

Timberlane Regional School Board	Procedure Code: ACAB-R
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EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

This procedure has been established by the Timberlane Regional School District in order to provide a method of prompt and equitable resolution of employee complaints of discrimination and harassment as described in policy ACAB – Harassment and Sexual Harassment of School Employees.

Definitions

For purposes of this procedure:

- A. “Complaint” is defined as an allegation that an employee 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.

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 employee who believes he or she has been the victim of sexual harassment should report the alleged act(s) to the building Principal or Superintendent. If the alleged perpetrator is the Principal, the alleged victim may report the allegation to any other district employee. That employee shall then report the allegation to the Superintendent. The Board encourages the reporting employee to use the Report Form available from the Principal or Superintendent.
3. 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.
4. 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. The

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District shall post the name of the Human Rights Officer in conspicuous places throughout school buildings, including a telephone number and mailing address.

5. Submission of a complaint or report of sexual harassment will not affect the employee's standing in school, future employment, or work assignments.
6. The use of formal Reporting Forms provided by the District is voluntary. The District will respect the confidentiality of the complainant and the person(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.

INVESTIGATION AND RECOMMENDATION

The 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 must 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.

SCHOOL DISTRICT ACTION

If investigating party determines that the alleged conduct constituted sexual harassment, the Superintendent may discipline the offending employee. Such discipline may include, but is not limited to, a warning, training, temporary suspension or dismissal. Any discipline will be in accordance with all laws and collective bargaining agreements, if applicable.

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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 in violation of other related Board policies, will be addressed on a case-by-case basis by the Superintendent, who may order the offending employee to engage in some remedial action.

APPEAL OF INVESTIGATOR'S RECOMMENDATION

Either the complainant or the accused may appeal the investigator's recommendation and subsequent District action, if any, to the School Board.

After a hearing, the School Board will vote to either accept or deny the investigator's recommendation and resulting discipline.

Either party may then appeal the Board's decision in accordance with applicable law.

REPRISAL

The School District will discipline any employee who retaliates against any other employee 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 complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual 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.

BY-PASS OF POLICY

Any individual with a sexual harassment complaint may choose to bypass this procedure 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 Reference:

- Americans with Disabilities Act (28 CFR § 35.07)*
- 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)*
- NH Code Admin. R. Ed. 303.01(i) and (j)*

Cross Reference:

AC - Nondiscrimination/Equal Opportunity

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