

**EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

This procedure has been established by Windham School District in order to provide a method of prompt and equitable resolution of employee complaints of discrimination and harassment as described in policies AC – Nondiscrimination/Equal Opportunity and 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.

**How to Make a Complaint**

- A. Any employee who believes he/she has been harassed or discriminated against is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate formal complaint.
- B. Any employee who believes he/she has been harassed or discriminated against should report their concern promptly to the building principal. If the employee is uncomfortable reporting concerns to the building principal, he/she may report the concern to assistant principal or principal’s designee. The report should be made in writing.

Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the building principal. Employees will not be retaliated against for reporting suspected discrimination or harassment.

- C. Any employee who believes he/she has been discriminated against or harassed is encouraged to utilize the District’s complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the New Hampshire Commission on Human Rights, 2 Chenelle Drive, Concord, NH 03301-8501 (telephone: 603-271-2767) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, S.W. McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9662).

SECOND READING 11-5-13

FIRST READING 10/29/13

**EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE****Complaint Handling and Investigation**

- A. The building principal will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.
- B. The building principal may pursue an informal resolution of the complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the Superintendent who shall consider whether the resolution is in the best interest of the district in light of the particular circumstances and applicable policies and law.
- C. The complaint will be investigated by the building principal, unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
  1. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
  2. If the complaint is against an employee of the District, any rights conferred under an applicable collective bargaining agreement shall be applied.
  3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
  4. The building principal shall keep a written record of the investigation process.
  5. The building principal may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while the investigation is pending.
  6. The building principal shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
  7. The investigation shall be completed within 21 school days of receiving the complaint, if practicable.

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- D. If the building principal determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
1. Determine what remedial action is required, if any;
  2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
  3. Inform the employee who made the complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- E. If the employee who made the complaint is dissatisfied with the resolution, he/she may appeal to the Superintendent within 10 school days after receiving notice of the resolution unless the Superintendent investigated the original complaint as provided for under Paragraph C.. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate.

**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*

*ACAB – Harassment and Sexual Harassment of School Employees*