco Products, E-Cigarettes and E-Liquids in and on School Facilities and Grounds \(tri-coded as ADC/GBED/JICG\)](#)

IHAMA

[Teaching about Alcohol, Drugs, and Tobacco](#)

JICG

[Prohibitions Regarding Use and Possession of Tobacco Products, E-Cigarettes, and E-Liquids in and on School Facilities and Grounds \(tri-coded as ADC/GBED/JICG\)](#)

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

PREGNANT STUDENTS

The Pasquaney School Board has adopted this policy to comply with its obligations not to discriminate in its education programs and activities against students based on a student's current, potential, or past pregnancy or related conditions. The Title IX Coordinator is responsible for implementing this procedure, in consultation with the Superintendent, and others as appropriate.

For the purposes of this policy, pregnancy or related conditions include:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

A. Notifications

When a student or their parent/guardian informs any school district employee of a student's pregnancy or related condition(s), the employee must promptly provide the student or the parent/legal guardian with the Title IX Coordinator's contact information so that the Title IX Coordinator can take any necessary actions to ensure the student's equal access to the school district's education programs and activities. The employee should also notify the Title IX Coordinator of the pregnancy or related condition(s), unless the employee reasonably believes that the Title IX Coordinator has already been notified.

Once the Title IX Coordinator is informed of a student pregnancy, they shall inform the student (or the parent/legal guardian if they informed the Title IX Coordinator), of the school district's obligations (outlined below) and provide a copy of Board Policy AC.

B. Reasonable Modifications

1. Reasonable modifications to the school district's policies, procedures, and practices shall be made to prevent sex discrimination and ensure equal access to education programs and activities, based on the student's individualized needs. The Title IX Coordinator will consult with the student regarding any such modifications. Modifications that fundamentally alter the nature of an education program or activity are not considered "reasonable" under Title IX regulations.
2. The student has the discretion to accept or decline each reasonable modification offered. If a student accepts a modification, the Title IX Coordinator will see that it is implemented.
3. Reasonable modifications may include, but are not limited to:
 - a. Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions (such as eating, drinking, or using the restroom);

- b. Intermittent absences to attend medical appointments;
- c. Access to online or homebound education;
- d. Change in schedule or course sequence;
- e. Extensions of time for coursework and rescheduling of tests and examinations;
- f. Allowing a student to sit or stand, or carry or keep water nearby;
- g. Counseling;
- h. Changes in physical space or supplies (such as access to a larger desk or a footrest);
- i. Elevator access; and/or
- j. Other reasonable changes in policies, procedures, or practices.

C. Voluntary Access to Separate and Comparable Portions of Education Programs or Activities

1. If the school district offers a separate and comparable portion of an education program or activity, the student must voluntarily agree to participate in such program or activity.

D. Voluntary Leave of Absence

1. The school district shall allow a student to voluntarily be absent from school to cover, at a minimum, the period of time deemed medically necessary by the student's licensed health care provider.
2. When the student returns to the school district's education programs and activities, they shall be reinstated to the academic status, and to the extent practical, any extracurricular status, that they held prior to the voluntary leave.

E. Lactation Space

1. The student shall be able to access a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by the student for expressing breast milk or breastfeeding as needed.

F. Limits on Requiring Documentation

1. The Title IX Coordinator shall not require supporting documentation from the student, except to the extent it is necessary and reasonable to determine the reasonable modifications to make or to determine whether additional specific actions are needed.
2. Examples of situations where requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action under this procedure is obvious, such as when a pregnant student needs a larger uniform or desk, needs break time, etc. Supporting documentation is also not necessary and reasonable if a specific action is available to other students who are not pregnant or have related conditions.
3. The Title IX Coordinator shall not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in a class, program, or extracurricular activity unless:

- a. The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- b. The school district requires such certification of all participating students; and
- c. The information obtained is not used as a basis for discrimination against the student.

Legal References:

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688; 34 C.F.R. § 106.40.

RSA 193:38.

RSA 354-A:27-28.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history: