PART Ed 303 DUTIES OF SCHOOL BOARDS

Ed 303.01 Substantive Duties. Each school board shall:

(j) Establish a policy on sexual harassment, written in age appropriate language and published and available in written form to all those who must comply, which includes, at a minimum, the elements specified below:

(1) A statement that sexual harassment is against the law and against school district policy;

(2) A definition of sexual harassment with examples of actions that might constitute sexual harassment;

(3) The names and roles of all persons involved in implementing the procedures;

(4) A description of the process so all parties know what to expect, including time frames and deadlines for investigation and resolution of complaints;

(5) A prohibition against retaliation toward anyone involved in a complaint;

(6) A description of possible penalties including termination;

(7) A requirement that a written factual report be produced regardless of the outcome of the investigation;

(8) At least one level of appeal of the investigators recommendation; and

(9) A clear statement that someone can bypass the internal process and proceed directly to the New Hampshire commission on human rights, with address and phone number, or office of civil rights, with address and phone number; and

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #4851, eff 6-25-90, EXPIRED 6-25-96
New. #6366, eff 10-30-96, EXPIRED: 10-30-04
New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05
New. #8583, eff 3-15-06; ss by #10649, eff 7-26-14
Ed 306.04 Policy Development.

(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

(9) Sexual harassment, as detailed in Ed 303.01(j) and (k);

Source. #2055, eff 6-16-82; ss by #2714, eff 5-16-84; ss by #2787, eff 7-31-84; ss by #4851, eff 6-25-90; ss by #5546, eff 7-1-93; ss by #6366, eff 10-30-96, EXPIRED: 10-30-04
New. #8206, INTERIM, eff 11-18-04, EXPIRED: 5-17-05
New. #8354, eff 7-1-05; amd by #10047, eff 12-17-11; ss by #10556, eff 3-27-14

http://www.gencourt.state.nh.us/rules/state_agencies/ed300.html
354-A:7 Unlawful Discriminatory Practices. –
It shall be an unlawful discriminatory practice:

I. For an employer, because of the age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person’s sexual orientation.

II. For a labor organization, because of the age, sex, gender identity, race, color, marital status, physical or mental disability, creed, or national origin of any individual, to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person’s sexual orientation.

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, gender identity, race, color, marital status, physical or mental disability, religious creed or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, race, color, marital status, physical or mental disability, religious creed or national origin, unless based upon a bona fide occupational qualification; provided, however, that nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring into and keeping records of any existing or pre-existing physical or mental conditions. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person’s sexual orientation.

IV. For any employee to be required, as a condition of employment, to retire upon or before reaching a specified predetermined chronological age, or after completion of a specified number of years of service unless such employee was elected or appointed for a specified term or required to retire pursuant to Pt. II, Art. 78 of the constitution of New Hampshire. It shall not be unlawful for an employer to:

(a) Establish a normal retirement age, based on chronological age or length of service or both, which may be used to govern eligibility for and accrual of pension or other retirement benefits;
provided that such normal retirement age shall not be used to justify retirement of or failure to hire any individual; or
(b) Require any individual employee to retire on the basis of a finding that the employee can no longer meet such bona fide, reasonable standards of job performance as the employer may have established.

V. Harassment on the basis of sex constitutes unlawful sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature constitutes sexual harassment when:
(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

VI. (a) For the purposes of this chapter, the word "sex" includes pregnancy and medical conditions which result from pregnancy.
(b) An employer shall permit a female employee to take leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. When the employee is physically able to return to work, her original job or a comparable position shall be made available to her by the employer unless business necessity makes this impossible or unreasonable.
(c) For all other employment related purposes, including receipt of benefits under fringe benefit programs, pregnancy, childbirth, and related medical conditions shall be considered temporary disabilities, and a female employee affected by pregnancy, childbirth, or related medical conditions shall be treated in the same manner as any employee affected by any other temporary disability.

VII. (a) For any employer not to make reasonable accommodations for the known physical or mental limitations of a qualified individual with a disability who is an applicant or employee, unless such employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of the employer.
(b) For any employer to deny employment opportunities, compensation, terms, conditions, or privileges of employment to a job applicant or employee who is a qualified individual with a disability, if such denial is based on the need of such employer to make reasonable accommodation to the physical or mental impairments of the applicant or employee.

CHAPTER Ed 300 ADMINISTRATION OF MINIMUM STANDARDS IN PUBLIC SCHOOLS

Ed 306.04 Policy Development.
(a) In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to:

1. Absenteeism and attendance;
2. Promoting school safety;
3. Discipline;
4. Records retention, including electronic files;
5. Character and citizenship;
6. Meeting the instructional needs of each individual student;
7. Student hazing;
8. Student harassment, including bullying, as required by RSA 193-F;
9. Sexual harassment, as detailed in Ed 303.01(j) and (k);
10. Reporting of suspected abuse or neglect;

http://www.gencourt.state.nh.us/rules/state_agencies/ed300.html
169-C:29 Persons Required to Report. – Any physician, surgeon, county medical examiner, psychiatrist, resident, intern, dentist, osteopath, optometrist, chiropractor, psychologist, therapist, registered nurse, hospital personnel (engaged in admission, examination, care and treatment of persons), Christian Science practitioner, teacher, school official, school nurse, school counselor, social worker, day care worker, any other child or foster care worker, law enforcement official, priest, minister, or rabbi or any other person having reason to suspect that a child has been abused or neglected shall report the same in accordance with this chapter.

169-C:30 Nature and Content of Report. — An oral report shall be made immediately by telephone or otherwise, and followed within 48 hours by a report in writing, if so requested, to the department. Such report shall, if known, contain the name and address of the child suspected of being neglected or abused and the person responsible for the child’s welfare, the specific information indicating neglect 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 the department.

169-C:31 Immunity From Liability. – Anyone participating in good faith in the making of a report pursuant to this chapter is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the department or judicial proceeding resulting from such report.

169-C:34 Duties of the Department of Health and Human Services. –

I. If it appears that the immediate safety or well-being of a child is endangered, the family may flee or the child disappear, or the facts otherwise so warrant, the department shall commence an investigation immediately after receipt of a report. In all other cases, a child protective investigation shall be commenced within 72 hours of receipt of the report.

II. For each report it receives, the department shall promptly perform a child protective investigation to:

(a) Determine the composition of the family or household, including the name, address, age, sex, and race of each child named in the report, and any siblings or other children in the same household or in the care of the same adults, the parents or other persons responsible for their welfare, and any other adults in the same household;

(b) Determine whether any person in the same family or household was named in a prior report of abuse or neglect, and, if there are 2 or more prior unfounded or unfounded but with reasonable concern reports involving any family or household member, conduct an administrative review of all identified reports;

(c) Determine whether there is probable cause to believe that any child in the family or household is abused or neglected, including a determination of harm or threatened harm to each child, the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof, and a determination of the person or persons apparently responsible for the abuse or neglect;

(d) Determine the immediate and long-term risk to each child if the child remains in the existing home environment; and

(e) Determine the protective treatment, and ameliorative services that appear necessary to help prevent further child abuse or neglect and to improve the home environment and the parents' ability to adequately care for the children.

II-a. The department may issue a confidential letter of concern to a person or persons responsible for the safety and welfare of the child that although there is insufficient evidence to substantiate a finding of abuse or neglect or of unfounded but with reasonable concern, the department encourages the person or persons responsible for the safety and welfare of the child to seek family support services and provide contact information to obtain such services. Upon initiating an assessment, the department may offer the family ameliorative services to reduce risk and address child safety concerns.

II-b. The department may make a confidential determination of unfounded but with reasonable concern.

III. The department may request and shall receive from any agency of the state or any of its political subdivisions or any schools, such assistance and information as will enable it to fulfill its responsibilities under this section.
IV. Upon notification by the department that the immediate safety or well-being of a child may be endangered, the court shall, upon finding probable cause to believe that the child's immediate safety or well-being is endangered, order a police officer or a juvenile probation and parole officer or child protection service worker, accompanied by a police officer, to enter the place where the child is located, in furtherance of such investigation.

V. Notwithstanding any other provision of law to the contrary, the department may offer voluntary services to families without making a determination of the person or persons responsible for the abuse or neglect. The department shall adopt rules, pursuant to RSA 541-A, relative to the provision of voluntary services under this paragraph. The rules shall include provisions relative to the development of metrics to measure the effectiveness of voluntary services. The costs of voluntary services provided by the department under this paragraph shall not be eligible for reimbursement under RSA 169-C:27.

V-a. Notwithstanding any other provision of law to the contrary, the department may offer voluntary services to any child who prior to his or her eighteenth birthday was found to be neglected or abused, who was in legal custody of the department as of his or her eighteenth birthday, and who is less than 21 years of age. The costs of voluntary services provided by the department under this paragraph shall not be eligible for reimbursement under RSA 169-C:27.

VI. At the first contact in person, any person investigating a report of abuse or neglect on behalf of the department shall verbally inform the parents of a child suspected of being a victim of abuse or neglect of the specific nature of the charges and that they are under no obligation to allow a social worker or state employee on their premises or surrender their children to interviews unless that social worker or state employee is in possession of a court order to that effect. Upon receiving such information, the parent shall sign a written acknowledgement indicating that the information required under this paragraph was provided by the person conducting the investigation. The parent and department shall each retain a copy of the acknowledgment.

VII. If the child's parents refuse to allow a social worker or state employee on their premises as part of the department's investigation, and the department has probable cause to believe that the child has been abused or neglected, the department shall seek a court order to enter the premises. If the court finds probable cause to believe that the child has been abused or neglected, the court shall issue an order permitting a police officer, juvenile probation and parole officer, or child protection service worker to enter the premises in furtherance of the department's investigation and to assess the child's immediate safety and well-being. Any juvenile probation and parole officer or child protection service worker who serves or executes a motion to enter issued under this paragraph shall be accompanied by a police officer.


Child Abuse or Neglect Information

Section 189:72

189:72 Child Abuse or Neglect Information. – The school board of each public school and chartered public school shall post in a clearly visible location in a public area of the school that is readily accessible to students a sign that is provided in an electronic or printed form by the division for children, youth, and families, and that contains the telephone number operated by the New Hampshire division for children, youth, and families of the department of health and human services, to receive reports of child abuse or neglect and instructions on how to access the division for children, youth, and families website.


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 extracurricular 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
NHSBA policy JBAA – SEXUAL HARASSMENT – STUDENTS

Category: Priority/required by law

I. PURPOSE

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 school 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.

II. 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.

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 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 building 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 building 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 School 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 School 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 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 School 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 Board and the Superintendent will be provided with a written factual report and recommended action.
V. SCHOOL 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. 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.

VI. REPRISAL

The School 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.

VII. 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.

VIII. 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 School District from taking immediate action to protect victims of alleged sexual abuse.

IX. AGE-APPROPRIATE SEXUAL HARASSMENT POLICY

Per the requirements of Ed 303.01(j), the School 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 building Principal(s) are charged with establishing policies, rules, protocols and other necessary age-appropriate information or materials for the District’s elementary schools.

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 Chenelle Dr., 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


NHSBA Note, May 2014: Minor changes to Legal References. Content of policy has not changed.

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General Statement of Policy Prohibiting Sexual Harassment

The School District maintains a firm policy prohibiting all forms of discrimination based on sex. Sexual harassment and sexual violence against students or employees is sex 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 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; what did you do to avoid the situation, 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 __________

See policies GBAA & JBAA
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
Sample Policy
Category: Priority/Required by Law

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 Principal shall then immediately notify the appropriate state officials at the New Hampshire Department of Health and Human Services. The Principal will then notify the Superintendent that such a report to Health and Human Services has been made.

A written report shall be made by the Principal within twenty-four (24) hours. 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 the Department of Health and Human Services.

The Board recommends all School 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 the New Hampshire Department of Health and Human Services, 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
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Revised: September 2017
Revised: May 2008
Reviewed: October 2004

NHSBA note, September 2017: This policy is revised to incorporate the requirement that informational signs be posted in each school, established by House Bill 556, Laws of 2017, Chapter 245, adopted by the Legislature this year.