

NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT AND DISTRICT ANTI-DISCRIMINATION PLAN

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 on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, 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:

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

POLICY APPLICATION

This Policy is applicable to all persons employed or served by the District.

HUMAN RIGHTS/NON-DISCRIMINATION, TITLE IX, 504 AND OTHER COORDINATORS OR OFFICERS

The Superintendent shall assure that District and or building personnel are assigned to the positions listed below. Each year, the Superintendent shall prepare and disseminate the Annual Notice of Rights and Policies which shall include an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, postal and physical addresses.

Human Rights/Non-Discrimination Officers	Assistant Superintendent (Students) Human Resources Director (Staff)
Title IX Coordinator	Assistant Superintendent
504 Coordinators	Human Resources Director (Staff) Assistant Superintendent K-8 School Counseling Director 9-12 504 Coordinator

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The notice will also include current contact information for relevant state and federal agencies including:

U.S. Department of Education, Office of Civil Rights; 5 Post Office Square, 9th Floor, Boston, MA 02109-3921; Telephone – 617-289-0111; Email – OCR.Boston@ed.gov.

U.S. Department of Agriculture, Office of Civil Rights; 1400 Independence Avenue, SW, Mail Stop 0115, Washington D.C., 20250-9410; Telephone – 866-632-9992; Email – program.intake@usda.gov.

N.H. Human Rights Commission, 57 Regional Drive, Suite 8, Concord, NH 03301; Telephone – 603-271-2767; Email – humanrights@nh.gov.

N.H. Department of Justice, Civil Rights Unit; 33 Capitol Street, Concord, NH 03301; Telephone – 603-271-3650

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

DISTRICT ANTI-DISCRIMINATION PLAN

The Merrimack School District affirms its commitment to creating and supporting the conditions for inclusion, acceptance, and fair and equitable treatment for all persons employed or served by the District with respect to all operations of and within the District.

PREVENTION

1. New Hires – All new hires receive and are required to read Policy AC – Non- Discrimination, Equal Opportunity Employment and District and Discrimination, ACAC – Title IX Sexual Harassment GBAA - Sexual Harassment and Violence – Employees and for staff working in direct contact with students, JBAA. All new hires are required to read policy JICK and watch the associated training video. Additionally, role appropriate in person training occurs prior to the first day of school on each of the policies previously noted.
2. Annually – All Staff are required to read and acknowledge the Annual Notice of Rights and Policies. Incorporated into this Annual Notice are policies AC Non-Discrimination, ACAC Title IX Sexual Harassment, GBED Tobacco Products Ban Use and Possession in and on School Facilities and Grounds, GBAA Sexual Harassment and Violence – Employees, GBG Employee Protection, GBGAA - HIV AIDS Policy, and JICK Pupil Safety and Violence Prevention-Bullying. Staff must annually acknowledge review of the Annual Notice of Rights and Policies and each of the associated elements.
3. Periodically all staff are required to attend anti-discrimination and harassment training.

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4. As needed – Specialized, targeted training is deployed to meet current needs for any department or group of individuals as warranted.
5. Contracted Service Providers – All District contracts with vendors who will have individuals on our premises address training requirements relating to discrimination.
6. Volunteers – All volunteers of the district are required to read Policy JICK – Student Safety and Violence Prevention - Bullying and watch the associated training.
7. Students – Targeted training through approved curriculum resources.

ASSESSMENT AND INTERVENTION

The District takes all complaints of discrimination seriously. In accordance with applicable policies, review and/or investigation into the complaint will occur and appropriate action will take place in a timely manner.

The District shall exercise care to regularly monitor the overall climate of its schools to determine whether there exists a culture which perpetuates discrimination and/or harassment in violation of District policies. In doing so, the District's Human Rights Officer will compile data from all complaints and analyze whether there exists patterns or practices which indicate a discriminatory or harassing environment. If the District has reason to believe that such an environment exists, it will take the appropriate steps to provide remedial action, which may include but is not limited to additional education to students and/or staff, disciplinary action, etc. Any person who believes that they have been discriminated against, harassed, or bullied in violation of applicable policies 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 follow the guidance in the applicable policy listed below.

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 applicable policies has a duty to report such conduct to his/her immediate supervisor, the District Human Rights Officer, or as provided in one of the policies or administrative procedures referenced below 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.

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Investigations and resolution of any complaints shall be according to the policies listed below and related administrative procedures or regulations. Complaints or reports regarding matters not covered in one of those policies should be made to the District Human Rights Officer.

Reports or complaints of discrimination on the basis of disability should be made in accordance with the Annual Notice of Rights and Policies, except for complaints regarding facilities accessibility by disabled non-students or employees, which should be made under Board Policy KED –Facilities or Services Grievance Procedure (Section 504) Policy.

Reports or complaints of discrimination on the bases of any protected class should be made under Board Policy AC - Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan and AC-R – Non-Discrimination: Grievances.

Reports or complaints of sexual harassment or sexual violence by employees or third-party contractors, should be made under Board Policy GBAA – Sexual Harassment and Violence – Employees or Board Policy ACAC – Title IX Sexual Harassment Policy and Grievance Process.

Reports or complaints of sexual harassment or sexual violence by students, should be made under Board Policy JBAA – Sexual Harassment and Violence – Students or Board Policy ACAC – Title IX Sexual Harassment Policy and Grievance Process. Reports or complaints of bullying or other harassment of pupils should be made under Board Policy JICK – Pupil Safety Violence Prevention (Bullying) Policy.

RESPONSE

The District is committed to taking any and all appropriate action to mitigate and prevent any acts of discrimination, harassment or bullying. The process for District response is outlined in AC-R.

Alternative Complaint Procedures and Legal Remedies.

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 (“OCR”), of the United States Department of Education, or with the New Hampshire Commissioner for Human Rights.

1. Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921; Telephone number: (617) 289-0111; Fax number: (617) 289-0150; Email: OCR.Boston@ed.gov

Note: Complaints to OCR 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.

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2. New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301; Telephone number: (603) 271-2767; Email: humanrights@nh.gov

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

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 filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless that person knew the complaint or report was false or knowingly provided false information.

Legal References:

RSA 354-A:6 Opportunity for Employment without Discrimination a Civil Right

RSA 354-A:7, Unlawful Discriminatory Practices

RSA 186:11, XXXIII, Discrimination

RSA 193:38 and 39 Discrimination in Public Schools and Discrimination Prevention Policy Required

34CFR Sections 104.7, 104.8, 104.22 (4)(f), and 1014.36 of Section 504 Regulations

The Age Discrimination in Employment Act of 1967

Title I of The Americans with Disabilities Act of 1990

Title VII of The Civil Rights Act of 1964 (15 or more employees)

7CFR 15 - Non-Discrimination

Reviewed by the School Board on 2-3-2025