

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JBAA-R
Date of Adoption: February 13, 2008 Revised: March 18, 2009 Code and Title Change-Adopted School Board: May 2, 2012 From ACAA-R	Page 1 of 3

SEXUAL HARASSMENT AND VIOLENCE-STUDENT COMPLAINT PROCEDURE

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment as described in policies AC - Nondiscrimination/Equal Opportunity and ACAA - Harassment and Sexual Harassment of Students.

Definitions

For purposes of this procedure:

- A. A "Complaint" is defined as an allegation that a student has been discriminated against or harassed on the basis of age, sex, race, creed, color, marital status, familial status, physical or mental disability, national origin or sexual orientation.
- B. "Discrimination or harassment" means discrimination or harassment on the basis of age, sex, race, creed, color, marital status, familial status, physical or mental disability, national origin or sexual orientation.
- C. Complaints of pupil harassment and bullying (defined as insults, taunts or challenges, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response) may also be pursued under Board Policy JICK – Pupil Safety and Violence Prevention.

How to Make a Complaint

- A. Any student who believes he/she has been discriminated against or harassed should report their concern promptly to the Title IX Coordinator or Principal. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with Title IX Coordinator or Principal.
- B. School staff is expected to report possible incidents of discrimination or harassment of students. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.
- C. Students and others will not be retaliated against for making a Complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.
- D. Students are encouraged to utilize the District's Complaint Procedure. However, students are hereby notified that they also have the right to report complaints to the New Hampshire Commission on Human Rights, 2 Chenelle Drive, Concord, NH 03301-8501 (telephone: 603-271-2767) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, S.W. McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9662).

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- E. In addition to this Complaint Procedure, students and their parents/guardians shall also have a right to an impartial hearing and a review procedure for complaints regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special education or related services. Persons interested in such an impartial hearing should contact the Title IX Coordinator located at SAU 5, 36 Coe Drive in Durham.

Complaint Handling and Investigation

- A. Title IX Coordinator or Principal shall promptly inform the Superintendent and the person(s) who is the subject of the Complaint that a Complaint has been received.
- B. The Title IX Coordinator or Principal may pursue an informal resolution of the Complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the Superintendent, who shall consider whether the informal resolution is in the best interest of the District in light of the particular circumstances and applicable policies and laws.
- C. The Complaint will be investigated by the Title IX Coordinator or Principal unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any Complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor’s authority. Any Complaint about the Superintendent should be submitted to the Chair of the School Board, who should consult with legal counsel concerning the handling and investigation of the Complaint.
 - 1. The person who is the subject of the Complaint will be provided with an opportunity to be heard as part of the investigation.
 - 2. If the Complaint is against an employee of the District, any applicable individual or collective bargaining contract provisions shall be followed.
 - 3. Privacy rights of all parties to the Complaint shall be maintained in accordance with applicable state and federal laws.
 - 4. The Title IX Coordinator or Principal shall keep a written record of the investigation process.
 - 5. The Title IX Coordinator or Principal may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
 - 6. The Title IX Coordinator or Principal shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
 - 7. The investigation shall be completed within 15 business days of receiving the complaint, if practicable.

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- D. If the Title IX Coordinator or Principal determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
1. Determine what remedial action is required, if any;
 2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
 3. Inform the student who made the Complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- E. If the student's parents/legal guardians are dissatisfied with the resolution, an appeal may be made in writing to the Superintendent within 10 business days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.
- F. If the student's parents/legal guardians are dissatisfied with the decision of the Superintendent, an appeal may be submitted in writing within 10 business days after receiving notice of the decision. The Board will consider the appeal in executive session, to the extent permitted by law, at its next regular meeting or a special meeting. The Superintendent shall submit the investigation report and any other witnesses or documents that he/she believes will be helpful to the Board. The student, his/her parents/legal guardians and his/her representative shall be allowed to be heard. The person(s) against whom the Complaint was made shall be invited and allowed to be heard. The Board's decision shall be final.

Legal Reference: Americans with Disabilities Act (42 U.S.C. § 12101), as amended (28 CFR § 35.07) Section 504 of the Vocational Rehabilitation Act (29 U.S.C. § 794); as amended; 34 CFR § 104.7
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)
Title VI of the Civil Rights Act of 1964 (P.L. 88-352)
20 U.S.C. § 1232g; 34 CFR Part 99
NH Code Admin R. Ed. 303.01(i) and (j)

Cross Reference: AC - Nondiscrimination/Equal Opportunity
JBAA- Sexual Harassment and Violence- Students
JICK – Pupil Safety and Violence Prevention