

2401(AC) Nondiscrimination, Equal Opportunity Employment, 2401(AC) and Anti-Discrimination Plan

A. INTRODUCTION AND GENERAL POLICY AGAINST DISCRIMINATION AND HARASSMENT

The Milford School District recognizes the right of all students and staff members to learn and work in an environment free from discrimination or harassment, and likewise, that persons participating or attempting to participate in District programs, employment, or activities have the right to do so free from discrimination or harassment.

Accordingly, the District prohibits any type of unlawful harassment or discrimination based on age, race, color, religion, creed, sex, national or ethnic origin, gender identity, sexual orientation, marital status, familial status, physical or mental disability, pregnancy, genetic information, or veteran status by employees, students, members of the school community, or by vendors or visitors on school property or at school-sponsored events. No person shall be excluded from or denied the benefits of educational programs or activities on the basis of any of the above classes or economic status.

As described above, the blanket prohibition afforded under this policy, as well as other School Board policies, reflects, but goes further than, some of the same protections afforded under multiple State and Federal statutes or regulations, such as, but not limited to, NH RSA 354-A, and NH RSA 193:38-39, Titles IV, VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1972, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, and the Pregnant Worker Fairness Act. Additionally, bullying or general harassment of students unrelated to any of the characteristics ("protected classes") identified above, is further prohibited under Board policy 5009 (JICK) and RSA 193-F. Statutory and regulatory statements and notices of nondiscrimination are included in Section I of this policy.

The District has determined that the most effective way to limit harassing or discriminatory statements or conduct that is illegal or unlawful under those statutes is to treat it as misconduct under Board policies, even when such conduct or statements might not rise to the level of discrimination or harassment prohibited under federal or state law.

B. DEFINITIONS

The definitions found here apply to each Board policy unless and to the extent that such definition is contrary to specific language or context of that policy or other legal authority.

"Days" means calendar days but excludes non-weekend days on which the SAU office is closed (e.g., holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g., snow days).

"Discrimination" is conferring benefits upon, refusing or denying benefits to, or providing differential treatment to a person or class of persons in violation of law based on race,

color, religion, sex, national origin, ancestry, disability, age, genetic information, or any other characteristic protected by law or based on a belief that such a characteristic exists.

A "Grievance" or "Complaint" is a verbal or written report or complaint of discrimination, harassment, or retaliation that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination. The required form and the specific process for making a report may vary depending on the nature of the conduct or issue. See Section D, below, for further information.

"Harassment" generally refers to the use of words or engaging in behaviors that annoy, threaten, intimidate, or demean a person without a legitimate purpose. Harassment will often constitute bullying, which is prohibited under Board policy 5009 (JICK). Additionally, harassment may constitute illegal discrimination if the harassing statements or behaviors include explicit or implicit reference to age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or national origin.

"Retaliation" means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by state or federal law or District policies, procedures, regulations or rules, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing, or appeal under such policies, procedures, etc.

C. POLICY APPLICATION

This policy is applicable to all persons employed or served by the District. It applies to all sites and activities the District supervises, controls, or where it has jurisdiction under the law, including where it (a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or (b) occurs off of school property or outside of a school-sponsored activity or event if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event, as set forth in Board policy 5009 (JICK), Pupil Safety and Violence Prevention- Bullying. Examples of sites and activities include all District buildings and grounds, school buses and other vehicles, field trips, and athletic competitions.

D. REPORT, COMPLAINT, AND GRIEVANCE PROCEDURES

1. Reports or complaints of sex discrimination, including sex-based harassment, or sexual violence by staff or students, should be made under Board policies 2405 or 5125;
2. Reports or complaints by students of discrimination on the basis of educational disability under the Individuals with Disabilities Education Act (IDEA) should be made under Board policy 2421;
3. Reports or complaints of bullying or other harassment of pupils should be made under Board policy 5009 (JICK);
4. Reports or complaints of discrimination, harassment, or retaliation not specified above, including, without limitation, claims relating to race, ethnicity, disability (e.g., Americans with Disabilities Act (ADA) or 504),

religion, access to the Boy Scouts of America or other Title 36 youth group listed in Title 36, Subtitle II, Part B of the United States Code (as a patriotic society) that is intended to serve young people under the age of 21, and not involving or relating to the District's food services (see number 5 below) should be made under the grievance procedure in Board policy 2405 or 5125; and

5. Reports or complaints of discrimination based upon protected classes relative to any of the District's food and nutrition services (FNS) programs (school lunches, etc.) should be made under Board policy 2322 (ACF), unless the alleged discriminatory conduct relates to a class identified in Sections D.1 or D.2.

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 above 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~~ their immediate supervisor, the District Human Rights Officer, or as provided in one of the policies or administrative procedures referenced above 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 above and related administrative procedures or regulations. Complaints or reports regarding matters not covered in those policies should be made to the District Human Rights Officer.

E. ALTERNATIVE COMPLAINT PROCEDURES AND LEGAL REMEDIES

At any time, whether or not an individual files a complaint or report under this policy or policy 2405 or 5125, an individual may file a complaint with an external agency, such as the Office for Civil Rights ("OCR") of the United States Department of Education, the New Hampshire Commission for Human Rights, or another relevant authority. Complaints to the OCR, however, must be made within 180 days of the last act of alleged discrimination, harassment, or retaliation giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence.

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

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

Office of the Assistant Secretary for Civil Rights, U.S. Department of Agriculture; 1400 Independence Avenue, SW, Washington, D.C., 20250-9410; Telephone - 866-632-9992; Email - program.intake@usda.gov

Boston Area Office, U.S. Equal Employment Opportunity Commission; JFK Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506; Telephone - 1-800-669-4000; ASL Videophone - 1-844-234-5122; Email - info@eeoc.gov

New Hampshire Commission for Human Rights; 57 Regional Drive, Suite 8, Concord, NH 03301; Telephone - 603-271-2767; Email - humanrights@hrc.nh.gov

New Hampshire Department of Justice, Civil Rights Unit; 33 Capitol Street, Concord, NH 03301; Telephone - 603-271-3650; Email - doj.civilrights@doj.nh.gov

N.H. Department of Education, Commissioner of Education; 25 Hall Street, Concord, NH 03301; Telephone - 603-271-3494; Email - info@doe.nh.gov

F. 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~~ their filing a complaint or report or making statements in the course of an investigation or grievance procedure. Charging an individual with a code-of-conduct violation for making a materially false statement in bad faith in the course of an investigation, a disciplinary proceeding, or grievance proceeding does not constitute retaliation, provided, however, that a finding explicitly or implicitly negating a statement, alone, is not sufficient ~~alone~~ to conclude that the person made a materially false statement in bad faith.

G. HUMAN RIGHTS OFFICER, TITLE IX AND 504/ADA COORDINATORS

The Superintendent shall ensure that District and or building personnel are assigned to the positions listed below. Each year, and more often when personnel change, the Superintendent shall prepare and disseminate an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, and postal and physical addresses:

Human Rights Officer/Title IX Coordinator

Lynessa Huntley
100 West Street
Milford, NH 03055
603-673-2202
lynessa.huntley@milfordk12.org

504/ADA Coordinator

Ms. Santina Thibedeau,
Executive Director of Student Support Services, Section 504 Coordinator
100 West Street
Milford, NH 03055
603-673-2202
santina.thibedeau@milfordk12.org

H. DISTRICT ANTI-DISCRIMINATION PLAN

No later than October 15, 2020, 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.

Among other things, the Plan should include provisions and recommendations with respect to resources, policies, complaint procedures, student education programs, Plan dissemination, and training appropriate to carrying out the Plan objectives stated in the preceding paragraph.

In developing the Plan, the Superintendent is encouraged to seek input from appropriate groups of the school and local community and coordinate with the District’s Human Rights Officer and Title IX and 504 Coordinators.

No less than once every two years (off years from review of the District’s Suicide Prevention Plan per policy 4011 (JLDBB)), 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.

I. STATUTORY AND REGULATORY NONDISCRIMINATION STATEMENTS AND NOTICES

1. Comprehensive Prohibition Against Discrimination in Educational Programs and Activities.

Under State or Federal 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. As used in this section, “race” means immutable traits associated with race, including hair texture and protective hairstyles, and “protective hairstyles” means hairstyles or hair type, including braids, locs, tight coils or curls, cornrows, Bantu knots, Afros, twists, and headwraps. Discrimination, including harassment, against any person in the District’s education programs, on the basis of any of the above classes, or a person’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 other than on the basis of any of the classes or categories listed above is prohibited under Board policy 5009 (JICK) Pupil Safety and Violence Prevention.

2. Equal Opportunity of Employment and 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.

3. **USDA Nondiscrimination Statement (copied from Policy 2322 ACF).**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint-filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at: [USDA Form AD-3027](#) (linked tested 2024/5/9), from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the Complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

- a. **Mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- b. **Fax:**
(833) 256-1665 or (202) 690-7442; or
- c. **Email:**
Program.Intake@usda.gov

J. COLLABORATION WITH OUTSIDE AGENCIES

Information may be disclosed if necessary to further the investigation, appeal, or resolution of a grievance, or if necessary to carry out interim or disciplinary measures. The District will disclose information to the District's attorney, law enforcement, and

others when necessary to enforce this policy or when required by law. In implementing this policy, the District will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record. The District will keep any documentation created in investigating the complaint, including, but not limited to, documentation considered when making any conclusions, in accordance with Board policy, state and federal laws, and as advised by the District's attorney.

K. ADDITIONAL REPORTING REQUIREMENTS

Reports under this Policy are in addition to and do not replace other reporting requirements mandated by law or other policies - see, e.g., Educator Code of Conduct (see Board policy 2426 (GBEAB), abuse or neglect of children (see RSA 169-C:29 and policy 2408 (JLF), acts of "theft, destruction, or violence" (see RSA 193-D:4, I (a) and Ed 317.06), incidents of "bullying" (see RSA 193-F and policy 5009 (JICK), and hazing (see RSA 671:7).

L. ADMINISTRATIVE PROCEDURES, REGULATIONS, AND TRAINING PROGRAMS

The Superintendent shall develop such other procedures and regulations, and shall ensure that training programs are provided as are necessary and appropriate to implement this policy, as well as the other policies referenced above.

M. NOTICE OF COMPLIANCE

The Superintendent will provide notice of the nondiscrimination statements and notices, the Anti-Discrimination Plan, to all applicants for employment, employees, students, parents, and other interested persons as required by statute, policy, or regulation, or as the Superintendent may otherwise deem appropriate.

NH Statutes

RSA 186:11, XXXIII

Description

[Discrimination](#)

RSA 193-F

[Pupil Safety and Violence Prevention](#)

RSA 193:38

[Discrimination in Public Schools](#)

RSA 275:71

[Prohibited Conduct by Employer](#)

RSA 275:78-83

[Policies Relating to Nursing Mothers \(Scroll down to sections 275:78-83\)](#)

RSA 354-A

[State Commission for Human Rights](#)

RSA 354-A:1

[\(Human Rights\) Title and Purposes of Chapter](#)

RSA 354-A:27

[Opportunity for Public Education without Discrimination a Civil Right](#)

RSA 354-A:6

[Opportunity for Employment without Discrimination a Civil Right](#)

NH Dept of Ed Regulation

N.H. Code Admin. Rules Ed 303.01 (i)

Federal Regulations

34 CFR 108

89 FR 29182

Federal Statutes

20 U.S.C 1681, et seq

20 U.S.C. § 1400-1417

20 U.S.C. § 7905

29 U.S.C. 621, et seq.

29 U.S.C. 705

29 U.S.C. 794

36 U.S.C. Subtitle II Part B

42 U.S.C. 12101, et seq.

42 U.S.C. 2000c

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 2000gg

42 U.S.C. 218d

Description

[School Board Substantive Duties](#)

Description

[Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups](#)

[Pregnant Workers Fairness Act \("PWFA"\)](#)

Description

[Title IX of the Education Amendments of 1972](#)

[Individuals with Disabilities Education Act \(IDEA\)](#)

[Equal access to public school facilities \("Boy Scouts of America Equal Access Act"\)](#)

[The Age Discrimination in Employment Act of 1967](#)

[The Rehabilitation Act of 1973 - Definitions](#)

[Rehabilitation Act of 1973 \(Section 504\)](#)

[Organizations](#)

[Title II of The Americans with Disabilities Act of 1990](#)

[Title IV of the Civil Rights Act of 1964](#)

[Title VI of the Civil Rights Act of 1964](#)

[Title VII of the Civil Rights Act of 1964](#)

[Pregnant Worker Fairness Act \("PWFA"\)](#)

[Pump for Nursing Mothers Act \("PUMP Act"\)](#)

Adopted: 1/1976

Revised: 9/1978, 12/1978, 3/1989, 3/1995, 8/1997, 9/1997, 6/2007, 10/2012,
10/2014, 12/2019, 7/2020, 10/2020, 12/2025.