

**AUBURN SCHOOL DISTRICT
NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT AND DISTRICT ANTI-
DISCRIMINATION POLICY**

Education is a protected civil right in New Hampshire. As such, it is the policy of the School Board that there will be no discrimination on the basis of age, sex, gender, gender identity, race, creed, color, religion, familial status, marital status, sexual orientation, national or ethnic origin, economic status, or disability, or any other classes protected under RSA 354-A, for employment in, participation in, admission/access to, or operation and administration of any educational program or activity in the School District.

The District will not discriminate against any student or employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

The Superintendent or his/her designee will receive all inquiries, complaints, and other communications relative to this policy and the applicable laws and regulations concerned with non-discrimination.

This policy of non-discrimination is applicable to all persons employed or served by the District. Any complaints or alleged infractions of the policy, law or applicable regulations will be processed through the grievance procedure. This policy implements PL 94-142, Section 504 of The Rehabilitation Act of 1973, Title II of The American with Disabilities Act, Title VI or VII of The Civil Rights Act of 1964, Title IX of The Education Amendments of 1972, and the laws of New Hampshire pertaining to non-discrimination.

The Superintendent shall develop and provide to the Board for approval, a coordinated written District Anti-Discrimination Plan (the "Plan") to include guidelines, protocols and procedures intended to prevent, assess the presence of, intervene in, and respond to incidents of discrimination.

Complaint and 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 sexual harassment or sexual violence by employees or third party contractors should be made under Board policy GBAA;
2. Reports or complaints of sexual harassment or sexual violence by students should be made under Board policy JBAA;

3. Reports or complaints of discrimination on the basis of disability should be made under Board policy ACE, except for complaints regarding facilities accessibility by disabled non-students or employees, which should be made under Board policy KED; and
4. 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.

Retaliation Prohibited

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.

The Superintendent shall ensure that District and or building personnel are assigned to the positions listed below:

Human Rights Officer – Michele Garon, Human Resources Director
(90 Farmer Road, Hooksett, NH 03106 622-3731 x18)
Title IX Coordinator – Marge Polak, Assistant Superintendent
(90 Farmer Road, Hooksett, NH 622-3731 x12)
504 Coordinator – Lindsay Murray, Assistant Principal
(Auburn Village School 11 Eaton Hill Road, Auburn, NH 483-2769 x 1001)

Legal References:

RSA 354-A:6 Opportunity for Employment without Discrimination a Civil Right
RSA 354-A:7 Unlawful Discriminatory Practices, The Age Discrimination in Employment Act of 196, Title VII of The Americans with Disabilities Act of 1990, Title VII of The Civil Rights Act of 1964 (15 or more employees), RSA 186:11, XXXIII, Discrimination, RSA 275:71, Prohibited Conduct by Employer, ED 306

Adopted: November 8, 1989

Revised: September 10, 1992, June 8, 1999, March 16, 2001, March 13, 2007, December 11, 2018, December 10, 2019, July 28, 2020

Reviewed: June 8, 2021