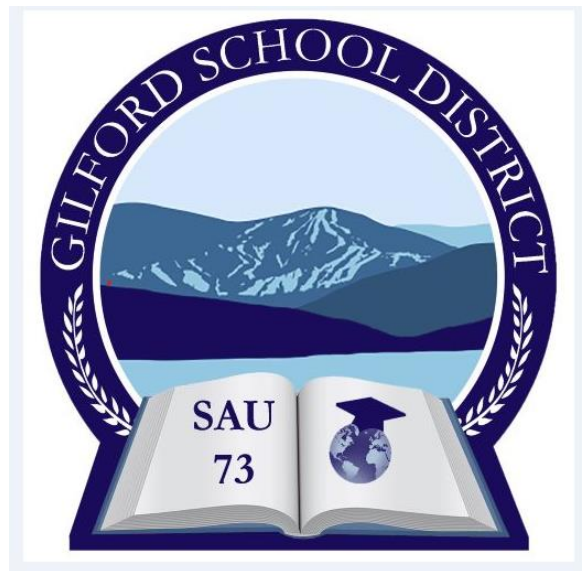


GILFORD SCHOOL DISTRICT ANTI-DISCRIMINATION PLAN

v.2020



Gilford School District
2 Belknap Mountain Rd.

Gilford NH

03249

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GILFORD SCHOOL DISTRICT ANTI-DISCRIMINATION PLAN:

This Plan must be reviewed no less than once every two years. The Superintendent shall update the District Anti-Discrimination Plan, and present the same to the Board for review. Such Plan updates should be submitted to the Board in time for appropriate budget consideration.

NOTIFICATIONS:

NOTIFICATION OF COMPLIANCE

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

NOTIFICATION OF TITLE VI, TITLE IX, SECTION 504 POLICIES

Under New Hampshire law and Board policy, no person shall be excluded from, denied the benefits of, or subjected to discrimination in the District's public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin. Discrimination, including harassment, against any student in the District's education programs, on the basis of any of the above classes, or a student's creed, is prohibited. Finally, there shall be no denial to any person of the benefits of educational programs or activities, on the basis of any of the above classes, or economic status.

Harassment of students on the basis of any of the classes or categories listed above is prohibited under Board policy JICK – Pupil Safety and Violence Prevention.

EQUAL EMPLOYMENT & PROHIBITION AGAINST DISCRIMINATION IN EMPLOYMENT

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

Discrimination against and harassment of school employees because of age, sex, race, creed, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry, sexual orientation, or gender identity are prohibited. Additionally, the District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

SUMMARY OF PARENT/GUARDIAN RIGHTS:

These safeguards are guaranteed to children and their families by Public Law 94-142, The Education for All Handicapped Children Act of 1975, and Section 504 of Public Law 93-122, The Vocational Rehabilitation Act of 1973.

1. Parents and Guardians must receive written notification before the school may conduct individual testing of students. The school has the right to proceed with the individual testing if no answer is received to any of the school's attempts to get permission for evaluation.
2. Parents and Guardians must receive written notification of any initiation or refusal to initiate a change in their student's educational placement.
3. Parents and Guardians have the right to present their views regarding the identification, evaluation, placement or provision of a free appropriate education to their child. This includes the right to request an educational evaluation.
4. Parents and Guardians have the opportunity to present information from an independent educational evaluation of their student.
5. Parents and Guardians have access to all relevant school records of their student.
6. Either Parents and Guardians or the school may initiate an impartial due process hearing to resolve differences that could not be resolved informally. The request is filed with the NH Department of Education. In conducting such a hearing, parents must:
 - a. receive timely and specific notice of the hearing
 - b. have the right to be accompanied and advised by counsel and/or individuals with specific knowledge or training with respect to the problems of handicapped students
 - c. confront, cross-examine and compel the attendance of witnesses
 - d. present evidence relevant to the decision
 - e. obtain a written or electronic verbatim record of the hearing, and obtain written findings of facts and decisions.
 - f. The hearing will be conducted by an impartial hearing officer selected from a list provided by the Department of Education.
 - g. The decision of the hearing is binding on all parties pending appeal.
 - h. Either party has the right to appeal the findings and decision of the hearing through the Board of Education.
 - i. During the above process the students shall remain in the original program or any other program to which both parties can agree.
 - j. Students receiving special education and related services must receive a periodic re-evaluation every three years.
 - k. These rights transfer to a student when he/she reaches the age of 18 unless a guardian has been appointed by the court. These rights would then be retained by a court appointed guardian.

ANNUAL NOTIFICATION REGARDING PARENTS RIGHTS OF ACCESS TO STUDENT RECORDS:

Each year, parents and students are required to be reminded of the student records and access, policy JRA of the Gilford School District. Parents of students or 18-year old students who wish to review any or all of the school records pertaining to the student should contact the building school personnel, and parents may have copies of the records for the cost of copying.

PROCEDURE TO INSPECT AND REVIEW RECORDS

- Parents/guardians and eligible students wishing to inspect student records must file a written request to do so with the Principal or designee. Such inspection shall take place during regular school hours or at reasonable times during vacation periods, but not during weekends or holidays.
- Single copies of appropriate records shall be made available in a reasonable length of time, but in no case more than 45 days after request has been made in writing to the building principal. The records may be inspected by the parents, guardians, and all students once they reach eighteen in the presence of the records manager or his/her designee.
- The school shall make a written record of the disclosure of all student information, except directory information, and such record will be kept in the student's file. This record of disclosure is also available for inspection by the parent, guardian, or eligible student. A record of inspections will also be kept.
- In cases involving a third party request for records requiring consent for disclosure under law, the student over 18, parent or guardian shall sign a consent form furnished by the principal. Forms used will identify the records to which access is sought and will be placed in the student's file as a record of the request.
- Access will be refused or granted depending upon the propriety of the request and validity of the request and consent forms.
- If a request for access is refused, and the party who requested access objects to said refusal, said request will be referred to the Superintendent for a final ruling.
- The building principal shall be the custodian of all student records in their school.

PROCEDURE TO AMEND RECORDS

- The parent(s), guardian(s) of a student under 18, or a student over 18, shall have an opportunity to identify in writing, addressed to the building principal, the record or records which they believe to be inaccurate, misleading, or otherwise in violation of the privacy rights, together with a statement of the reasons for the requested amendment of the record.
- A response by the building principal shall be made within fourteen (14) days indicating whether he/she finds the record to be inaccurate, misleading or otherwise in violation of the student's privacy rights and if so how the record will be corrected or deleted. The parent or eligible student will then be given five (5) days from receipt of the principal's decision to refer the request on to the Superintendent for a hearing.
- If requested, a hearing before the Superintendent or his/her designee who does not have a direct interest in the outcome of the hearing, shall be held within a reasonable period of time, but in

no case more than forty-five (45) days after receipt of such a request by the superintendent of schools. The parent(s), guardian(s) or student 18 years or older, will have the right to be represented by counsel and to present evidence in support of his/her belief that the record should be amended. A written decision will be rendered within thirty (30) days stating the disposition of the challenge to the record and the reasons for the determination. Although the hearing may be informal in nature, the processes used shall ensure fairness and impartiality. The decision made shall be final and not subject to appeal.

- If as a result of the hearing the Superintendent or his/her designee decides that the information in the education record is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, he/she shall inform the parent or the eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the School District.

MAINTENANCE OF STUDENT RECORDS

Each principal shall be responsible for record maintenance and access within his or her building. All student records when not in use shall be kept under lock and key. Policy JRA

Any request to examine a student's record by a parent or legal guardian of a minor student or by a student (of legal age) shall be honored. Requests by agents, when accompanied by written authorization from the parent, legal guardian or student of legal age, shall also be honored.

The file shall contain a composite of all requests for information and all completed forms involving requests, authorizations, or permission to view and receive educational records. (Each person viewing the file shall sign and date the form provided for that purpose).

Three (3) years after graduation or three years after the termination of the provision of educational services to the student, all but the Permanent Record Card may be destroyed. The Permanent Record Card shall contain only name, address and phone number, the pupil's record of grades, years enrolled, courses attended and grades completed. The Permanent Record Card shall be retained in perpetuity.

The contents of a pupil's Special Educational Services Record shall be destroyed within seven (7) years after the information is no longer needed to provide educational services to the child. With the exception of the last IEP and Evaluation record. The last IEP and Evaluation record will be kept to the sixtieth (60th) birthday of the individual student. Prior to destruction of such a record or data from the cumulative record which pertains to the pupils' disability, reasonable effort shall be made to notify the student of their right to a copy of such data.

PROHIBITION OF DISCRIMINATION, HARASSMENT AND VIOLENCE:

GENERAL STATEMENT OF POLICY

Under New Hampshire law and Board policy, no person shall be excluded from, denied the benefits of, or subjected to discrimination in the District's public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin. Discrimination, including harassment, against any student in the District's education programs, on the basis of any of the above classes, or a student's creed, is prohibited. Finally, there shall be no denial to any person of the benefits of educational programs or activities, on the basis of any of the above classes, or economic status. The School District will act to investigate all complaints, either formal or informal, verbal or written, of harassment or discrimination and to discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who is found to have violated this policy.

Procedure for filing a written complaint are outlined within this document.

DISCRIMINATION / HARASSMENT DEFINED

Harassment generally includes, but is not limited to, physical contact or violence or verbal statements relating to an individual's race, color, religion, gender identity, sexual orientation, national origin, age, disability, or status in any group protected by federal, state or local law when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. Otherwise adversely affects an individual's employment or academic opportunities.

SEXUAL DISCRIMINATION / HARASSMENT DEFINED (See Policy ACAC)

"Sexual harassment" prohibited under Title IX and by policy ACAC is conduct on the basis of sex occurring in a school system educational program or activity that satisfies one or more of the following:

1. A school district employee conditioning an aid, benefit, or service of educational program or activity on an individual's participation or refusal to participate in sexual conduct irrespective of whether the conduct is welcomed by the student or other employee;
2. Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive, AND objectively offensive that it effectively denies a person equal access to the educational programs or activity (this standard requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and victim and the number of individuals involved and their authority; OR

3. Sexual assault, dating violence, domestic violence, or stalking as defined in state or federal. Behaviors that constitute sexual harassment may include, but are not limited to:
 1. Sexually suggestive remarks or jokes;
 2. Verbal harassment or abuse;
 3. Displaying or distributing sexually suggestive pictures, in whatever form (e.g., drawings, photographs, videos, irrespective of format);
 4. Sexually suggestive gesturing, including touching oneself in a sexually suggestive manner in front of others;
 5. Harassing or sexually suggestive or offensive messages that are written or electronic;
 6. Subtle or direct propositions for sexual favors or activities;
 7. Touching of a sexual nature or groping; and
 8. Teasing or name-calling related to sexual characteristics that an individual is not conforming to expected gender roles or conduct.

Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

RACIAL DISCRIMINATION / HARASSMENT DEFINED

Racial harassment in public schools violates Title VI of the Civil Rights Act of 1964; sexual harassment violates Title IX of the Education Amendments of 1972. Racial discrimination/harassment is present if a person is treated differently on the basis of race, color, or national origin in the context of an educational program or activity without legitimate nondiscriminatory reason so as to interfere with or limit the ability of the person to participate in or benefit from the services, activities, or privileges provided by the recipient.

Racial discrimination/harassment may include but is not limited to:

1. Harassing conduct that is physical, verbal, graphic or written;
2. Injury to persons or property or;
3. Conduct threatening injury to person or property.

REPORTING:

REPORTING PROCEDURES

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should contact the District Human Rights Officer, or otherwise as provided in the policies referenced below under this same heading.

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

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

1. Reports or complaints of Title VI or VII violations, inclusive of discriminatory practices and employment practices restricting equal opportunity for employment or relating to race, color, or national origin by employees or third party contractors, should be made to the Human Rights Officer.
2. Reports or complaints of Title IX violations, inclusive of sexual harassment or sexual violence by employees or third party contractors, should be made under Board policy ACAC;
3. Reports or complaints of Title IX violations, inclusive of sexual harassment or sexual violence by students, should be made under Board policy ACAC;
4. Reports or complaints of discrimination on the basis of disability should be made under Board policy IHBA; except for complaints regarding facilities accessibility by disabled non-students or employees, which should be made under Board policy KED;
5. Reports or complaints of bullying or other harassment of pupils should be made under Board policy JICK;

ALTERNATIVE COMPLAINT PROCEDURES AND LEGAL REMEDIES

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

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

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

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

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

INVESTIGATION PROCEDURES:

Upon receipt of a formal complaint alleging discrimination and/or harassment, either verbal or written, shall immediately undertake or authorize an investigation. The investigation may be conducted by the Building Principal, District's Human Right's Officer, Title IX Coordinator, 504 Coordinator or by a third party designated by the Superintendent or designee.

There shall be the right for either party to request the Superintendent to reconsider decisions. The complaining party may, at any time, pursue the matter through other state agencies or through the United States Department of Education, Office for Civil Rights.

INFORMAL RESOLUTION

Because of the personal and often embarrassing disclosures concomitant to making or responding to accusations of discrimination / harassment, the district strongly encourages complainants to attempt to resolve their complaint informally (in lieu of or before commencing formal proceedings).

Informal resolutions maybe attempted by taking the opportunity to utilize facilitated mediation with a neutral party (e.g. HR Department Representative) This step is not mandatory and would require the consent of both complainant and respondent.

DISCIPLINARY ACTIONS

Upon receipt of an investigation report which indicates that the complaint is valid, the Superintendent shall determine the appropriate disciplinary action if the individual(s) against whom the complaint is filed is an employee. Disciplinary action shall be appropriate to the severity of the discrimination/harassment and may include warning, referral of an employee to the Employee Assistance Program, suspension, or termination.

If a substantiated complaint is filed against a student, the building principal or designee shall determine the appropriate disciplinary action. Parents shall be notified consistent with policies dealing with discipline and due process procedures. Disciplinary action shall be appropriate to the severity of the discrimination/harassment and may include warning, suspension, or recommendation to the superintendent for potential expulsion.

The results of the investigation and the disciplinary action taken will be reported in writing to the complainant by the principal or designee within ten working days following the receipt of the investigation report, which validated the complaint.

In all instances involving certified staff members, a substantiated complaint will result in the Superintendent immediately notifying the Department of Education's Office of Credentialing.

RETALIATION

No reprisals or retaliation of any kind will be taken by the Board or by any District employee against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless that person knew the complaint or report was false or knowingly provided false information.

PREVENTION

It is important that all students and employees understand what constitutes discrimination and harassment and their right to report unwelcome behavior. Administration should educate those within their building regarding this policy annually, and should be watchful for behavior which fits the description of discrimination or harassment. Employees who witness such behavior as a third party have a responsibility to report it.

FALSE CLAIMS OF NON-DISCRIMINATION/NON-HARASSMENT:

The school district recognizes that not every advance or communication based on race, color, religion, gender identity, sexual orientation, national origin, disability, age or status in any group protected by federal or state law constitutes discrimination or harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory/harassing employment or classroom learning effect requires a determination based on all the facts and surrounding totality of circumstances. False accusations of discrimination and/or harassment can have a serious detrimental effect on innocent parties and may result in disciplinary action.

EMPLOYEE ASSISTANCE PROGRAM:

For persons employed by the school system who are involved in a harassment accusation or incident of discrimination/harassment, the Gilford School District provides support from the

Employee Assistance Program (EAP). The intent of this program, in this case, would be to help the employee deal with the psychological effects of being involved in the process. The District's Human Rights Office may assist employees in contacting the EAP for assistance.

RELATED GILFORD SCHOOL DISTRICT POLICIES:

- Sexual Harassment and Sexual Violence Policy ACAC and Policy ACAC-R
- Nondiscrimination on the Basis of Handicap/Disability Policy ACE
- Nondiscrimination Policy AC
- Student Records and Access Policy JRA
- Pupil Safety and Violence Prevention – Bullying Policy JICK
- Public Complaints About Facilities or Services Policy KED

DEFINITIONS:

Discrimination: Unlawful discrimination in employment occurs when an employer takes an adverse, harmful, harassing and/or retaliatory employment action against an employee (or potential employee) based on that employee's race/ethnicity/color, creed, sex, pregnancy, age, religion, national origin, marital status, the presence or perception of a disability, veteran's status, military status, genetic information, sexual orientation, gender, or gender identity.

Harassment: Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), the Americans with Disabilities Act of 1990 (ADA), and NH SB 263. Harassment is offensive conduct that may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- Asking unwelcome personal questions or other unwelcome treatment based on a person's age, creed, disability, gender expression, gender identity, genetic information, national origin, marital status, military status, pregnancy, race/ethnicity/color, religion, sex, sexual orientation, gender identity, or veteran's status.
- Disclosing an individual's sexuality, gender identity, or gender expression against their wishes.
- The deliberate misuse in a derogatory manner of an individual's preferred name, form of address, or gender-related pronouns (except on legally mandated documentation, if the individual has not officially obtained a name change).
- Posting offensive pictures or sending offensive electronic or other communications.
- Unwelcome physical conduct.

Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a hostile, intimidating, or abusive work environment.

Bullying may be a type of harassment seen in the workplace.

Bullying: A behavior that intends to frighten, hurt, or threaten others and cause harm, humiliation, or intimidation. Bullying behavior is often repetitive. It may involve verbal harassment, verbal or non-verbal threats, physical assault, stalking, or other methods of coercion such as manipulation, blackmail, or extortion. An imbalance of power, either real or perceived, between the aggressor and the victim is often involved.

Hostile Work Environment: A hostile work environment is one that is intimidating, hostile, or offensive. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name-calling, assumptions based on stereotypes, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and inappropriate interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, a subordinate, an agent of the employer, a co-worker, or a non-employee (such as a fellow, volunteer or intern).
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Protected Classes: Race/ethnicity/color, creed, sex, pregnancy, age, religion, national origin, marital status, the presence or perception of a disability, veteran's status, military status, genetic information, sexual orientation, or gender identity.

Sexual Harassment: Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.