

Concord School District Policy #161
Non-Discrimination and Equal Opportunity Employment

A. Prohibition against discrimination of students in educational programs and activities.

Under New Hampshire law and Concord School Board (Board) Policy #160 Non-Discrimination (also numbered as #412, #571, and #631), no person shall be excluded from, denied the benefits of, or be subjected to discrimination in Concord School District's (District) public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, pregnancy, or national origin. Discrimination, including harassment, against any student in the District's education programs, on the basis of any of the above classes, or a student's creed, is prohibited. Finally, there shall be no denial to any person of the benefits of educational programs or activities, on the basis of any of the above classes.

Harassment of students other than on the basis of any of the classes or categories listed above is prohibited under Policy #539 Student Safety and Violence Prevention – Bullying.

B. Equal opportunity of employment and prohibition against discrimination in employment.

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

Discrimination against and harassment of school employees because of age, sex, gender identity, sexual orientation, race, color, creed, marital status, familial status, disability, genetic information, religion, pregnancy, national origin, and ancestry are prohibited (see Policy #412 Non-Discrimination). Additionally, the District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking. (See Policy #415 Title IX Sexual Harassment Reporting and Grievance Process.)

C. Policy application.

This policy is applicable to all persons employed or served by the District. It applies to all sites and activities the District supervises, controls, or where it has jurisdiction under the law, including where it (a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or (b) occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event. Examples of sites and activities include all District buildings and grounds, school buses and other vehicles, field trips, and athletic competitions.

D. Human Rights Officer, Title IX Coordinator, 504 and other coordinators or officers.

The Superintendent shall ensure that District and or building personnel are assigned to the positions listed in the Appendix below. Each year, the Superintendent shall ensure and disseminate, as an Appendix to this policy, an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, postal and physical addresses.

E. Complaint and reporting procedures.

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or any third party contractor who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should contact the building Principal and/or the Human Rights Officer (hereinafter referred to as the Title IX Coordinator), or as directed in the policies referenced below.

Any employee who has witnessed, or who has reliable information that another person may have been subjected to discrimination, harassment, or bullying in violation of this policy has a duty to report such conduct to the building Principal or Title IX Coordinator, or as provided in one of the policies or administrative procedures referenced below. Additionally, employees who observe an incident of harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying and the employee fails to report the conduct, or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action, up to and including dismissal.

Investigations and resolution of any complaints shall be according to the policies listed below and related administrative procedures or regulations. Complaints or reports regarding matters not covered in one or the other of those policies should be made to the Title IX Coordinator.

1. Reports or complaints of sexual harassment or sexual violence by employees or third-party contractors should be made to the Title IX Coordinator or the Director of Human Resources.
2. Reports or complaints of sexual harassment or sexual violence by students may be made to any District employee, the building Principal, or the Title IX Coordinator.
3. Reports or complaints of discrimination on the basis of a disability should be made to the Director of Student Services/504 Coordinator, to the Director of Facilities & Planning if the situation involves facility accessibility by a disabled or handicapped individual, to the Director of Technology if the problem relates to website accessibility, and to the Director of Food Services if the issue involves an inability to pay for meals.
4. Reports or complaints of bullying or other harassment of students should be made to any District employee, the building Principal, or to the Title IX Coordinator.

F. Alternative complaint procedures and legal remedies.

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

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

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

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

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

G. Retaliation prohibited.

No reprisals or retaliation of any kind will be taken against a complainant or other individual for filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy. Actions taken in response to materially false statements made in bad faith, or to submitting materially false information in bad faith, as part of a report or during an investigation, do not constitute retaliation.

H. Administrative procedures and regulations.

The Superintendent shall develop such other procedures and regulations as are necessary and appropriate to implement this policy.

I. Notice of compliance.

The Superintendent through the Director of Human Resources and building Principals will provide notice of compliance with federal and state civil rights laws to all applicants for employment, employees, students, parents, and other interested persons as appropriate.

Legal References:

RSA 186:11, XXXIII, Discrimination

RSA 193:38, Discrimination in Public Schools

RSA 193-F, Student Safety and Violence Protection Act

RSA 275:71, Prohibited Conduct by Employer

RSA 354-A, State Commission for Human Rights

The Age Discrimination in Employment Act of 1967, 29 U.S.C. 621, et seq.

The Rehabilitation Act of 1973, 29 U.S.C. 705 and 794
Title II of The Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq.
Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c
Title VII of The Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq
Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq.
NH Dept of Ed. Rule 303.01 (i), School Board Substantive Duties

Adopted _____, 2020.

See Policies #160/412/571/631, 415, 539. Corresponds to NHSBA policy AC; see also ACD, ACE, JICK, KED, KEE, EF, EFAA, IKG, AC-R

APPENDIX

Human Rights Officer/Title IX Coordinator

Karen Fischer-Anderson, 38 Liberty Street, Concord NH 03301, 603-406-1307,
kfischeranderson@sau8.org

Director of Student Services/504 Coordinator

Bob Belmont, 38 Liberty Street, Concord NH 03301 603-225-0811,
bbelmont@sau8.org

Director of Technology

Pam McLeod, 38 Liberty Street, Concord NH 03301
603-225-0811, pmcleod@sau8.org

Director of Food Services

Donna Reynolds, 38 Liberty Street, Concord, NH 03301
603-225-0811, dreynolds@sau8.org

Director of Human Resources

Larry Prince, 38 Liberty Street, Concord NH 03301 603-225-0811,
lprince@sau8.org

Director of Facilities & Planning

Matt Cashman, 38 Liberty Street, Concord NH 03301 603-225-0811,
mcashman@sau8.org

Contacts for relevant state and federal agencies including:

Office for Civil Rights, U.S. Department of Education; 5 Post Office Square, 8th Floor,
Boston, MA 02109-3921. Telephone: 617-289-0111. Email: OCR.Boston@ed.gov

Office of Civil Rights, U.S. Dept of Agriculture; 1400 Independence Avenue, SW,
Washington, D.C., 20250-9410. Telephone: 866-632-9992. Email: program.intake@usda.gov

N.H. Commission for Human Rights, 2 Industrial Park Drive, Concord 03301. Telephone:
603-271-2767. Email: humanrights@nh.gov

N.H. Department of Justice, Civil Rights Unit; 33 Capitol Street, Concord, NH 03301;
Telephone: 603-271-1181

N.H. Department of Education, Commissioner of Education; 101 Pleasant Street, Concord,
NH 03301. Telephone: 603-271-3494. Email: info@doe.nh.gov