

**LONDONDERRY SCHOOL DISTRICT
EMPLOYEE
SEXUAL HARASSMENT PREVENTION POLICY**

District Title IX Coordinator:
Human Resource Director
6A Kitty Hawk Landing
Londonderry, NH 03053
603-432-6920 ext. 1104

High School Title IX Coordinator:	Principal or designee
Middle School Title IX Coordinator:	Principal or designee
Matthew Thornton Title IX Coordinator:	Principal or designee
Moose Hill Title IX Coordinator:	Principal or designee
South School Title IX Coordinator:	Principal or designee
North School Title IX Coordinator:	Principal or designee

LONDONDERRY SCHOOL BOARD

Adopted: January 24, 1995
Amended: October 20, 1998
Amended: October 26, 2014
Amended: October 26, 2018
Amended: March 19, 2019

**HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES POLICY
AND COMPLAINT PROCEDURES FOR EMPLOYEES AND THIRD PARTIES**

Harassment of school employees because of age, sex, race, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry or sexual orientation is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

Harassment

Harassment includes but is not limited to verbal abuse, threats, physical assault and/or battery based on age, sex, race, religion, color, marital status, familial status, physical or mental disability, national origin, ancestry, sexual orientation or genetic information.

Sexual Harassment

Unwelcome sexual advances, suggestive or lewd remarks, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's work environment or employee benefits;
- B. Submission to or rejection of such conduct by an employee is used as the basis for decisions on employment benefits; and/or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Any employee who engages in harassment or sexual harassment will be subject to disciplinary action, up to and including discharge.

All complaints of harassment will be investigated in accordance with the Employee & Third Party Discrimination and Harassment Complaint Procedure.

Notice and Training

Annually, each employee shall receive a copy of this policy and its accompanying complaint procedures. This may be accomplished by including the policy/procedure with employee paychecks or by using other appropriate means to ensure that each employee receives a copy.

Employee & Third Party Discrimination and Harassment Complaint Procedure

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of employee complaints of discrimination and harassment. This procedure

may also be used by other individuals (excluding students), such as parents, volunteers and visitors to the schools who wish to make a complaint of discrimination or harassment. Complaints alleging harassment or discrimination of students based on protected status should be addressed through the Board's Student Discrimination, Harassment and Sexual Harassment Policy and Complaint Procedure (ACA-S).

Definitions

For purposes of this procedure:

- A. "Complaint" is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of age, sex, race, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry or sexual orientation.
- B. "Discrimination or harassment" means discrimination or harassment on the basis of age, sex, race, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry or sexual orientation. "Discrimination" may include treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected class. "Harassment" may include oral, written, graphic, electronic or physical conduct relating to an individual's actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual's ability to participate in the District's programs or activities by creating a hostile, intimidating or offensive environment.
- C. Whenever the term "employee" is used in this procedure it includes other third parties who are making a complaint of discrimination or harassment.

How to Make a Complaint

- A. Any employee who believes he/she has been harassed or discriminated against is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate formal complaint.
- B. Any employee who believes he/she has been harassed or discriminated against should report their concern in writing promptly to the Building Administrator or Human Resource Director. If the employee is uncomfortable reporting concerns to the Building Administrator, he/she may report the concern to another school administrator.

Employees who are unsure as to whether unlawful discrimination or harassment has occurred or who need assistance in preparing a written complaint, are encouraged to discuss their concerns with the Building Administrator or the Human Resource Director. Employees will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal and

state nondiscrimination laws, and any retaliation will result in disciplinary measures, up to and including dismissal.

- C. Any employee who believes he/she has been discriminated against or harassed is encouraged to utilize the District's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the New Hampshire Commission on Human Rights, 2 Chenell 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, 5 Post Office Square, 8th Floor, Boston, MA 02110-1491 (telephone: 617-289-0111).

Complaint Handling and Investigation

- A. The Building Administrator or the Human Resource Director will promptly inform the Superintendent and the person who is the subject of the Complaint that a Complaint has been received.
- B. The Building Administrator or the Human Resource Director may pursue an informal resolution of the Complaint with the agreement of the parties involved. Any party to the Complaint may decide to end the informal resolution process and pursue the formal process at any point. The informal resolution is subject to the approval of the Superintendent who shall consider whether the resolution is in the best interest of the parties in light of the particular circumstances and applicable policies and law.
- C. The Complaint will be investigated by the Building Administrator or the Human Resource Director. 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 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. The Complainant shall not be required to attend meetings with the subject of the Complaint, but may choose to do so as part of the resolution process.
 - 2. The Complainant and the subject of the Complaint may suggest witnesses and/or submit materials they believe are relevant to the Complaint.
 - 3. If the Complaint is against an employee of the District, any rights conferred under an applicable collective bargaining agreement shall be applied.
 - 4. Privacy rights of all parties to the Complaint shall be maintained in accordance with applicable state and federal laws.
 - 5. The Building Administrator or the Human Resource Director shall keep a written record of the investigation process.

6. The Building Administrator or the Human Resource Director may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while the investigation is pending. An example of a remedial measure is ordering no contact between the individuals involved.
 7. The Building Administrator or the Human Resource Director shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
 8. The investigation shall be completed within 21 calendar days of receiving the Complaint, if practicable.
- D. If the Building Administrator or the Human Resource Director determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
1. Determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence.
 2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
 3. Inform the employee 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 employee who made the Complaint is dissatisfied with the resolution, he/she may appeal to the Superintendent within 14 calendar 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 provided in writing to the complainant within 21 business days, if practicable. The Superintendent's decision shall be final.

Legal References: Americans with Disabilities Act (28 CFR § 35.107)
 Section 504 of the Vocational Rehabilitation Act (29 U.S.C. § 794);
 34 CFR § 104.7
 Title IX of the Educational Amendments of 1972 (34 CFR § 106.8(b))
 Age Discrimination in Employment Act (34 CFR § 110.25)
 Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
 NH RSA 354-A:7
 NH Code Admin R. Ed 303.01(i) and (j)

Cross Reference: AC – Nondiscrimination/Equal Opportunity

ACA-S – Student Discrimination, Harassment and Sexual
Harassment Policy and Complaint Procedure

LONDONDERRY SCHOOL BOARD

Adopted: August 26, 2014

Amended: March 19, 2019