

Concord School District Policy #463
Employment References and Verification
(Prohibiting Aiding and Abetting of Sexual Abuse)

The School District shall act in good faith when providing employment references and verification of employment for current and former employees.

The District and its employees, contractors and agents are prohibited from providing a recommendation of employment, and/or from otherwise assisting any school employee, contractor or agent in obtaining a new position or other employment if he/she or the District has knowledge or probable cause to believe that the other employee, contractor, or agent (“alleged perpetrator”) engaged in illegal sexual misconduct with a minor or student. This prohibition does not include the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if:

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction;
2. The information giving rise to probable cause has been reported to any other authority as required by local, state or federal law (for instance, New Hampshire Division of Children, Youth and Families “DCYF”), and
3. At least one of the following conditions applies:
 - a. The matter has been officially closed;
 - b. District officials have been notified by the prosecutor or police after an investigation that there is insufficient information for them to proceed;
 - c. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated; or
 - d. The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

Legal References:

20 U.S.C. 7926(a) (§8546(a) of the Elementary and Secondary Education Act/Every Student Succeeds Act I

Adopted on December 3, 2018
Corresponds to NHSBA Policy GADA

Concord School District Policy #431

Professional Expectations

A high standard of professional attitude and work is required by the School Board. All employees of the District are expected to maintain high standards in their conduct both on and off duty. District employees are responsible for providing leadership in the school and community. This responsibility requires the employee to maintain standards of exemplary conduct. To these ends, the Board adopts the following statements of standards. District employees will:

- Ensure the well-being of students is the primary consideration when making decisions and taking actions.
- Maintain just, courteous and proper relationships with students, parents, staff members and others.
- Fulfill their job responsibilities with honesty and integrity.
- Direct any criticism of other staff members toward improving the District. Such constructive criticism is to be made directly to the building administrator.
- Obey all local, state and national laws.
- Implement the Board's policies, administrative rules and regulations.
- Avoid using position for personal gain through political, social, religious, economic or other influence.
- Maintain the standards and seek to improve the effectiveness of the profession through research and continuing professional development.
- Honor all contracts until fulfillment or release.
- Maintain all privacy and confidentiality standards as required by law.
- Exhibit professional conduct both on and off duty.

Employees are put on notice that this list is not intended to be exhaustive or complete. Employees who fail to abide by the terms of this policy may be non-renewed and/or face discipline up to and including termination. Any action taken regarding an employee's employment with the District will be consistent with all rules, laws and collective bargaining agreements, if applicable.

Legal References:

[RSA 189:13, Dismissal of Teacher](#)

[RSA 189:14-a, Failure to Be Renominated or Re-elected](#)

[RSA 189:14-d, Termination of Employment](#)

[RSA 189:31, Removal of Teacher](#)

NH Code of Administrative Rules, Section Ed 511, Denial, Suspension or Revocation of Certified Personnel

Adopted 1966. Revised 1976; June 6, 1983; August 6, 2018
Corresponds to NHSBA Policy GBEA

Concord School District Policy #414 *

Sexual Harassment

I. Purpose

The purpose of this policy is to maintain a learning environment that is free from sexual harassment or other improper and inappropriate behavior that may constitute harassment as defined below.

Sexual harassment is against the law and is against School Board policy. Any form of sexual harassment is strictly prohibited and will not be tolerated. It is a violation of this policy for any employee or third party to harass any person through conduct or communication of a sexual nature as defined by this policy.

“Employee” shall include, but not be limited to, all School District staff, teachers, non-certified personnel, administrators, volunteers, coaches and/or other such personnel whose employment or position is directed by the District.

“Third parties” include but are not limited to parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District and others not directly subject to District control.

The District will investigate all complaints, either formal or informal, verbal or written, of sexual harassment and will discipline any employee who sexually harasses or is sexually violent toward another person.

II. Sexual Harassment Defined

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexual physical conduct, and /or conduct of a sexual nature when:

1. Submitting to the unwelcome conduct is made a term or condition of an individual’s employment, either explicitly or implicitly
2. Submitting to or rejecting the unwelcome conduct is used as the basis for decisions affecting a person’s employment; or
3. The unwelcome conduct has the purpose or effect of unreasonably interfering with a person’s work performance or creating an intimidating, hostile, or offensive working environment
4. Sexual violence

Sexual harassment may include, but is not limited to:

1. Verbal harassment and/or abuse of a sexual nature;
2. Subtle pressure for sexual activity;
3. Inappropriate patting, pinching or other touching;

4. Intentional brushing against an employee's body;
5. Demanding sexual favors accompanied by implied or overt threats;
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment;
7. Any sexually motivated unwelcome touching; or
8. Sexual violence that is a physical act of aggression that includes a sexual act or sexual purpose.

III. Reporting Procedures

1. The Superintendent or his/her written designee is responsible for implementing all procedures of this policy. Additionally, the Superintendent may develop and implement additional administrative regulations in furtherance of this policy.
2. Any employee who believes he or she has been the victim of sexual harassment should report the alleged act(s) to the building Principal and/or designee. If the alleged perpetrator is the Principal, the alleged victim may report the allegation to any other District employee. That employee shall then report the allegation to the Superintendent. The Board encourages the reporting employee to use the Report Form available from the Principal or Superintendent.
3. In each building, the Principal and/or designee is the person responsible for receiving oral or written reports of sexual harassment. Upon receipt of a report, the Principal and/or designee will notify the Superintendent immediately without screening or investigating the report. If the report was given verbally, the Principal and/or designee shall reduce it to written form within 24 hours and then forward it to the Superintendent. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building Principal, the complaint shall be filed directly with the Superintendent.
4. The Board designates the Superintendent as the District Human Rights Officer to receive any report or complaint of sexual harassment. The District shall post the name of the Human Rights Officer in conspicuous places throughout school buildings, including a telephone number and mailing address. If the complaint involves the Superintendent, the complaint shall be filed directly with the President of the Board.
5. Submission of a complaint or report of sexual harassment will not affect the employee's standing in school, future employment, or work assignments.
6. The use of formal Reporting Forms provided by the District is voluntary. The District will respect the confidentiality of the complainant and the person(s) against whom the complaint is filed as much as possible, consistent with the District's legal obligations and the necessity to investigate allegations of sexual harassment and take disciplinary action when the conduct has occurred.

IV. Investigation and Recommendation

The Human Rights Officer will authorize an investigation upon receipt of a report or complaint alleging sexual harassment. This investigation may be conducted by District officials or by a third party designated by the Board.

If District officials conduct the investigation, the investigation should consider the circumstances, the nature of the sexual advances, the relationship between the parties and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes sexual harassment requires a determination based on all the facts and circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. Students who are interviewed may have a parent or other representative present.

In addition, the District may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment.

If the Board determines that a third-party designee should conduct the investigation, the District agrees to assent to that party's methods of investigation.

Upon completion of an investigation conducted by either District officials or a third party, the Board and the Superintendent will be provided with a written factual report and recommended action.

V. District Action

If the investigating party determines that the alleged conduct constituted sexual harassment, the Superintendent may discipline the offending employee. Such discipline may include, but is not limited to, a warning, training, temporary suspension and/or dismissal. Any discipline will be in accordance with all laws and collective bargaining agreements, if applicable.

If the investigating party determines that the alleged conduct did not constitute sexual harassment, both the complaining party and the accused will be informed of such. No disciplinary action will be taken.

Conduct which does not rise to the level of sexual harassment as defined by the policy, but is nonetheless inappropriate or in violation of other related Board policies, will be addressed on a case-by-case basis by the Superintendent, who may order the offending employee to engage in some remedial action.

VI. Appeal of Investigator's Recommendation

Either the complainant or the accused may appeal the investigator's recommendation and subsequent District action, if any, to the Board.

After a hearing, the Board will vote to either accept or deny the investigator's recommendation and resulting discipline.

Either party may then appeal the Board's decision in accordance with applicable law.

VII. Reprisal

The District will discipline any employee who retaliates against any other employee who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VIII. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Commissioner of Education, initiating civil action or seeking redress under state criminal statutes and/or federal law.

IX. Sexual Harassment as Sexual Abuse

Under certain circumstances, sexual harassment may constitute sexual abuse under New Hampshire law. In such situations, the District shall comply with all applicable laws.

Nothing in this policy will prohibit the District from taking immediate action to protect victims of alleged sexual abuse.

X. By-pass of Policy

Any individual with a sexual harassment complaint may choose to bypass this Policy and accompanying regulation and proceed directly to: N.H. Commission on Human Rights at 2 Chennell Dr., Concord, NH 03301, phone 603-271-2767 or the US Department of Health & Human Services, Office for Civil Rights, Region 1, JFK Building, Room 1875, Boston, MA 02203, phone 617-565-1340.

Legal References:

Ed 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy

Ed 306.04(a)(9), Sexual Harassment

RSA 354-A:7, Unlawful Discriminatory Practices

Appendix: GBAA-R, BBA-R

Adopted June 3, 1991. Revised August 1, 1994; June 3, 1996; August 6, 2001; March 5, 2018

Corresponds to NHSBA Policy GBAA

Attachment: reporting form

Sexual Harassment and Sexual Violence Report Form
General Statement of Policy Prohibiting Sexual Harassment

Concord School District maintains a firm policy prohibiting all forms of discrimination based on sex. Sexual harassment and sexual violence against students or employees is sexual discrimination. All persons are to be treated with respect and dignity. Sexual violence, sexual advances or other forms of personal harassment by any person, male or female, which create an intimidating, hostile or offensive environment will not be tolerated under any circumstances.

Complainant:

Home address: _____

Work address: _____

Home phone: _____ Work phone: _____

Date of alleged incident(s): _____

Name of person(s) you believe sexually harassed or was sexually violent toward you:

List any witnesses that were present:

Where did the incident(s) occur?

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary.)

This complaint is filed based on my honest belief that _____ has sexually harassed or was sexually violent to me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Complainant Signature: _____ Date: _____

Received by: _____ Date: _____

Sexual Harassment Investigators
2018-2019

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Larry Prince, *Director, Human Resources* (603) 225-0811
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List Revised October 4, 2004; August 2008; August 2011; July 2012; October 2013; August 2015; August 2016;
July 2017; July 2018; September 2018

Concord School District Policy #432 *

Child Abuse and Neglect

Any school employee having reason to suspect that a child is being or has been abused or neglected shall immediately report his/her suspicions to the building Principal. The reporting employee shall then immediately notify the appropriate state officials at the New Hampshire Department of Health and Human Services (NH DHHS). The Principal will then notify the Superintendent that such a report to DHHS has been made.

A written report to NH DHHS shall be made by the reporting employee within twenty-four (24) hours if requested by state officials. The report should contain the name and address of the child suspected of being abused or neglected, the person responsible for the child's welfare, the specific information indicating neglect/abuse or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse and any other information that might be helpful in establishing neglect or abuse or that may be required by DHHS.

The School Board recommends all District employees receive routine training or information on how to identify child abuse and neglect.

The Principal or Administrator of each school shall post a sign in a public area within the school that is readily accessible to students, in the form provided by DHHS, Division for Children, Youth and Families, that contains instructions on how to report child abuse or neglect, including the phone number for filing reports and information on accessing the Division's website.

Legal References:

NH Code of Administrative Rules, Section Ed 306.04(a)(10), Reporting of Suspected Abuse or Neglect

RSA 169-C:29, Persons Required to Report

RSA 169-C:30, Nature and Content of Report

RSA 169-C:31, Immunity from Liability

RSA 169-C:34, III, Duties of the Department of Health and Human Services

RSA 189:72, Child Abuse or Neglect Information

Adopted June 1984. Revised May 5, 2003; March 5, 2018

* Also Policy #537

Corresponds to NHSBA Policy JLF

Concord School District Policy #540

Code of Student Conduct

The existence of society is predicated upon the willingness of its members to adhere to established behavioral rules. One purpose of education is to prepare young people to participate productively and responsibly in our society. To do so, students must learn what is appropriate behavior and the consequences for inappropriate behavior.

Furthermore, the mission of Concord School District is to enable every student to acquire and demonstrate the skills, knowledge and attitudes essential to be a responsible world citizen committed to personal, family and community well-being. Among other outcomes, graduates of the Concord schools are expected to be:

Active self-directed learners who examine options as they initiate and complete tasks;

Effective collaborators who assume various roles to accomplish group or community goals, using self-knowledge, compromise, cooperation and respect;

Informed decision makers who consider consequences and make choices which demonstrate intellectual integrity and rigorous evaluation;

Community participants who understand and practice our democratic traditions and values, including respect for human dignity, honesty and fairness and who accept the consequence for their actions.

To enable every student to achieve these outcomes, we need to provide a productive, healthy and safe school climate in which every member of the school community understands the rights and responsibilities of being a member of that community.

A productive, healthy and safe school climate can exist only when behavior expectations are clearly stated; when consequences are consistently applied by the school and parents, working together.

The behavior expectations and consequences which follow are intended to create a productive, healthy, and safe school climate.

I. Expectations for Students

It is expected that students will demonstrate appropriate behaviors and attitudes including respect, honesty, and fairness necessary to maintain a productive, healthy, and safe school climate.

It is also expected that students will not demonstrate the following behaviors which seriously interfere with teaching and learning and are deemed unacceptable in our schools.

- Use of abusive language or inappropriate gestures;
- Leaving school grounds without legitimate school or parental authority;
- Physical, verbal and/or sexual harassment and bullying;

- Fighting;
- Assault;
- Possession of illegal substances - alcohol, tobacco, and drugs
- Vandalizing or stealing school, staff and/or student property;
- Possession of weapons or weapon-like devices;
- Persistent violations of school and classroom rules;
- Disrespect toward school personnel and other students;
- Any other behavior which seriously disrupts the productive, healthy and safe school climate we value.

All school staffs, primary level through high school, will teach about these behaviors in a consistent manner.

Students are also expected to abide by all federal, state and local laws.

II. Consequences

Application of these listed consequences will depend on the severity and frequency of the unacceptable behavior in accordance with the building discipline plan:

- Parental/guardian notification
- Teacher/administrative detention
- Restitution
- In-school suspension
- Out-of-school suspension
- Police notification (Safe School Zone requirement)
- Expulsion from school (requires School Board action)

III. Procedures

When accused of a behavior violation, a student is entitled to due process, including the following:

- The right to be informed of the rules and regulations involved;
- The right to be informed of the charges if a violation occurs;
- A fair hearing;
- Appeal to the Board Communications and Policy Committee for long-term suspension;
- Receive a copy of all rulings regarding the case.
- As required by RSA 193:13(a), educational assignments shall be made available to the suspended student during the period of suspension.

Legal References:

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy

NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils

Assuring Due Process Disciplinary Procedures

In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

Adopted September 7, 1999. Revised August 6, 2001; September 2, 2014; January 2, 2018

Corresponds to NHSBA Policy JICD

Concord School District Policy #539
Student Safety and Violence Prevention – Bullying

I. General Statement of Policy

Concord School District is committed to providing all students with a safe school environment in which all members of the school community are treated with respect. The District believes that protecting against and addressing bullying is critical for: creating and maintaining a safe, secure and positive school climate and culture; supporting academic achievement; increasing school engagement; respecting the rights of all individuals and groups; and building community.

This policy is intended to protect all students and school-aged persons on District grounds and participating in District functions, regardless whether such student or school-aged person is a student within the District.

The Superintendent or designee is responsible for ensuring that the Student Safety and Violence Prevention – Bullying policy is implemented.

This policy is intended to comply with **RSA 193-F**, which specifically prohibits all forms bullying, and cyberbullying. Such conduct shall not be tolerated and is prohibited by this policy.

II. Definitions

Bullying is defined as a single significant incident or pattern of incidents involving a written, verbal, or physical act, or gesture, or any combination thereof directed at another student or any electronic communication that:

1. Physically harms a student or damages the student’s property;
2. Causes emotional distress to a student;
3. Interferes with a student’s educational opportunities;
4. Creates a hostile educational environment; or
5. Substantially disrupts the orderly operations of the school or a school-sponsored activity or event.

Bullying includes:

1. Actions motivated by an imbalance of power based on a student’s actual or perceived personal characteristics, behaviors, or beliefs, or
2. Actions motivated by the student’s association with another person and based on the other person’s characteristics, behaviors, or beliefs.

Cyberbullying is defined as any conduct which is prohibited by this policy that is undertaken through the use of electronic devices.

Electronic devices include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, videogames, and websites.

Retaliation/Reprisal is defined as any form of prohibited conduct by a student directed against another student for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this policy, or for taking action consistent with this policy.

III. Statement of Prohibition

All forms of bullying, cyberbullying and retaliation as defined under this policy shall not be tolerated and are hereby prohibited.

The District reserves the right to address all forms of prohibited conduct and, if necessary, impose discipline for such misconduct that:

1. Occurs on, or is delivered to school property or a school-sponsored activity or event on or off school property; or
2. Occurs off of school property or outside of a school-sponsored activity or event, if the conduct:
 - a. Interferes with a student's educational opportunities;
 - b. Substantially disrupts the orderly operations of the school or a school-sponsored activity or event.

False Reporting

A student found to have wrongfully and intentionally accused another of bullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion.

Reprisal or Retaliation

The District shall discipline and take appropriate action against any student who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.

The consequences and appropriate remedial action for a student who engages in reprisal or retaliation shall be determined by the Principal after consideration of the nature, severity and circumstances of the act, in accordance with law and applicable Board policies.

Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.

IV. Plan to Protect Students from Retaliation

If the alleged victim or any witness expresses to the Principal or other staff member that he/she believes he/she may have been retaliated against, the Principal or designee shall develop a plan to protect that student from possible retaliation.

V. Internal Reporting Procedures

At each school, the Principal or designee is initially responsible for receiving oral or written reports of violations of this policy.

Student Reporting

Any student who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal. If the student is more comfortable reporting the alleged act to a person other than the Principal, the student may tell any District employee about the alleged bullying. Forms for such reporting will be available throughout each school.

Staff Reporting

Any school employee, or designated volunteer under [District Policy #890](#) or employee of a company under contract with the District or a school in the District who has witnessed, receives a report of, or has reliable information that a student has been subjected to bullying, shall report such incident to the Principal, or his/her designee, as soon as possible but no later than 24 hours after observing the incident or receiving the information.

The Principal may designate, in writing, an additional person to receive such reports. The Principal shall conduct the investigation according to administrative guidelines.

The District shall make available forms for reporting incidents of bullying and shall encourage the use of these forms. The forms shall be available in the Principal's office in each building and from the Superintendent's office. Students or parents who believe that bullying is occurring should report the information to the Principal or designee in a timely manner.

VI. Parent Communication

Initial Notice to Parent

The Principal or designee shall report an incident of bullying to the parents of a student who has been reported as a victim and to the parents of a student who has been reported as a perpetrator of bullying within 48 hours of receiving the incident report. Such notification may be made by telephone, writing or personal conference.

The date, time, method, and location (if applicable) of such notification and communication shall be noted in the report. All notifications shall be consistent with the student privacy rights under the applicable provisions of the [Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#).

Waiver of Notification Requirement

The Superintendent or designee may, within a 48-hour time period, grant the Principal a waiver from the requirement that the parents of the alleged victim and the alleged perpetrator be

notified of the filing of a report. A waiver may only be granted if the Superintendent or designee deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing.

VII. Investigation

1. The Principal or designee shall promptly investigate all reports of bullying within five (5) school days of receiving a report. The Superintendent may grant in writing an extension of the time period for the investigation for up to an additional seven (7) school days, if necessary, and shall notify, where appropriate, all parties of such extension in writing.
2. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances and shall include recommended remedial steps necessary to stop the bullying and a written final report by the Principal or designee.
3. Students who are found to have violated this policy may face discipline in accordance with other applicable School Board policies, up to and including suspension. Students facing discipline will be afforded all due process required by law.
4. Consistent with applicable law, the District will not require or request that a student disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account or access the account in the presence of a school official. The District may request of a student or a student's parent/guardian that the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing District investigation. However, the District may not take any disciplinary action if a student refuses to disclose such information.

VIII. Reporting Substantiated Incidents to the Superintendent

The Principal shall forward all substantiated reports of bullying to the Superintendent.

IX. Report to Parents upon Completion of Investigation

The Principal or designee shall provide a report of the findings of the investigation to the parents of a student who has been reported as a victim and to the parents of a student who has been reported as a perpetrator of bullying within ten (10) school days of completion of the investigation. Such report shall explain the actions taken by the District and shall be made in accordance with applicable state and federal law, such as the **Family Educational Rights and Privacy Act of 1974 (FERPA)**. This report should be documented in writing.

The Superintendent may grant in writing an extension of the time period for providing such report for up to an additional seven (7) school days, if necessary. The Principal shall notify, where appropriate, all parties of the granting of the extension in writing.

X. Discipline and Remediation Plan

All disciplinary and remedial action shall be taken in accordance with the law and the following procedures.

Disciplinary Action of Substantiated Bullying

If an investigation concludes that a student has engaged in bullying conduct prohibited by this policy, the student shall be subject to appropriate discipline and remediation, ranging from positive behavioral interventions up to and including long- or short-term suspension or expulsion.

Bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is no single, appropriate response to substantiated acts of bullying. While conduct that rises to the level of bullying as defined above will generally warrant disciplinary action against the perpetrator, the extent of disciplinary action is a matter for the professional discretion of the Principal or designee. Any such disciplinary or remedial action shall be designed to correct the problem behavior, prevent future occurrences of such behavior, protect the victim, provide support and assistance to the victim and perpetrator, and prevent the likelihood of retaliation.

Non-Disciplinary Action of Substantiated Bullying

When acts of bullying are identified early and/or when such acts do not reasonably require a severe disciplinary response, students should be counseled as to the definition of bullying, its prohibition, and their duty to avoid any conduct that could be considered bullying.

Peer mediation may not be considered as a remedial action as an imbalance of power may make the process intimidating for the victim and exacerbate the problem.

XI. Distribution and Notice of Policy

In addition to the distribution and notification policies below, all staff, students, and parents or guardians are reminded that it is necessary to follow these steps to prevent bullying at school:

1. Report bullying when it occurs;
2. Talk about bullying at home and in school;
3. Inform the school immediately if someone is being bullied or is bullying other students;
and
4. Cooperate fully with school personnel in identifying and resolving incidents.

Staff and Designated Volunteers

The Superintendent or designee shall provide notice to students, staff, and designated volunteers of this policy through appropriate references in the student and employee handbooks, or through other reasonable means. The Superintendent or designee shall also make all contractors contracting with the District aware of this policy.

Students

Students shall participate in an annual education program which sets out expectations for student behavior and emphasizes an understanding bullying, the District's prohibition of such conduct, and the reasons why the conduct is destructive, unacceptable, and shall lead to discipline.

Parents

The Superintendent or designee shall provide notice to parents or guardians of this policy through appropriate references in the student handbooks, or through other reasonable means. The Superintendent or designee shall inform parents and guardians of strategies to help prevent bullying at school.

XII. Training and Periodic Assessment

Staff and Volunteers

The Superintendent or designee shall develop appropriate methods of discussing the meaning, substance, and application of this policy and the importance of promoting a positive school climate with staff and designated volunteers to minimize the occurrence of bullying. The District shall train staff and designated volunteers annually on how to effectively prevent and respond to any conduct covered by this policy.

Assessment

The District will conduct periodic, District-wide assessment of this policy.

XIII. Other District Policies

While this policy is intended to protect students from actions of other students, the acts of other persons within the school system are regulated by a series of other District policies, including the following policies: [Non-Discrimination \(#160, #412, #571 and #631\)](#), [Sexual Harassment \(#414 and #521\)](#), [Code of Student Conduct \(#540\)](#), [Safe School Zone \(#520\)](#), [Child Abuse and Neglect \(#432 and #537\)](#), [Student Conduct on Buses \(#541.4 and #711.1\)](#), and [Acceptable Internet Use – Students \(#542\)](#).

Adopted August 6, 2001. Revised November 1, 2010; December 7, 2015

[This form is online and can be filled out online and printed]

Case Number:

Concord Public Schools
BULLYING, CYBERBULLYING, HARASSMENT and RETALIATION INCIDENT REPORT
(See School Board policy #539 – Student Safety and Violence Prevention - Bullying)

1. Person filing Incident Report on behalf of

2. Check if you are: Target of the behavior Reporter (*not the target*) Witness
 Student Parent Administrator
 Staff member (*specify role*) Other (*specify*)

Your contact information and telephone number:

3. If student, your school Grade

4. If staff member, your school or work site:

5. Information about the incident (*please note if more than one target, aggressor, date, location*):

Name of target

Name of aggressor

Date(s) of incident

Time of incident

Location of incident (*be as specific as possible*)

If “cyberbullying,” the point of origin

7. Witnesses (*List people who saw the incident or have information about it. Use the back of the form if necessary.*)

Student Staff Other Name
 Student Staff Other Name
 Student Staff Other Name

8. Attach a narrative that describes the details of the incident (*including names of people involved, what occurred, and what each person did and said, including specific words used*).

9. Signature of person filing this report Date

10. Form forwarded to Principal Date forwarded

** Must be sent to Principal AND Superintendent within 24 hours of incident*

Administrator signature Date signed

FOR INTERNAL USE ONLY

I. Notice to Parents or Guardians of complaint (to both parents) – Notification w/n 48 hours of receiving report

Parent/Guardian: Who notified parent?

Parent/Guardian: Who notified parent?

Method: Date:

Incident Report (page 1) MUST be sent to Central Office Date:

Supt. waiver of notice requested/granted Date:

II. Investigation – Complete w/n 5 school days of receiving report; Supt. may extend to 7 additional school days)

2. Investigator Position Investigator Position

2. Interviews (use additional pages as necessary)

- Interviewed aggressor Name Date Name Date
- Interviewed target Name Date Name Date
- Interviewed witnesses Name Date Name Date

3. Evidence collected and secured:

4. Any prior documented incidents by the aggressor(s)? Yes No
If yes, did previous incidents involve the target or target group? Yes No

5. Any previous findings of bullying, cyberbullying, harassment, retaliation?
 Yes No If yes, specify:

6. Summary of investigation (attach additional pages as needed)

III. CONCLUSION OF INVESTIGATION

1. FINDING OF POLICY VIOLATION? YES NO If yes, please check one or more:

- Bullying Cyberbullying
- Retaliation Harassment (identify "targeted group")

2. Reporting – within 10 school days of investigation completion; Supt. may extend up to 7 additional school days

- Target's parent/guardian, date: Aggressor's parent/guardian, date:
- Law enforcement, date:

3. Action(s) taken:

- Loss of privileges Detention Positive behavioral interventions
- Community service Out-of-school suspension In-school suspension Education
- Other:

Concord School District Policy #521

Sexual Harassment – Students

The purpose of this policy is to maintain a learning environment for students that is free from sexual harassment or other improper or inappropriate behavior that may constitute harassment as defined below. Sexual harassment is against the law and is against Board policy. Any form of sexual harassment is strictly prohibited. It is a violation of this policy for any student to harass another student through conduct or communication of a sexual nature as defined by this policy. The District will investigate all complaints, either formal or informal, verbal or written, of sexual harassment and will discipline any student who sexually harasses another student.

I. Sexual harassment/sexual violence defined

Sexual harassment of students shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student;
3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or opportunities; or creates an intimidating, offensive or hostile educational environment.

Relevant factors to be considered will include, but not be limited to: did the student view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students.

Examples of sexual harassment may include, but not be limited to: physical touching or graffiti of a sexual nature; displaying or distributing of sexually explicit drawings; pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexuality in front of others; or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

II. Reporting procedures

1. The Superintendent or his/her written designee is responsible for implementing all procedures of this policy. Additionally, the Superintendent may develop and implement additional administrative regulations in furtherance of this policy.

2. Any student who believes he or she has been the victim of sexual harassment should report the alleged act(s) immediately to any District employee or the building Principal. If a student initially reports the alleged act to a District employee, that employee shall immediately notify the Principal, who shall then immediately notify the Superintendent.
3. The Board encourages all students and staff members to use the report form available from the Principal or Superintendent.
4. In each building, the Principal is the person responsible for receiving oral or written reports of sexual harassment. Upon receipt of a report, the Principal will notify the Superintendent immediately without screening or investigating the report. If the report was given verbally, the Principal shall reduce it to written form within 24 hours and then forward it to the Superintendent. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the Principal, the complaint shall be filed directly with the Superintendent.
5. The Board designates the Superintendent as the District Human Rights Officer to receive any report or complaint of sexual harassment. If the complaint involves the Superintendent, the complaint shall be filed directly with the Board.
6. Submission of a complaint or report of sexual harassment will not affect the student's standing in school, grades, work assignments, eligibility for extra-curricular activities or any other aspect of the student's educational program.
7. The use of formal reporting forms provided by the District is voluntary. The District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the District's legal obligations and the necessity to investigate allegations of sexual harassment and take disciplinary action when the conduct has occurred.

III. Investigation and recommendation

The Superintendent, as the designated Human Rights Officer, will authorize an investigation upon receipt of a report or complaint alleging sexual harassment. This investigation may be conducted by District officials or by a third party designated by the Board.

If District officials conduct the investigation, the investigation should consider the surrounding circumstances, the nature of the sexual advances, the relationship between the parties and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes sexual harassment requires a determination based on all the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator. Students who are interviewed may have a parent or other representative present.

In addition, the District may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment.

If the Board determines that a third-party designee should conduct the investigation, the District agrees to assent to that party's methods of investigation.

Upon completion of an investigation conducted by either District officials or a third party, the Superintendent will be provided with a written factual report and recommended action. The Superintendent shall update the Board annually on the number and disposition of complaints.

IV. District action

If the investigating party determines that the alleged conduct constituted sexual harassment, the Superintendent or Principal may discipline the offending student. Such discipline may include, but is not limited to, detention, in-school suspension, out-of-school suspension, or expulsion. Education on this topic will also be considered. Discipline will be issued in accord with other applicable Board policies. Due to FERPA and other privacy-related laws, the victim will not be informed of what discipline was imposed.

If the investigating party determines that the alleged conduct did not constitute sexual harassment, both the complaining party and the accused will be informed of such. No disciplinary action will be taken.

Conduct which does not rise to the level of sexual harassment as defined by the policy, but is nonetheless inappropriate or is in violation of other Board policies, will be addressed on a case-by-case basis by the Superintendent or Principal, who may still impose discipline or order the offending student to engage in some remedial action.

V. Reprisal

The District will discipline any student who retaliates against any other student who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment or sexual violence complaint. Retaliation includes, but is not limited to, any form of intimidation, threats, reprisal or harassment.

VI. Right to alternative complaint procedures

These procedures do not deny the right of any student to pursue other avenues of recourse, which may include filing charges with the Commissioner of Education, initiating civil action or seeking redress under state criminal statutes and/or federal law.

VII. Sexual harassment or sexual violence as sexual abuse

Under certain circumstances, sexual harassment or sexual violence may constitute sexual abuse under New Hampshire law. In such situations, the District shall comply with all pertinent laws.

Nothing in this policy will prohibit the District from taking immediate action to protect victims of alleged sexual abuse.

VIII. Age-appropriate sexual harassment policy

Per the requirements of [Ed 303.01\(j\)](#), the Board is required to establish a policy on sexual harassment, written in age-appropriate language and published and available in written form to all students. This policy is intended to apply to middle school- and high school-aged students.

The Superintendent and Principal(s) are charged with establishing policies, rules, protocols and other necessary age-appropriate information or materials for the District's elementary schools.

IX. Bypass of policy

Any individual with a sexual harassment complaint may choose to bypass this Policy and accompanying regulation and proceed directly to: N.H. Commission on Human Rights, at 2 Chennell Drive, Concord, NH 03301, phone 603-271-2767 or US Department of Health & Human Services, Office for Civil Rights, Region 1, JFK Building, Room 1875, Boston, MA 02203, phone 617-565-1340.

Legal References:

[Ed 303.01\(j\), Substantive Duties of School Boards; Sexual Harassment Policy](#)

[Ed 306.04\(a\)\(9\), Sexual Harassment](#)

[Appendix: GBAA-R, BBA-R](#)

Adopted June 4, 2018

Corresponds to NHSBA Policy JBAA

Concord School District Policy #875
Relations with Police Authorities

It is the policy of the District to cooperate with law enforcement agencies to the extent necessary to protect the health, safety and welfare of students, staff and visitors to the school.

The District may utilize a school resource officer and may collaborate with local law enforcement agencies to engage the use of a school resource officer.

The Superintendent is authorized to develop and implement an annual memorandum of understanding with local law enforcement relative to cooperation with local law enforcement and, if applicable, the use of a school resource officer.

Legal References:

[RSA 186:11, XXXVII, School Resource Officers](#)

[RSA 193-D:4, Written Report Required, Memorandum of Understanding](#)

Adopted January 3, 2017

Corresponds to NHSBA policy KLG; see also Appendix [IICD-R](#), pages 1-4

Concord School District Policy #812
Communication of Concerns to School Officials

Following are the procedures for parents and other community members to communicate concerns about school policies, procedures or personnel.

Bring the issue to the person directly responsible for the concern.

If the concern is not resolved on the 1st level, bring the concern to the immediate supervisor such as the Principal or director. (The name and telephone number of the appropriate supervisor can be obtained at Central Office at 225-0811.)

If the concern is not resolved by the immediate supervisor, bring the concern to the Office of the Superintendent where you will be referred to the appropriate Central Office administrator.

If the concern is not resolved or there is no Central Office supervisor, bring the concern to the attention of the Superintendent.

The Superintendent shall resolve the matter.

The Superintendent is responsible for monitoring the procedures for communicating concerns to school officials. The Superintendent shall report to the School Board.

If an individual does not feel that the District policy was administered properly by the Superintendent, he/she may request a meeting before the Communications and Policy Committee of the Board.

The Communications and Policy Committee will review the Superintendent's administration of District policy.

Adopted 1975. Revised 1983; 1985; August 6, 2001