

The Board has adopted these student procedures in order to provide prompt and equitable resolution of reports and complaints of unlawful discrimination and harassment of students, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and Human Rights and ACAA – Harassment and Sexual Harassment of Students.

Complaints alleging harassment or discrimination against employees or third parties based on a protected status should be addressed through the Board’s Employee & Third Party Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

Any individual who is unsure about whether unlawful discrimination or harassment has occurred and/or which complaint procedure applies is encouraged to contact the District Title IX Coordinator.

District Title IX Coordinator: Mr. Michael Bessette (603-526-2051); mbessette@kearsarge.org

Section 1. Definitions

For purposes of these complaint procedures, the following definitions will be used. The Human Rights Officer/Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

A. Discrimination/Harassment Complaint Procedure Definitions

1. “Discrimination or harassment”: Discrimination or harassment on the basis of an individual’s membership in a protected category, which, for students, includes age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion or economic status are prohibited.
2. “Discrimination”: 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 category.
3. “Harassment”: Oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual’s ability to participate in the school district’s programs or activities by creating a hostile, intimidating or offensive environment.
4. Other forms of “sexual harassment”: this means unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature in the following situations:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s educational benefits;
 - b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or

- 41 c. Such conduct has the purpose and effect of substantially interfering with a student’s academic
42 performance or creates an intimidating, hostile or offensive environment.
43
- 44 5. “Sexual orientation”: Under New Hampshire law, this means “having or being perceived as having an
45 orientation for heterosexuality, bisexuality, or homosexuality.”
46
- 47 6. “Gender identity”: Under New Hampshire law, this means “a person's gender-related identity,
48 appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is
49 different from that traditionally associated with the person's physiology or assigned sex at birth.”
50
- 51 7. “Complaint” is defined as an allegation that a student has been discriminated against or harassed on
52 the basis of race, color, sex, sexual orientation, gender identity, religion, ancestry, national origin or
53 disability (and not otherwise addressed in the Title IX regulations and Section 3 of ACAA-R).
54
- 55 8. Complaints of bullying not involving the protected categories or definitions described above may be
56 addressed under Board Policy JICK– Bullying and Cyberbullying of Students.

57 **B. Title IX Sexual Harassment Complaint Procedure Definitions**

- 58 1. “Sexual Harassment”: Under the federal Title IX regulations, sexual harassment includes the following
59 conduct on the basis of sex which takes place within the context of the school district’s education
60 programs and activities:
61
- 62 a. “Quid pro quo” sexual harassment by a school employee: Conditioning a school aid,
63 benefit or service (such as a better grade or a college recommendation) on an individual’s
64 participation in unwelcome sexual conduct;
65
- 66 b. “Hostile environment” sexual harassment: Unwelcome conduct based on sex that a
67 reasonable person would determine is so severe, pervasive *and* objectively offensive that
68 it effectively denies an individual’s equal access to the school district’s education
69 programs and activities; or
70
- 71 c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined
72 in federal laws.
- 72 2. “Report”: Under the Title IX regulations, any individual may make a report of sexual harassment
73 involving a student, whether the individual is the alleged victim or not. School employees are required
74 to report possible incidents of sexual harassment involving a student. A report must be made to the
75 Human Rights Officer/Title IX Coordinator. A report triggers certain actions by the HRO/Title IX
76 Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless
77 a “Formal Complaint” (as defined below) is filed.
78
- 79 3. “Formal Complaint”: Under the Title IX regulations, the alleged victim of sexual harassment can file a
80 written complaint that triggers the complaint procedure in Section 3 of ACAA-R. Only a student and/or
81 their parent/legal guardian (and in certain circumstances, the HRO/Title IX Coordinator) may file a
82 formal complaint.
83

- 84 4. “Student”: For the purposes of this procedure, a student an individual who is enrolled or participating
85 in the school district’s education programs and activities, or is attempting to enroll or participate.

86 **Section 2. Unlawful Discrimination/Harassment Complaint Procedure**

87 This procedure should be used for any complaint of unlawful harassment or discrimination complaint
88 based on a protected category which does not involve Title IX sexual harassment.

89 **A. How to Make a Complaint**

- 90 1. School employees are required to promptly make a report to the Title IX Coordinator if they have
91 reason to believe that a student has been discriminated against or harassed.
92
- 93 2. Students (and others) who believe that they, or another student has been harassed or discriminated
94 against should report their concern promptly to the District Title IX Coordinator, or to the building
95 principal (who will report the matter to the District Title IX Coordinator).
96
- 97 3. The individual making the report must provide basic information in writing concerning the allegation
98 of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in
99 harassment or discrimination, description of allegation) to the District Title IX Coordinator.
100
- 101 4. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, or who
102 need assistance in preparing a written complaint, they are encouraged to discuss the matter with the
103 District Title IX Coordinator.
104
- 105 5. Individuals will not be retaliated against for reporting suspected discrimination or harassment, or for
106 participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws,
107 and any retaliation will result in disciplinary action, up to and including discharge for employees, and
108 expulsion for students.
109
- 110 6. Individuals are encouraged to utilize the school district’s complaint procedure. However, individuals
111 are hereby notified that they also have the right to report incidents of discrimination or harassment
112 to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301, ,
113 and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th
114 Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

115 **B. Complaint Handling and Investigation**

- 116 1. The District Title IX Coordinator will promptly inform the Superintendent and the person who is the
117 subject of the complaint (respondent) that a complaint has been received.
118
- 119 2. Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the
120 parties involved. Any party to the complaint may decide to end the informal resolution process and
121 pursue the formal process at any point. Any informal resolution is subject to the approval of the
122 parties and the Superintendent, who shall consider whether the resolution is in the best interest of
123 the school district and the parties in light of the particular circumstances and applicable policies and
124 laws

- 125
- 126 3. The Title IX Coordinator may implement supportive measures to a student to reduce the risk of further
127 discrimination or harassment to a student while an investigation is pending. Examples of supportive
128 measures include, but are not limited to ordering no contact between the individuals involved or
129 changing classes.
- 130
- 131 4. The complaint will be investigated by a trained internal or external individual designated by the
132 Superintendent and the Title IX Coordinator. Any complaint about an employee who holds a
133 supervisory position shall be investigated by a person who is not subject to that supervisor's authority.
134 Any complaint about the Superintendent should be submitted to the Chair of the Board, who should
135 consult with legal counsel concerning the handling and investigation of the complaint.
- 136
- 137 5. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
- 138
- 139 6. The respondent will be provided with an opportunity to be heard as part of the investigation. The
140 complainant shall not be required to attend meetings with the respondent, but may choose to do so
141 as part of an informal resolution process.
- 142
- 143 7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit
144 materials they believe are relevant to the complaint.
- 145
- 146 8. If the complaint is against an employee of the school district, any rights conferred under an applicable
147 collective bargaining agreement shall be applied.
- 148
- 149 9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state
150 and federal laws.
- 151
- 152 10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable.
153 Reasonable extensions of time for good reason shall be allowed.
- 154 11. The investigator shall provide a written report and findings to the Title IX Coordinator.

155 **C. Findings and Subsequent Actions**

- 156 1. The Title IX Coordinator shall consult with the Superintendent concerning the investigation and
157 findings.
- 158
- 159 2. If there is a finding that discrimination or harassment occurred, the Title IX Coordinator, in
160 consultation with the Superintendent shall:
- 161
- 162 a. Determine what remedial action, if any, is required to end the discrimination or harassment,
163 remedy its effect and prevent recurrence; and
- 164 b. Determine what disciplinary action should be taken against the individual(s) who engaged in
165 discrimination or harassment, if any.
- 166

167 3. Inform the complainant and the respondent in writing of the results of the investigation and its
168 resolution (in accordance with applicable state and federal privacy laws).

169 **D. Appeals**

170 1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the
171 findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously
172 unavailable relevant evidence that could significantly impact the outcome.

173
174 2. Appeals must be submitted in writing to the Superintendent within five business days after receiving
175 notice of the resolution.

176
177 3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with
178 an opportunity to provide a written statement within five business days

179
180 4. The Superintendent shall review the available documentation and may conduct further investigation
181 if deemed appropriate.

182
183 5. The Superintendent's decision on the appeal shall be provided to the parties within 10 calendar days,
184 if practicable. The Superintendent's decision shall be final.

185 **E. Records**

186 The Title IX Coordinator shall keep a written record of the complaint process

187 **Section 3. Title IX Sexual Harassment Complaint Procedure**

188 This section should be used for complaints of as defined in Section 1.B.1.

189 **A. How to Make a Report**

190 1. School employees who have reason to believe that a student has been subjected to sexual harassment
191 is required to promptly make a report to the District Title IX Coordinator.

192
193 2. Students, parents/legal guardians or other individuals who believe a student has been sexually
194 harassed are encouraged to make a report to the District Title IX Coordinator.

195
196 3. If the individual making the report is the alleged victim, or if the alleged victim is identified by the
197 individual making the report, the District Title IX Coordinator will meet with the alleged victim to
198 discuss supportive measures that may be appropriate in the particular circumstances and explain the
199 process for filing a formal complaint.

200
201 a. Supportive measures are individualized measures designed to ensure the student can continue to
202 access educational programs and activities (such as requiring no contact between individuals or
203 changing classes).

204 b. Supportive measures may be continued even if the alleged victim chooses not to file a formal
205 complaint, if appropriate under the particular circumstances.

206

- 207 4. The school district cannot provide an informal resolution process for resolving a report unless a formal
208 complaint is filed.
- 209 5. Individuals will not be retaliated against for reporting sexual harassment, or for participating in an
210 investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation
211 will result in disciplinary actions, up to and including discharge for employees, or expulsion for
212 students.
- 213
- 214 6. Any student (or their parent/legal guardian) who believes they have been the victim of sexual
215 harassment is encouraged to utilize the school district's complaint procedure. However, students (and
216 their parents/legal guardians) are hereby notified that they also have the right to report sexual
217 harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord,
218 NH 03301 and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office
219 Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).
- 220
- 221 7. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

222 **B. How to Make a Formal Complaint**

- 223 1. An alleged student victim and/or their parent/legal guardian may file a formal written complaint
224 requesting investigation of alleged Title IX sexual harassment. The written complaint must include
225 basic information concerning the allegation of sexual harassment (i.e., date, time, location,
226 individual(s) who allegedly engaged in sexual harassment, description of allegation, etc.).
227
- 228 2. Students who need assistance in preparing a formal written complaint are encouraged to consult with
229 the Title IX Coordinator. In certain circumstances, the Title IX Coordinator may file a formal complaint
230 even when the alleged victim chooses not to. Examples include if the respondent (person alleged to
231 have engaged in sexual harassment) has been found responsible for previous sexual harassment or
232 there is a safety threat within the school district. In such cases, the alleged victim is not a party to the
233 case, but will receive notices as required by the Title IX regulations at specific points in the complaint
234 process.
235
- 236 3. In accordance with the Title IX regulations, the Title IX Coordinator must dismiss a formal complaint
237 if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the
238 Title IX regulations and this policy; or b) if the conduct alleged did not occur within the scope of the
239 school district's education programs and activities, or c) did not occur in the United States.
240
- 241 4. In accordance with the Title IX regulations, the Title IX Coordinator may dismiss a formal complaint if:
242 a) a complainant withdraws the formal complaint, or withdraws particular allegations within the
243 complaint; b) the respondent is no longer employed by or enrolled in the school district; or c) there
244 are specific circumstances that prevent the school district from gathering evidence sufficient to reach
245 a determination regarding the formal complaint.
246
- 247 5. If a formal complaint is dismissed under this procedure, the District Title IX Coordinator will promptly
248 and simultaneously send written notices to the parties explaining the reasons. Parties have the
249 opportunity to appeal dismissals in accordance with subsection I below.

250 6. If the conduct alleged in a formal complaint potentially violates other laws, Board policies and/or
251 professional expectations, the school district may address the conduct under the applicable
252 policy/procedure.

253 **C. Emergency Removal or Administrative Leave**

254 1. The Superintendent may remove a student respondent from education programs and activities on an
255 emergency basis during the complaint procedure:

256

257 a. If there is a determination (following an individualized safety and risk analysis) that there
258 is an immediate threat to the physical health or safety of an individual arising from the
259 allegations of sexual harassment. Examples of such circumstances might include, but are
260 not limited to, a continued threat of violence against a complainant by a respondent, or
261 a respondent's threat of self-harm due to the allegations.

262 b. The respondent (and their parent/legal guardian) will be provided notice of the
263 emergency removal, and will be provided an opportunity to challenge the decision
264 following the removal (this is an opportunity to be heard, not a hearing). The respondent
265 has the burden to demonstrate why the emergency removal was unreasonable.

266

267 2. The Superintendent may place an employee respondent on administrative leave during the complaint
268 procedure in accordance with any applicable State laws, school policies and collective bargaining
269 agreement provisions.

270

271 3. Any decision to remove a respondent from education programs and activities on an emergency basis
272 or place an employee on administrative leave shall be made in compliance with any applicable
273 disability laws, including the Individuals with Disabilities Education Act, Section 504 of the
274 Rehabilitation Act and the Americans with Disabilities Act.

275 **D. Notice to Parties of Formal Complaint**

276 1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and
277 allegations of sexual harassment potentially constituting prohibited conduct under the Title IX
278 regulations and this procedure. The notice shall include:

279

280 a. Notice regarding the complaint procedure and the availability of an informal resolution process;

281 b. Sufficient details known at the time (including identities of parties, if known; the conduct alleged;
282 and the date and location of the alleged incident, if known), with sufficient time to prepare before
283 any initial interview (not less than five business days).

284 c. As required by the Title IX regulations, a statement that the respondent is presumed not
285 responsible for the alleged conduct and that a determination of responsibility will be made at the
286 conclusion of the complaint); and that the parties may inspect and review evidence;

287 d. Notice that the parties may each have an advisor of their choice (who may be an attorney), and
288 that the parties may inspect and review evidence;

289 e. Notice that knowingly making false statements or submitting false information during the
290 complaint process is prohibited and may result in disciplinary action;

291 f. Notice of the name of the investigator, with sufficient time (no less than three business days to
292 raise concerns of conflict of interest or bias.

293
294 2. If additional allegations become known at a later time, notice of the additional allegations will be
295 provided to the parties. The Title IX Coordinator will discuss supportive measures with each party and
296 implement such measures as appropriate.

297 **E. Informal Resolution Process**

298 After a formal complaint has been filed, and if the Title IX Coordinator believes the circumstances are
299 appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal
300 resolution process to resolve the complaint without completing the investigation and determination
301 process. Informal resolutions cannot be used to resolve a formal complaint where a student is the
302 complainant and the respondent is an employee.

303 Informal resolutions can take many forms, depending on the particular case. Examples include, but are
304 not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of
305 responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to
306 engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to
307 participate in an informal resolution process, and either party can withdraw from the process at any time.
308 The Superintendent must agree to the terms of any informal resolution reached between the parties. If
309 an informal resolution agreement is reached, it must be signed by both parties and the school district. Any
310 such signed agreement is final and binding according to its terms.

311 If an informal resolution process does not resolve the formal complaint, nothing from the informal
312 resolution process may be considered as evidence in the subsequent investigation or determination.

313 **F. Investigation**

314 1. The complaint will be investigated by a trained internal or external individual designated by the
315 Superintendent and Title IX Coordinator. Any complaint about an employee who holds a supervisory
316 position shall be investigated by a person who is not subject to that supervisor's authority. Any
317 complaint about the Superintendent should be submitted to the Chair of the Board, who should
318 consult with legal counsel concerning the handling and investigation of the complaint.

319 2. The investigator shall consult with the HRO/Title IX Coordinator as agreed during the investigation
320 process.

321 3. If the complaint is against an employee of the school district, rights conferred under an applicable
322 collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX
323 regulatory requirements.

324 4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state
325 and federal laws.

326 The investigator will:

327 a. Meet with each party after they have received appropriate notice of any meeting and its purpose,
328 with sufficient time to prepare.

329 b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may
330 not speak on behalf of a party or interfere with the process.

- 331 c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and
332 unfavorable evidence.
- 333 d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site
334 visits, review of documents, etc.).
- 335 e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
- 336 f. During the course of the investigation, provide both parties with an equal opportunity to inspect
337 and review any evidence that is obtained in the investigation that is directly related to the
338 allegations in the formal complaint (including evidence which the school district does not intend
339 to rely upon in reaching a determination of responsibility), and favorable and unfavorable
340 evidence.
- 341 g. Prior to completion of the investigation report, provide each party and advisor (if any) the
342 evidence subject to inspection and review, and provide the parties with ten business days to
343 submit a written response.
- 344 h. Consider the parties' written responses to the evidence prior to completing the investigation
345 report.
- 346 i. Create an investigative report that fairly summarizes relevant evidence and send the report to the
347 parties and advisors (if any), for their review. The Parties may submit written responses to the
348 report within ten business days of receipt.
- 349 j. After receipt of the parties' written responses (if any), forward the investigation report and party
350 responses to the assigned decision maker.

351 6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of
352 time for good reason shall be allowed.

353 **G. Determination of Responsibility**

- 354 1. The decision maker shall provide the parties with the opportunity to submit written, relevant
355 questions that the party wants asked of another party or witness within five business days of when
356 the decision maker received the investigation report and party responses.
- 357
- 358 a. The decision maker shall explain to a party proposing questions if the decision maker excludes
359 a question as not relevant.
- 360
- 361 2. Each party shall be provided the opportunity to review the responses of another party and/or witness,
362 and to ask limited written follow-up questions within five business days of receiving the answers.
- 363
- 364 3. Each party will receive a copy of the responses to any follow-up questions.
- 365
- 366 4. The decision maker shall review the investigation report, the parties' responses and other relevant
367 materials, applying the preponderance of the evidence standard ("more likely than not").
- 368
- 369 5. The decision maker shall issue a written determination, which shall include the following:
- 370
- 371 a. Identification of all the allegations potentially constituting sexual harassment as defined in
372 the Title IX regulations and this policy;

- 373 b. A description of the procedural steps taken from receipt of the formal complaint through the
374 determination, including notifications to the parties, interviews with parties and witnesses,
375 site visits, methods used to gather other evidence, and meetings held;
- 376 c. A determination regarding responsibility as to each allegation and findings of fact supporting
377 the determinations;
- 378 d. A statement of, and rationale for, the result as to each allegation, including a determination
379 regarding responsibility, any disciplinary sanctions the school district imposes on the
380 respondent, and whether remedies designed to restore or preserve equal access to the school
381 district's programs and activities will be provided to the complainant;
- 382 e. The school district's appeal procedure and permissible bases for the parties to appeal the
383 determination.

384 6. The written determination shall be provided to the parties simultaneously. The determination
385 concerning responsibility becomes final either on the date that the school district provides the parties
386 with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed,
387 the date on which the appeal would no longer be considered timely.

388 **H. Remedies, Discipline and Other Actions**

389 **1. Remedies**

390 Remedies are measures used to ensure that the complainant has equal access to the school district's
391 education programs and activities following the decision maker's determination. Such remedies may
392 include supportive measures, and may include other appropriate measures, depending upon the
393 determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing
394 remedies and providing any needed assistance to the Complainant.

395 **2. Discipline and Other Actions - Students**

396 The following are of the types of discipline and other actions that may be imposed on a student when
397 there is a determination that they are responsible for one or more violations involving sexual harassment:

- 398 a. In or out of school suspension.
399 b. Expulsion.
400 c. Restorative justice.
401 d. Requirement to engage in education or counseling program.

402 **3. Discipline and Other Actions – Employees**

403 The following are examples of the types of disciplinary actions that may be imposed on an employee when
404 there is a determination that they are responsible for one or more violations involving sexual harassment:

- 405 a. Written warning.
406 b. Probation.
407 c. Demotion.
408 d. Suspension without pay.
409 e. Discharge.

410 The following are examples of other types of actions that may be imposed on an employee when there is
411 a determination of responsibility:

- 412 a. Performance improvement plan.
- 413 b. Counseling.
- 414 c. Training.
- 415 d. Loss of leadership/stipend position.

416 **I. Appeals**

417 The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals
418 of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

- 419 a. A procedural irregularity that affected the outcome of the matter;
- 420 b. New evidence that was not reasonably available at the time the determination regarding
421 responsibility or dismissal of the formal complaint was made, that could affect the outcome of
422 the matter; or
- 423 c. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or
424 against complainants or respondents generally, or the individual complainant or respondent that
425 affected the outcome of the matter.
 - 426
 - 427 1. An appeal must be filed in writing within five business days of receiving the
428 determination, stating the grounds for the appeal and including any relevant
429 documentation in support of the appeal. Appeals submitted after this deadline are not
430 timely and shall not be considered.
 - 431 2. Appeals must be filed with the Superintendent, who will consider the appeal.
 - 432 3. The Superintendent shall notify the other party in writing of the appeal and will allow
433 either parties to submit a written statement in support of, or challenging, the
434 determination of the decision maker.
 - 435 4. The Superintendent shall conduct an impartial review of the appeal, including
436 consideration of the written record of the matter, and may consult with legal counsel or
437 other school district officials in making their decision.
 - 438 5. The Superintendent shall issue a written decision describing the result of the appeal and
439 rationale for the result, and provide the written decision simultaneously to the parties.
440 The decision will either deny the appeal; grant the appeal and remand to the decision
441 maker for further consideration; or grant the appeal by revising the disciplinary or other
442 action(s).

443 **J. Records**

444 Records in connection with sexual harassment reports and the complaint process shall be maintained for
445 a minimum of seven years.

446 **K. Legal References:**

- 447 • Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)
- 448 • Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34
449 C.F.R. § 104.7)

- 450 • Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106
- 451 • Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
- 452 • Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. §
- 453 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8)
- 454 – definition of domestic violence)
- 455 • Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
- 456 • RSA 186:11; 193:38-39; and 354-A
- 457 • NH Code Admin. R. Ed. 303.01(i) and (j)
- 458 **See Also:** Appendix A: Title IX ACAA Checklist