

BARNSTEAD SCHOOL DISTRICT
Non-Discrimination and Anti-Harassment Policy & Grievance Procedure

The Board recognizes its obligation to respect the legal rights of all students, parents, employees, applicants for admission or employment, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the school district. The Board will seek to comply with all applicable federal and state non-discrimination laws. The Board will not discriminate against any person or group on the basis of race, creed, color, national origin, disability, sex, marital status, age and/or sexual orientation, in admission or access to, or treatment or employment in, its programs and activities, and to the extent prohibited by law.

Discrimination by Staff, Students, Others Prohibited

The Board prohibits discrimination, including harassment, on grounds of race, creed, color, national origin, disability, sex, marital status, and/or sexual orientation by employees, administrators, other staff (including athletic coaches) and students, against employees, administrators, students and other intended beneficiaries of statutory protection, on school grounds, school buses or at school sponsored activities.

Harassment is Prohibited

One form of such prohibited discrimination is harassment, which means, on the basis of a person's race, creed, color, national origin, marital status, sex, sexual orientation, and/or disability, (1) either withholding or denying the advantages, facilities and privileges of an educational institution; (2) engaging in unwelcome behavior, including verbal or physical conduct, which has the purpose or effect of substantially interfering with an individual's educational or professional performance; or (3) creating and intimidating, hostile or offensive work or school environment. Such harassment of a staff member or student is a violation of this policy, and harassment by an employee or another employee or student is unlawful. Harassment includes verbal harassment (whether oral or written), physical harassment, and other harassing treatment.

It shall be the responsibility of any teacher, administrator and other staff member, including athletic coaches, who knows of harassment by staff members and/or students on the basis of race, creed, color, national origin, disability, sex, marital status, and/or sexual orientation, to respond to the incident in a prompt and appropriate manner. In addition to any other action which may be taken, such staff member shall also immediately report the incident and any action taken to the Non-Discrimination Coordinators, whose address and telephone number are set out below, whether or not a formal grievance is filed by the person who has been harassed.

Sexual Harassment

As stated above, sexual harassment is a form of unlawful harassment and means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- (1) submission to that conduct is made either explicitly or implicitly a term or condition of employment, or of a student's education;
- (2) submission to or rejection of such conduct by an employee is used as a component of the basis for employment decisions affecting an employee, or submission or rejection of such conduct by a student is used as a component of the basis for decision affecting that student; or
- (3) the conduct has the purpose or effect of substantially interfering with an employee's work performance or a student's educational performance, or creating an intimidating, hostile, or offensive working or educational environment.

Examples of sexual harassment include, but are not limited to, the following, when such acts or behavior come within one of the above definitions:

- unwanted sexual advances;
- suggestive or lewd remarks;
- unwanted hugs, touches, kisses;
- pornographic posters, cartoons or drawings;
- requests for sexual favors;
- unwelcome sexual jokes and banter;
- retaliating for complaining against sexual harassment.

Application to all School Programs

This non-harassment and non-discrimination policy shall apply to behavior that occurs on school premises, school buses, and/or at school-sponsored events (including athletic events) regardless of the location of the event.

Retaliation Prohibited

It shall be a violation of this policy for an individual to take any action against a person who reports or complains of acts of alleged harassment, or who cooperates in any investigation or hearing of such an allegation, in retaliation for such grievance, report, or cooperation. It is unlawful for an employee to retaliate against an employee or student for filing a complaint of sexual harassment or for cooperating in an investigation thereof.

Discipline or Corrective Action

Employees and students are hereby provided notice that discrimination and/or harassment (including retaliation) in violation of this policy and/or law will result in

corrective and/or disciplinary action, ranging from verbal warning up to and including dismissal or expulsion.

Non-Discrimination Coordinator

The following person(s) to be the Non-Discrimination Coordinator(s):

Principal, Director of Personnel or Guidance Counselor
Barnstead Elementary School
Maple Street
Center Barnstead, NH 03225

Harassment Complaint Procedure

An individual who believes that (s)he is being harassed is encouraged to inform the offending person directly that the conduct is offensive and must stop. If the individual does not wish to speak directly to the alleged harasser, or if direct communication is ineffective, the person with the complaint is encouraged to file a complaint through the procedure which is Exhibit A to this policy.

Non-Discrimination Grievance Procedure

A person who feels that (s)he has been discriminated against may file a grievance pursuant to the terms of the Barnstead Grievance Procedure, which is Exhibit B to this Policy. Where an investigation has been undertaken pursuant to the harassment complaint process described above, the grievance shall be filed at Step II.

Notice

The following Notice of Non-Discrimination shall be published annually in a local newspaper, and otherwise disseminated as to the extent required by law.

NOTICE OF NON-DISCRIMINATION

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreement with the Barnstead School District are hereby notified that the District does not discriminate on the basis of race, creed, color, national origin disability, sex, marital status, age and/or sexual orientation in admission or access to, or treatment or employment in, its programs and activities. Any person having inquiries or complaints concerning the School Districts' compliance with the Districts' Non-Discrimination policy or written regulations implementing Title VI (discrimination on basis race, color or national origin), Title IX (sex discrimination), or Section 504 (discrimination on the basis of disability) (and/or the Americans with Disabilities Act) is directed to contact the following:

Principal, Director of Personnel or Guidance Counselor
Barnstead Elementary School
Maple Street
Center Barnstead, NH 03225

The individuals have been designated by the Barnstead School District to coordinate the Districts' efforts to comply with the Districts' above-stated Non-Discrimination policy and regulations implementing Title VI, Title IX, and Section 504 of the Rehabilitation Act of 1973 and State Law.

External Grievance Procedures

Although individuals with grievances are encouraged to file their complaints with the Non-Discrimination Coordinators, the following agencies also process complaints with respect to unlawful harassment:

1. United States Department of Education, Office for Civil Rights, Region I, J. W. McCormack Post Office and Courthouse, Room 222, Boston, MA 02109, Tel: (617) 223-9662 (voice), (617) 223-9695 (TDD). Complaints must be filed within 180 days of the adverse action.
2. New Hampshire Attorney General's Office, 33 Capitol Street, Concord, NH 03301-6397, Tel: (603)271-3658. Complaints must be filed within 300 days of the adverse action.
3. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, Tel: (617)565-3200 (voice), (617)565-3204 (TDD). Complaints must be filed within 300 days of the adverse action.
4. New Hampshire Commission for Human Rights, 163 Loudon Road, Concord, NH 03301, Tel: (603)271-2767. Complaints must be filed within 360 days of the adverse action.

Each of these agencies can conduct impartial investigations, facilitate conciliation, make a determination as to whether harassment occurred, and take such other steps as may be within its jurisdiction.

Copies

Copies of this policy shall be disseminated as required by law, and shall be available in the Barnstead School office and the school library.

Harassment Complaint Procedure (Exhibit A):

1. Any person who feels he/she has been subjected to discrimination in the form of harassment in violation of this policy may, make a complaint directly to the Non-

Discrimination Coordinators. If the complainant feels there is a conflict of interest with the Non-Discrimination Coordinators, or if the Non-Discrimination Coordinator is the alleged harasser, or if the complainant otherwise feels uncomfortable making the complaint to the Non-Discrimination Coordinators, the complainant may make the complaint to another member of the Administration Team. If the person making the complaint is a student, the complaint may, if the student prefers, be made instead to a teacher or other staff member, who shall assist the student in promptly contacting the Non-Discrimination Coordinators to begin the process.

2. The complaint may be submitted orally or in writing. (If the complaint is not initially filed in writing, the person receiving the complaint shall forthwith provide assistance so that it can be reduced to writing.)
3. The Non-Discrimination Coordinators (or his/her designee) shall promptly investigate the complaint. If the complaint is found to be well-founded, the Non-Discrimination Coordinators shall so inform the complaining party and the person(s) accused, and shall recommend corrective action and/or discipline. If the complaint is found not to be credible, or if the evidence is found to be inconclusive, the Coordinators shall so inform the complaining party and the accused.
4. The complaint and investigation process (including informing the parties of the outcome), shall be completed within five (5) week days of the receipt of the grievance in writing, unless unusual circumstances require more time for full and fair investigation, in which case up to five (5) additional week days may be taken to complete the process.
5. **Confidentiality** - Care will be taken at all stages of the complaint and investigation process to ensure the confidentiality of the complaint and the identities of the complaining party and the accused, except as may be reasonably necessary to carry out the complaint process procedure.

An individual who believes that he/she is being harassed is encouraged to inform the offending person directly that the conduct is offensive and must stop. If the individual does not wish to speak directly to the alleged harasser, or if direct communication is ineffective, the person with the complaint is encouraged to file a complaint through the procedure which is Exhibit A to this policy.

GRIEVANCE PROCEDURE (Exhibit B):

A **grievance** is a claim made by a student, teacher, employee of the school district, or other intended beneficiary of an applicable non-discrimination law, that (s)he has been subjected to discrimination prohibited by this policy, and the person filing the grievance shall be referred to as the **grievant**.

Unless otherwise specified, all references to "**days**" in this procedure refer to calendar days.

Informal Resolution.

Nothing contained in this grievance procedure shall be construed as limiting the right of an aggrieved person or persons to informally discuss a problem with the school administration or staff. Should such an informal process fail to resolve the situation to the aggrieved person's satisfaction, a formal grievance may be filed in accordance with the following procedure.

Filing of Grievance.

- Step I. Any person who feels (s)he has been subjected to discrimination in violation of this policy may file a grievance in writing directly with the Non-Discrimination Coordinators (Principal, Director of Pupil Services or, Guidance Director) within fifteen (15) days of the alleged violation, stating the nature of the grievance and the remedy sought. The Non-Discrimination Coordinators shall meet with the grievant, investigate the grievance, and issue a written decision within fifteen (15) days of the receipt of the grievance.
- Step II. If the grievance is not satisfactorily resolved at Step I, the grievant may, within ten (10) days of the Step I decision, submit in writing to the Superintendent or designee the nature of the grievance and the remedy the grievant seeks. The Superintendent should meet with the grievant and take any other steps deemed necessary by the Superintendent to respond to the grievance, within ten (10) days of the Step II grievance. The Superintendent shall provide a written decision on the grievance within five (5) days of the meeting.
- Step III. If the grievance is not resolved at Step II, then the grievant may, within ten (10) days of the Step II decision, request in writing, that the School Board or a committee of the School Board hear the grievance. The chairperson of the School Board (or designee) shall establish a meeting before the Board or a committee of the Board within fifteen (15) days of receipt of the request. Adequate notice of the hearing shall be given to the grievant in writing. The grievant may be represented by counsel at the hearing and shall be given an opportunity to present all relevant information for

consideration of the decision-maker, and to hear and respond to any information submitted by the Superintendent. Such a hearing will be in a public place or in an executive session, at the discretion of the grievant, unless the grievance involves students other than the grievant, in which case, the hearing shall be in executive session. The Board or its committee shall provide a written answer on the grievance with ten (10) days of the hearing. The decision of the Board or its committee shall be final and binding to the extent of the jurisdictional limits and authority of the School Board.

(Adopted: 6/6/95)
(Reviewed: 6/18/96)