

Raymond School District Policy – ACA

**DISCRIMINATION, INCLUDING HARASSMENT,  
BASED ON RACE, COLOR, NATIONAL ORIGIN AND ANCESTRY**

**I. GENERAL STATEMENT OF POLICY**

The Raymond School District prohibits all forms of race, color, national origin and ancestry-based discrimination, including harassment. It also prohibits retaliation as defined under this policy. The District treats retaliation as a form of discrimination under this policy.

This policy is an integral part of the District's comprehensive efforts to promote learning and equal educational opportunities for all our students, eliminate violent, harmful, and disruptive behavior and to provide a learning environment free from discrimination, including harassment and retaliation.

The District will promptly investigate all reports and complaints of discrimination, including harassment, based on race, color, national origin or ancestry, and retaliation.<sup>1</sup> Any violation of this policy is a serious offense that will subject the violator to disciplinary and corrective measures, and, where appropriate, referral to a law enforcement agency.

Nothing in this policy is designed or intended, however, to limit the authority of the District or any of its schools to discipline or take corrective or remedial action in response to violent, harmful or disruptive behavior, regardless of whether this policy covers the conduct. Nor does this policy limit the authority of the District or its schools to take immediate interim disciplinary action as set forth in applicable disciplinary codes or policy. The Superintendent and school principals are authorized to delegate their responsibilities under this policy to a designee.

**II. POLICY DEFINITIONS**

For purposes of this Policy:

1. **"HARASSMENT"**: Harassment is unwelcome or inappropriate conduct (oral, written, graphic, electronic or physical) relating to an individual's actual or perceived race, color, national origin or ancestry that creates a hostile environment for the student. A hostile environment is created when the conduct is sufficiently severe, persistent or pervasive so that it interferes with or limits a student's ability to participate in or benefit from the district's programs or activities.
2. **"OTHER PROHIBITED CONDUCT"** means any unwelcome or inappropriate conduct (oral, written, graphic, electronic or physical) relating to an individual's actual or perceived race, color, national origin or ancestry that does not involve severe, persistent or pervasive behavior, but will likely create a hostile environment if it persists, by interfering with or limiting the ability of a student(s) to participate in or benefit from the district's programs or activities.

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<sup>1</sup> Whenever this policy refers to any time frame, it may be extended for good cause, as documented.



3. Below are examples of violations of this policy, in circumstances where the oral, written, graphic, electronic or physical conduct has had the purpose or effect of creating a hostile environment:

A. “RACE OR COLOR HARASSMENT” includes but is not limited to unwelcome or inappropriate oral, written, electronic or physical conduct that denigrates, demeans or stereotypes a person based on his/her actual or perceived race or color, including characteristics of a person’s race or color, such as racial slurs or insults, racial graffiti or symbols, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

B. “NATIONAL ORIGIN OR ANCESTRY HARASSMENT” includes but is not limited to unwelcome or inappropriate verbal, written, electronic, or physical conduct which denigrates, demeans or stereotypes a person based on his/her actual or perceived national origin, ancestry, or ethnic background, such as ethnic slurs or insults, negative comments, graffiti or symbols about surnames, country of origin, customs, language, accents, immigration status, or manner of speaking.

4. “DISCRIMINATION” means treating a student or group of students less favorably, or interfering with or preventing a student from enjoying the advantages, privileges or courses of study of a school because of that student’s race, color, national origin or ancestry, as protected under New Hampshire and federal nondiscrimination laws.

5. “RETALIATION” means retaliating against any person for opposing any act or practice reasonably believed to be discriminatory as prohibited by applicable law and/or this policy, or for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of discrimination, including harassment. Retaliatory acts include overt or covert acts of reprisal, interference, punishment or harassment against an individual or group.

6. “COMPLAINANT” means a student who is the alleged victim of conduct covered by this policy, or his/her parent(s)/guardian(s).

7. “COMPLAINT” means an oral or written report by a student or his/her parent(s)/guardian(s), to a school or District employee alleging that the student has been the subject of discrimination, including harassment or retaliation, or other prohibited conduct, under this policy.

8. “REPORT” means an oral or written report to a school or District employee by anyone other than the student victim or his/her parents/guardians, alleging that a student has been the subject of discrimination, including harassment or retaliation, or other prohibited conduct, under this policy.

### **III. POLICY APPLICATION**

This policy applies to all sites and activities the Raymond School 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 the District's Policy, "*JICDA-Student Safety and Violence Prevention*."<sup>2</sup>

#### **IV. REPORTING UNDER THE POLICY**

##### **Receipt of Reports**

1. **School-Level:** The Principal or designee is the person responsible for receiving oral or written reports or complaints at the building level for discrimination, including harassment or retaliation, or other prohibited conduct, under this policy.
2. **District-Level:** The Superintendent or designee is the District's Title VI Coordinator to receive reports or complaints of discrimination, including harassment or retaliation, or other prohibited conduct, under this policy, against the District, a District-level employee, or a building Principal. If the report or complaint involves the Superintendent, it shall be filed directly with the School Board.

##### **Student Reporting**

3. Any student (or a parent/guardian of a student) who becomes aware of or who believes he/she, or another student, has been the victim of discrimination, including harassment or retaliation, or other prohibited conduct, in violation of this policy, is strongly encouraged to immediately report the alleged act(s) to the Principal or designee, but shall report the act(s) within ninety (90) calendar days of the alleged occurrence. The reporting time may be extended for good cause. The principal or designee shall immediately notify the Superintendent of the complaint or report. If the student is more comfortable reporting the alleged act(s) to a person other than the Principal, the student (or his/her parent/guardian) may tell any school or District employee about the alleged discrimination, including harassment or retaliation, or other prohibited conduct. That employee shall report that information to the appropriate administrator.
4. If the complaint or report is against a building Principal, it shall be filed directly with the Superintendent or designee.
5. The District encourages the reporting party or complainant to use the report/complaint form available from the Principal of each building or available from the Superintendent's office, and available on the district's Website. Use of the formal reporting form, however, is not mandatory.

##### **Staff Reporting**

6. Any Raymond School District employee, volunteer or independent contractor who witnesses, receives a complaint or report of, or has knowledge or belief that a student has been the subject of discrimination, including harassment or retaliation, or other prohibited conduct, under this policy shall inform the Principal or designee as soon as possible, but by no later than the end of that school day, and shall also transmit a written report to the Principal or designee by no later than the beginning of the next school day. If the complaint or report involves the building Principal, it shall be filed directly with the Superintendent.

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<sup>2</sup> Nothing in this policy should in any way create or should be construed to create an express or implied contract.



## **V. PROCEDURE UPON RECEIPT OF COMPLAINT OR REPORT**

1. Upon receipt of a complaint or report under this policy, the Principal or designee shall commence an investigation consistent with the provisions of Section VI of this Policy and forward a copy of the written complaint or report to the Superintendent within one school day.
2. In the event of a conflict or other circumstance that prevents the Principal and designee from investigating the report or complaint, including where the Principal and designee are directly and personally involved with a complaint or are closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation. If the report or complaint is against the Principal, the Superintendent or designee shall investigate the report or complaint.
3. After receipt of a complaint or report, the Principal or designee will attempt to identify and obtain the cooperation of the student who is the victim of the alleged conduct, if there is one. An investigation shall proceed even if a student is reluctant to fill out the designated complaint or reporting form and chooses not to do so. Even where the Principal or designee does not obtain the identity of or cooperation by the alleged victim(s), the Principal or designee will investigate the allegations, to the extent feasible.

### **Notification of Parents/Guardians**

4. Within 48 hours (not including weekends or holidays) of receiving a complaint or report under this policy, the Principal or designee shall notify the parents/guardians of a student who has been reported as a victim and to the parents/guardians of a student who has been reported as a perpetrator. Such notification may be made by telephone, writing or in-person. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the investigative report. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

### **Waiver of Notification Requirement**

5. The Superintendent may, within a 48 hour time period (not including weekends or holidays), grant the Principal a waiver from the requirement that the parents/guardians of the alleged victim and the alleged perpetrator be notified of the filing of a complaint or report. A waiver may only be granted if the Superintendent deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted by the Superintendent shall be in writing to the Principal.

## **VI. RESOLUTION PROCESS: DETERMINING WHETHER TO APPLY THE FORMAL OR INFORMAL PROCEDURE**

### **A. SELECTING APPROPRIATE RESOLUTION PROCEDURE**

1. After the Principal or designee receives a complaint or report, (s)he shall determine whether to resolve the complaint or report through a Formal or Informal Resolution Procedure.
2. The Principal or designee shall commence a Formal Resolution Procedure and investigation under Section C, if any one of the following apply:



- (1) the complaint or report involves an allegation of severe, persistent or pervasive harassment, or other serious form of discrimination or retaliation;
- (2) there is a pending Formal Resolution Procedure against the alleged perpetrator;
- (3) the alleged perpetrator has previously been found to have violated this policy after a Formal Resolution Procedure;
- (4) the alleged conduct involves physical harm to a person or is serious enough that it may place a person at physical risk;
- (5) the incident has resulted in a criminal charge;
- (6) the alleged perpetrator is an employee, volunteer or independent contractor;
- (7) the incident involves a referral to the Division of Youth, Children & Families, Department of Health and Human Services; or
- (8) where a Formal Resolution Procedure is otherwise appropriate under the circumstances.

3. The Informal Resolution Procedure is applicable only if it involves an allegation of “other prohibited conduct,” as defined in Section II, and if the parties agree to voluntarily participate. If the parties do not agree to voluntarily participate, or an Informal Resolution Procedure is not deemed appropriate, the Principal or designee shall address the matter under the Student Code of Conduct.

## **B. INFORMAL RESOLUTION PROCEDURE**

1. **MEETING SEPARATELY WITH PARTIES:** Where an Informal Resolution Procedure is initiated, the Principal or designee will promptly meet separately with the complainant and the alleged perpetrator (by no later than 2 school days), to review and explain the informal resolution procedures, answer any questions, and explain the prohibition against retaliation.

2. **VOLUNTARY RESOLUTION:** If appropriate, after completing any initial information gathering or investigation the Principal or designee deems necessary to reach a voluntary resolution, (s)he will propose a resolution. The Principal or designee shall invite the parents/guardians of the complainant and the alleged perpetrator to attend the resolution meeting. If the complainant, the alleged perpetrator and their parent(s)/ guardian(s) agree with the proposed resolution, the Principal will write down the resolution, and the complainant and the alleged perpetrator, and their parent(s)/guardian(s), if present, will sign it, and each person will receive a copy. At the meeting, the Principal will again explain the prohibition against retaliation. The primary focus of the voluntary resolution is to effectively correct the problem and end the reported conduct, which may include disciplinary action.

3. **FAILURE OF VOLUNTARY RESOLUTION:** If the complainant and alleged perpetrator cannot agree to an informal resolution, or if at any time after the informal resolution, the Principal or designee determines that the problem is not corrected, the Principal or designee will apply the Student Code of Conduct, under Policy JICD, or initiate a Formal Resolution Procedure.

## **C. FORMAL RESOLUTION PROCEDURE**

### **Investigation-Related Procedures**

1. **MEETING SEPARATELY WITH PARTIES:** The Principal or designee will promptly meet separately with the complainant and the alleged perpetrator (by no later than 2 school days), to inform them about



the formal resolution procedures and explain the prohibition against retaliation. The Principal or designee shall also ask the complainant what (s)he believes may help make him/her feel safe from discrimination, including harassment or retaliation, or other prohibited conduct, pending the conclusion of the investigation.

2. **PROMPT INVESTIGATIONS:** Upon receipt of a complaint or report, the Principal or designee shall promptly (by no later than 2 school days), initiate an investigation into the alleged act(s). The nature and duration of an investigation will depend on the circumstances, including the type, severity and frequency of the alleged conduct. The Principal will complete the investigation as soon as practicable, not to exceed ten (10) school days after receipt of the complaint or report, except for good cause (as documented in the investigatory file). If the Principal needs more than ten (10) school days to complete the investigation, the Superintendent may grant an extension of up to seven (7) school days. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.

3. **INVESTIGATION ACTIVITIES:** The investigation may consist of documented 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 parties shall have the opportunity to identify witnesses and other evidence. The investigation may also consist of a visit to the incident site and review of documents and physical evidence deemed pertinent by the investigator, including information regarding any prior incident(s) committed by the alleged perpetrator. The alleged victim and alleged perpetrator will be interviewed separately. Interviews will be conducted in a manner that protects the privacy of individuals to the extent practicable under the circumstances.

4. **COMMUNICATION DURING INVESTIGATION:** The Principal will make reasonable efforts to regularly inform the complainant and the alleged perpetrator(s) and their parents/guardians of the status of the complaint, and the anticipated conclusion of the investigation, and the determination.

5. **INTERIM MEASURES TO PROTECT SAFETY:** The Principal or designee shall take reasonable steps (s)he determines is necessary and/or advisable to protect the complainant, other students, and employees, to the extent practicable, from further incidents or from retaliation pending the outcome of the investigation.

6. **VICTIM ASSISTANCE:** The Principal or designee will make appropriate referrals for victim assistance, including counseling and crisis intervention, if requested, or as needed.

7. **CONFIDENTIALITY:** The District will respect the privacy of the complainant, the alleged perpetrator(s), and the witnesses to the extent possible, consistent with this policy, federal and state civil rights laws and confidentiality laws and regulations, and with the District's Education Records Policies.

8. **FINDINGS AND RECOMMENDATIONS:** Upon completion of an investigation, the Principal or designee will evaluate the evidence and determine whether the allegations have been substantiated and whether the policy has been violated by a preponderance of the evidence. The Principal or designee will prepare a final investigative report that includes his or her findings, and when a violation is found, recommend appropriate disciplinary, corrective and remedial measures.



9. **BASIS FOR DETERMINING WHETHER POLICY VIOLATED:** In making a determination, the Principal or designee will consider all the facts and surrounding circumstances, including, for example, the context, nature, frequency and severity of the behavior, how long the wrongful conduct continued, where the incident(s) occurred, the number of persons involved in the wrongful conduct, the ages of and relationships between the parties, past incidents or patterns of behavior, and the extent to which the conduct adversely affected the education or school environment of the victim and other school community member(s).

10. **REPORTING SUBSTANTIATED INCIDENTS TO THE SUPERINTENDENT:** Upon completion of the investigation, the Principal or designee shall forward all substantiated reports under this policy to the Superintendent.

#### **D. COMMUNICATING WITH PARTIES**

**COMMUNICATION UPON COMPLETION OF INVESTIGATION:** Once the investigation concludes, and a determination made, the Principal or designee shall promptly notify the students involved of the findings and the result of the investigation. Within twenty four (24) hours of making the determination, the Principal will attempt to notify via telephone the parents/guardians of the alleged victim and alleged perpetrator of the results of the investigation, and will also send a letter to the parents/guardians notifying them of the results of the investigation, and, as appropriate, any action taken. The Principal shall offer a meeting to the parents/guardians. If the parent(s)/guardian(s) requests, the Principal shall schedule a separate meeting with the parties to further explain his/her findings and reasons for his/her actions. Any information provided under this policy shall be provided in accordance with the confidentiality requirements of the Family Educational Rights Privacy Act (FERPA) and other laws concerning student privacy, and the Raymond School District's Education Records policy.

#### **VII. POST-INVESTIGATION RESPONSE**

##### **A. TAKING APPROPRIATE DISCIPLINARY, CORRECTIVE AND REMEDIAL ACTION**

1. **TAKING APPROPRIATE ACTION:** If a complaint or report is substantiated, the Principal or designee shall promptly decide on the appropriate action, based on the investigative findings. Such action shall include imposing discipline and/or corrective and remedial action reasonably calculated to end the conduct, deter future conduct, and remedy the effects of the discrimination, including harassment or retaliation, or other prohibited conduct, on the student victim(s) and the school community, as applicable. Should the Principal recommend discipline more serious than a written reprimand for a school employee, such discipline is subject to review by the Superintendent.

2. The District will discipline and take appropriate action against any Raymond School District student, employee, volunteer or independent contractor who retaliates against any person in violation of this policy.



## **B. DISCIPLINARY CONSEQUENCES FOR VIOLATING THE POLICY**

### **IMPOSING DISCIPLINE ON STUDENTS:**

1. The District reserves the right to impose disciplinary measures or other consequences against any student who violates this policy, intentionally falsely accuses another student of violating this policy, or retaliates against any student or witness in violation of this policy.

2. Discipline of a student may include, but is not limited to, a written warning; short-term or long-term suspension, or expulsion, or any other action authorized by and consistent with the Student Code of Conduct. Students facing discipline will be afforded all due process required by law.

3. **DISCIPLINE FOR STUDENTS WITH DISABILITIES:** The District complies with the federal and state law requirements that apply to the discipline of students with disabilities, including the federal “Individuals with Disabilities Education Act” (“IDEA”) and Section 504 of the Rehabilitation Act of 1973.

4. **ACTION CONCERNING EMPLOYEES:** Disciplinary and corrective action concerning an employee may include, but is not limited to, an oral or written warning or reprimand, providing supervision and training, and suspension or termination of employment.

5. **ACTION CONCERNING SCHOOL VOLUNTEERS:** Disciplinary and corrective action concerning a school volunteer may include, but is not limited to, supervision and training, a written warning, limiting or denying access to school premises or school-related programs or activities, and suspending or terminating the volunteer relationship.

6. **ACTION CONCERNING INDEPENDENT CONTRACTORS:** Disciplinary and corrective action concerning an independent contractor may include, but is not limited to, a request to the employer of the independent contractor to train, warn, suspend or terminate its employee; limiting or denying the individual contractor access to school premises or school-related programs or activities; and terminating the contract.

7. **ACTION CONCERNING OTHER SCHOOL COMMUNITY MEMBERS:** Corrective action concerning any other school community member, including parents/guardians, and visitors to Raymond schools, may include, but is not limited to, a warning; counseling; and limiting or denying the parent, guardian or visitor access to school premises or school-related programs or activities.

## **C. APPLYING CORRECTIVE AND REMEDIAL MEASURES FOR STUDENTS**

1. **APPLYING CORRECTIVE ACTION:** Corrective action concerning a student victim may include, but is not limited to, adopting a written safety plan to identify protective measures. Corrective action for the perpetrator may include, but is not limited to, classroom transfer; exclusion from participation in school sponsored functions, after-school programs, and/or extracurricular activities; limiting or denying access to a part or area of a school; increased adult supervision on school premises; complying with a non-contact order, parent/guardian conferences; a voluntary apology to the victim; awareness training (to help the student perpetrator understand the impact of the behavior); and/or any other action consistent with the



Student Code of Conduct.

2. **PREVENTION AND REMEDIATION:** The District will employ prevention and remediation strategies reasonably calculated to remedy the effects of the discrimination, including harassment and retaliation, or other prohibited conduct, on the victim and the school community and to provide a safe school climate. Remedial action may include providing or referring the student complainant for counseling or victim assistance services and/or tutoring; or special educational support for students with disabilities. Remedial action may also include modifying school-wide policies or practices and sponsoring anti-harassment, anti-discrimination, or related training for school staff and/or students.

## **VIII. APPEALS**

1. **First Level Appeal for the Complainant:** The complainant may appeal the investigative determination, or the corrective or remedial action taken for him/her, if any, to the Principal or designee within ten (10) calendar days of receipt of notice of the determination. The Principal or designee will review the case and determine whether to reopen the investigation. Written notice of the Principal or designee's decision shall be provided to the complainant within ten (10) calendar days of the filing of the appeal, except for good cause, as documented in writing.

2. **Second Level Appeal for the Complainant:** The complainant may appeal, in writing, the Principal or designee's decision to the Superintendent or designee within ten (10) calendar days. The Superintendent or designee shall review the case and determine whether to reopen the investigation. Written notice of the decision shall be provided to the complainant within ten (10) calendar days of the filing of the appeal, except for good cause, as documented in writing.

3. **Third Level Appeal for the Complainant:** If the complainant is not satisfied with the Superintendent's determination, (s)he may submit a written appeal to the School Board, or its designee, within ten (10) calendar days of the Superintendent's decision, except for good cause, as documented in writing. Written notice of the decision shall be provided to the complainant within forty five (45) calendar days of the filing of the appeal, except for good cause, as documented in writing.

4. **Appeal for the Perpetrator:** A student disciplined under this policy is referred to the Student Code of Conduct and Policy JICD; and for employees, applicable collective bargaining agreements; and for students and employees, to applicable federal and New Hampshire state laws.

## **IX. OTHER LEGAL REMEDIES**

1. 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, within the United States Department of Education, or with the New Hampshire Commissioner of Education, or may initiate a civil action. If a complaint is filed with the Office for Civil Rights, within the United States Department of Education, it 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.

A. Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, Suite 900,



Boston, MA 02109-1491; Telephone number: (617) 289-0111; Fax number: (617) 289-0150; TTY/TDD: (877) 521-2172; Website: [www.ed.gov/ocr](http://www.ed.gov/ocr); Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

- B. New Hampshire Commissioner of Education, New Hampshire Department of Education,  
101 Pleasant Street, Concord, NH 03301-3494; Telephone number: (603) 271-3494;  
TDD Access: Relay NH 711

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

### **Legal References**

Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c (Title IV)  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (Title VI)  
RSA193-F:3, Student Safety and Violence Prevention Act

Adopted: June 20, 2012

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