

GROUP 1

Sexual Harassment (Students)

Reporting Child Abuse

Title IX?

How will experts be weighing in on this?

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~~ anyone who sexually harasses ~~another a~~ 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.

Investigation to be completed in ten days. Written report to be submitted to reporting and responding party within [timeframe not specified]

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/[witnessed 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.

[Must have multiple reporting modalities](#)

[Safety plans](#)

[Accommodations for survivors](#)

[Change offender's schedule](#)

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.

[Sexual violence definition](#)

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 #432 * Child Abuse and Neglect

If an accusation is made against an employee/volunteer that person shall be removed/put on leave immediately

What is the oversight and compliance plan? What are the ramifications?

The anonymity of a child who reports to an administrator that abuse or neglect is occurring to another student will be protect to the level that it will not hinder the investigation

Current dashboard: X number of staff trained

How long/on what

Survey staff

Every adult in the state of New Hampshire is a mandated reporter.

Any school employee, volunteer, subcontractor ... having reason "Upon notice of information" to suspect either by direct knowledge or by that a child is being or has been abused or neglected shall immediately report his/her suspicions to the building Principal. Unless the allegations are directed at the Principal The reporting employee shall first 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. Report to the P.D. as well

First call DCYF not the building Principal if it's who complaint is being made against

Call mandatory reporters

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 requires / mandates recommends mandatory all District employees, volunteers, contracted providers receive ~~routine~~ training at time of hire and annually /define e.g. annual or information on how to identify dynamics of child abuse and neglect and grooming.

Staff must be trained on how to take a disclosure (?)

The Principal or Administrator of each school shall post a sign need other ways to post 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.

Failure to make a mandatory report result in [not specified].

As long as reporting adult has collected enough info, the child can remain anonymous.

Spell out required documentation.

Any student who may have experienced assault at an event, school-sponsored or not, after school, sporting events, on bus, etc.

A mandatory reporter sign

Pull quote box in layman's terms "It's not up to you to decide if this happened. You must report anyway."

State chain of notification and resources to support child and/or family e.g. crisis center

Reports must be taken seriously no matter how much time has passed.

No disciplinary action against a child who has made a report, founded or not.

Must have multiple reporting – e.g. online report, comment box

Need mandated reporter signs, in employee handbook, throughout school

Staff etc. ... need to know resources to contact after a report

Need documentation of a report

Failure to make a mandated report will result in ...

Need to break down much more specific i.e. student reporting, employee reporting, documentation of report etc.

At any school event, extra-curricular school-related activities i.e. on bus

Interpreters need to be called in as needed

If an oral report is taken from a student, the staff who has taken the report should reduce the report to writing including time, place, nature of conduct, identity of participants. The written report should be shared with reporting party

No disciplinary action against student who reports – whether substantiated or not

DO NOT start investigation!

Procedure: how to communicate incidents with parents, community, etc.

Track number of reports of sexual, physical abuse

For students who are ELLs a non-Concord-based interpreter

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

<p style="text-align: center;">GROUP 2 Student Conduct Student Safety and Violence Prevention – Bullying</p>

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

Change “Student” to “all members of school community”
Rec that all policies on harassment et. Are one policy for all members of community
Rec: one policy not separate ones for students and another for adults

I. General Statement of Policy

The 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 members of the school community esp. students and school-aged persons on Concord School District grounds and participating in District functions, regardless whether such student or school-aged person is a student within the District. This paragraph doesn't align with Section III

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 pupil 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 during or outside of school hours 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 falsely accused another of bullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion. Move to after Disciplinary action of Subst. Bullying

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~~ be retaliated against, the Principal or designee shall develop a plan to protect that student from possible retaliation. Add 2nd paragraph from NHSBA Policy "Each process or plan ..."

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.

Rec: replace Sec 7 of CH policy with Sec II of NHSBA Policy (all investigative procedure)

Who decides whether to do internal vs. external investigation?

Add from NHSBA policy: #2, #3, #4, #5

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.

Try to use value neutral language to ID both parties vs. "perpetrator"

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 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.

All reports substantiated or not

IX. Report to Parents upon Completion of Investigation

Model policy language is clearer

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** 10 days is too long.

NHSBA policy says 2 days after completion by phone 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. Sent to parents within 24 hours (NHSBA policy)

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

Move Section X up to follow VII

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

Consider using NHSBA language XII

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 school 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.

Can delete these next two paragraphs if using NHSBA language XII

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 polices below, all staff, students, and parents or guardians are reminded that it is necessary to follow these steps to prevent bullying at school:

Add language from NHSBA on appeals

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 School 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, and #571), 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

Change language to he/she or (pref.) "they" where appropriate

Bullying report form might be intimidating for use by victims – but maybe this form is internal use only?

How do we reduce the barriers to reporting? (see simpler NHSBA form)

Could someone report an incident online?

Staff training (plus clear instruction) on completing a report

Move toward a single policy to cover students and staff ("any member of school community")

See Pembroke example – reporting "boxes" (not enough guidance counselors/social workers)

Encourage culture of "see something say something" – see Laconia example

Count we do a "community assessment" of needs/climate?

Procedures important too – training around behaviors to complement procedures/the "how" of bringing policies to life

Parent/family workshops/training to help with issues like social media

Training: recording in classrooms without permission is a crime

Phrase "reliable information" – who determines what's reliable? Omit this word. Report first, assess later

False reporting – how to protect students who make a report in good faith that turns out to be false? Intentionality

Do a better job of "systematizing" investigations/making neutral

Policies are "the minimum – not the aspiration"

Ultimate goal is prevention

GROUP 3
Relations with Police Authorities
Current MOU between CSD and CPD

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 JICD-R, pages 1-4

GROUP 4
Public Concerns and Complaints

General comment: all material on website prior to meeting for review

Definitions related to policy (i.e. does teacher include paraprofessional, etc.)

Do not have to follow exactly NHSBA recommendations – can go into more or less detail. They often cover what is needed by law. Simple example: Parking

Form – register complaint

Policy to report – remove personal data – send to Board, make public – data collection
Policy for students to register complaints
Same K – 12?
Physical
Anonymity
Speak to anyone (no hierarchy)
Documentation – everything is documented – complaint and response to student and whoever is involved
What is the action of the adult who was contacted
Student should always know the outcome and have a chance to respond – the expectation that **adults** are responsible to let student know the outcome
Feedback loop
Contact family (as long as safety permits) i.e. student brought forward issue regarding family – look at DCYF protocol on this for guidance
See other agency policies and implementation
Boxes in schools
Specific allegation – seriousness and forms
Accessibility of policies – for all students and community members including ELL
Communication to students
Something simple and prominent
Culture
Ask students late in year as assessment –
Ask students: Do you know how to report an issue
Emergent need – now
Short-term goal – facilitate discussion for students
Long-term goal – school-wide discussion annually. First week of school. Elementary level – part of classroom rules – health class
Communication of Concerns – policy
Process to quickly escalate (re: a call to the doctor gives an option for emergencies that supersede normal procedure)

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

Need to include students
Concerns/complaints should be **easy** to report (not link to link to link etc.)
What is long-term and short-term vision of this entire process?
Process to quickly escalate a serious concern – i.e. hang up, call 9-1-1

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.

To any adult staff you trust.

Power imbalance

Remove or re-write

Yearly school-wide facilitated discussion about how to report (students); make kids feel safe and comfortable to do this

If the concern is not resolved in 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 of Schools shall resolve the matter.

The Superintendent of Schools 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 of Schools, he/she may request a meeting before the Communications Committee of the School Board.

The Communications Committee will review the Superintendent's administration of district policy.

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

What is implementation

Start with: apology, commitment to move forward

Student policy same for all or different at high school vs. middle school vs. elementary

If student brings concern, what is adult responsibility (process)

What is the feedback loop – if this happens, do students know what to do? Do they feel safe reporting?

There are harassment policies – should be easy to find and navigate

Check and balance

“Enviroscan” of other policies and implementation of policy – in other schools

How are policies available for students and parents (of all abilities; ESL) – different formats?

Google classroom vs. website?

Definitions needed: concern; resolved, school official

Implementation

Ease of reporting – boxes in hallway, google classroom, button on home page

Involve students in the process of policy development – make this part of the policy

Awareness – of policy and process – back to first day school wide discussion

Accessibility to all students regardless of communication modality, language – this need to be really clear and inclusive (language, culture) – culture-informed process

Trauma-informed approaches

Can we ask students if they really understand it through the year?

How do we make students feel absolutely safe with this policy?

This has urgency this school year.

How to inform and engage families in this process as well as across the District, especially at beginning of school year.

How do we get buy-in from everyone: teachers, students, administration, families; how do we make everyone feel heard?

Trust needs to be built – will start with acknowledgement of hurt/damage/lack of trust/what didn't work

How do we define: concern, complaint, resolved, teacher (i.e. coach, one-to-one)

Is there a document that follows the complaint that follows with the process

Is there a way to track trends so we can tell if it is systemic

When conversation with administration or school profession happens, should be have another person present and detailed notes – to avoid he said/she said

Can't be intimidating to student/parents

Could be second person is just observer

Not clear if this policy includes students or School Board

Role of person should be included (definition above for teacher)

Policy is very broad – want to be sure no one is excluded. Example – broken side

“Bring issue to person directly responsible for concern” – if being sexually harassed would you really go to that person

Power imbalance

Updating the policy handbook and let people know

Student representation on policy making

Safety: should be able to report to anyone

Multiple steps (6) before you get to School Board committee

Key is to ensure it is reported

Policy KEB

Other policies to look at related to sexual harassment – should have redundancies to these

Major safety concerns should be able to jump “chain of command”

Policy should reflect this

Policies need to be “crosswalked” with others to ensure there are no gaps in the process

Confidentiality – how to ensure there are no repercussions to students/others

Even if inconclusive, record should be maintained for the future in a file

What is documentation

How to protect all

Personnel file is confidential

Mechanism for reporting that goes all the way to the Board – look at systemic issue

#812 is more of a triage.

Systemic reporting to inform policies (not to make School Board micromanage)

Discretion of Superintendent for what is brought to Board for complaint

How do we ensure information gets to the Board and there is action?

No clear process to contact the School Board – we can make public comment – but how do we get to resolution. No clear process without fear of retaliation (student/community/parents/staff)

Staff, families, community members have access to Board involvement knowledge

What is the threshold of information that goes to the School Board?

Policies should be abundantly clear: speaking up = action

How do we engage communities in the school?

How do we make policies engaging?

How do we make policies accessible to all students and community members?

If [a concern has] gone through six levels to the Superintendent, is it important enough to go to the School Board.

When does a community concern relay to the School Board by the Superintendent in public session? – unresolved question

How do we ensure bullying is properly reported (Group 2 issue)?

Other thoughts: how do non-Board members become involved in committees within the Board?

GROUP 5

Professional Expectations

Staff Conduct

Sexual Harassment (Employees)

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.
- Promote a climate of accountability and responsiveness, including investigating promptly and taking action on concerns raised, and responding to the person raising the concern
- 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.~~
- What if something is disturbing
- Supporting next steps
- Other avenues?
- When reporting concerns about other staff members, do so in a manner that is aimed at improving the District and respectful of the chain of command
- 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. Vague
- Maintain all privacy and confidentiality standards as required by law.
- Exhibit professional conduct both on and off duty.
- Adhere to Code of Ethics/Code of Conduct for NH Educators

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

**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: _____

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

GBEBB - EMPLOYEE-STUDENT RELATIONS

Category: R See also: GBEBD, JICDAA

Applies to student within any employee/ 6 mo. after

Staff members are expected to maintain courteous and professional relationships with students, maintain an atmosphere conducive to learning, through consistently and fairly applied discipline and established professional boundaries.

Unless necessary to serve an educational or health-related purpose:

1. Staff members shall not make derogatory comments to students regarding the school and/or its staff.
2. The exchange of purchased gifts between staff members and students are discouraged.
3. Staff members shall not fraternize, written or verbally, with students except on matters that pertain to school-related issues.

No personal social media contacts

4. Staff members shall not associate with students in any situation or activity which could be considered sexually suggestive or involve the presence or use of tobacco, alcohol or drugs.
5. Dating between staff members and students is prohibited.
6. Staff members shall not use insults or sarcasm against students as a method of forcing compliance with requirements or expectations.
7. Staff members shall maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.
8. Staff members shall not send students on personal errands.
9. Staff members shall, pursuant to law and Board policy, immediately report any suspected signs of child abuse or neglect.
10. Staff members shall not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but, instead, should refer the student to the appropriate individual or agency for assistance.

11. Staff members shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background.
12. Staff members shall not be alone with a student in a room with a door closed, a locked door, or with the lights off.
13. Staff members are **strongly discouraged** from socializing with students outside of school on social networking websites, consistent with the provisions of Policy GBEBD.

Staff members who violate this policy may face disciplinary measures, up to and including termination, consistent with state law and applicable provisions of a collective bargaining agreement.

Any employee who witnesses or learns of any of the above behaviors shall report it to the building principal or Superintendent immediately.

Reviewed: June 2004. Revised: July 1998, August 2006, September 2009

Group 5 recommendations

Adopt GBEBB with modifications

Applies to any student with _____

10 mo. After

No personal social media contacts (discussion of nuances)

Look at social media policy to be sure it dovetails

Update Policy 431 (see poster)

Sexual Harassment – same for students and staff