

**Oyster River Cooperative School District  
HYBRID REMOTE MEETING\*  
\*per Governors Executive Order #12**

**September 2, 2020****ORHS Auditorium\*\*****7:00 PM****o. CALL TO ORDER (7:00 PM)**~~I. MANIFEST REVIEW REVIEWED PRIOR TO SCHEDULED MEETING~~**II. APPROVAL OF AGENDA**

- Tribute to Kenny Rotner

**III. PUBLIC COMMENTS: *Please see information below*****IV. APPROVAL OF MINUTES**

- Motion to approve 7/8/20 and 8/19/20 regular & non-public meeting minutes.

**V. ANNOUNCEMENTS, COMMENDATIONS AND COMMENTS**~~A. District~~~~B. Board~~**VI. DISTRICT REPORTS**~~A. Assistant Superintendent/Curriculum & Instruction Report(s)~~**B. Superintendent's Report**

- New MS Update: Ron Lamarre and Andre Kloetz
- Enrollment Update
- Update/Status for Opening of School
  - MS/HS

**C. Business Administrator**

- MS25/DOE25

**C. Finance Committee Update/Minutes**~~E. Student Senate Report:~~~~F. Other:~~**VII. DISCUSSION ITEM**

- Return to Normal Meeting Routine/Venue Change
- Process for Selecting New Board Member
- MOU between District and Guild

**VIII. ACTIONS****A. Superintendent Actions****B. Board Action Item**

- Motion to authorize the Chair to sign the MOU between the District and Guild
- Motion to appoint ORCSD SRO and Truant Officers for Durham, Lee and Madbury
- Motion to approve MS/HS Coach Nominations
- Motion to approve List of Policies for a second read/adoption: AC - Nondiscrimination/Equal Opportunity, ACAA & R - Harassment and Sexual Harassment of Students & Procedure, ACAB & R - Harassment and Sexual Harassment of School Employees & Procedure

**IX. SCHOOL BOARD COMMITTEE UPDATES****A. Manifest Reviewed and Approved by Manifest Subcommittee.**~~X. PUBLIC COMMENTS:-~~**XI. CLOSING ACTIONS**

- A. Future meeting dates:** 9/2/20 – Regular Hybrid/Remote Meeting – 7:00 PM  
9/16/20 – Regular Hybrid/Remote Meeting – 7:00 PM

~~XII. NON-PUBLIC SESSION: RSA 91-A:3 II {If Needed}~~**NON-MEETING SESSION: RSA 91-A:2 I (a) – Strategy or negotiations with respect to collective bargaining****XIII. ADJOURNMENT:****The School Board reserves the right to take action on any item on the agenda.****Respectfully submitted, Superintendent**

*Members of the public who join the meeting remotely, either by telephone or computer, will be able to offer public comment prior the meeting by submitting their question/comment by 2:00 PM on Tuesday before the regularly scheduled Board meeting via U.S. mail or email to [wdifruscio@orcsd.org](mailto:wdifruscio@orcsd.org). Any submissions will be included as part of the meeting minutes. Please note that each submission needs to be 400 words or less.*

**\*\*Attendance Only by: School Board Members/Superintendent/Asst. Superintendent/Business Administrator/Director of Student Services/4 School Administrators/4 Directors of Operations/ Record Keeper**

**Virtual Location:**<https://www.orcsd.org/stream>**Microsoft Teams Audio**Conference: [tel:+1 603-766-5646](tel:+16037665646)

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Please note that we cannot assist you if the technology problem is on your end.

**Oyster River Cooperative School District  
SAU #5**

Welcome to the School Board meeting. If you wish to be heard by the Board, please note "Public Comment" at the beginning of the agenda (reverse side). During the comment section of the agenda each speaker may have up to three (3) minutes within the time frame allowed. Board Chair may limit time allotment as deemed necessary. Occasionally, the Board may "suspend its rules" to allow visitor participation at the time an issue of specific interest is being addressed. A speaker will not be recognized for a second time on a particular topic.

Visitors should not expect a Board response to their comments or questions under the above since the Board may not have discussed or taken a position on the matter. The Superintendent, without speaking for the Board, may offer clarification as appropriate.

Agendas and background information are available on the district website prior to meetings. Agendas and additional information are generally available at the entrance to the meeting room or distributed at the time the item is introduced for discussion.

The ORCSD School Board will meet in regular session on the first and third Wednesdays of the month with special meetings when necessary. The School Board appreciates your attendance at these meetings and invites your continued interest in its work on behalf of the children and residents of the District.

**Oyster River Cooperative School District Members:**

- |                    |                            |
|--------------------|----------------------------|
| • Brian Cisneros   | Term on Board: 2018 - 2021 |
| • Thomas Newkirk   | Term on Board: 2019 - 2022 |
| • Kenneth Rotner   | Term on Board: 2019 - 2022 |
| • Denise Day       | Term on Board: 2020 - 2023 |
| • Michael Williams | Term on Board: 2020 - 2023 |
| • Allan Howland    | Term on Board: 2018 - 2021 |
| • Daniel Klein     | Term on Board: 2018 - 2021 |

**Information Regarding Nonpublic Session**

On occasion, the Board agenda may include (or be adjusted to include) a Nonpublic Session. When a motion is made to do so, it will be done under the provisions of the NH State Law RSA 91-A:3 II, and one or more of the following reasons will be claimed for entering Nonpublic Session:

- a. The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request will be granted.
- b. The hiring of any person as a public employee.
- c. Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting.
- d. Consideration of the acquisition, sale or lease of real property or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
- e. Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency of any sub-division thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled.

# Oyster River Cooperative School District

## Remote Meeting\* Minutes

**\*In accordance with Governors Executive Order #12**

**July 8, 2020**

**DRAFT**

**SCHOOL BOARD PRESENT VIA ROLL CALL VOTE:** Brian Cisneros, Dan Klein, Tom Newkirk, Denise Day, Michael Williams, Al Howland Kenny Rotner.

**Student Representative:**

**ADMINISTRATORS PRESENT VIA REMOTE ACCESS:** James Morse, Todd Allen,

**STAFF PRESENT:**

**GUEST'S PRESENT VIA REMOTE ACCESS:**

There were no members of the public present or anyone present with the Board Members at their remote locations.

Tom Newkirk read the following statement:

As Chair of the Oyster River Cooperative School Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing Microsoft Teams for this electronic meeting. All members of the School Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-603-766-5646 and ID Code 461362#, or by clicking on the following website address:  
<http://www.orcsd.org/stream>

*b) Providing public notice of the necessary information for accessing the meeting:*

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Microsoft Team or telephonically. Instructions have also been provided on the website of the ORCSD Board Agenda for 07/08/20.

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

If anybody has a problem, please call 603-280-4202 or email at: [orcsd-video@orcsd.org](mailto:orcsd-video@orcsd.org).

*d) Adjourning the meeting if the public is unable to access the meeting:*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

A roll call vote was then done with all Board Members in attendance with no one in the rooms with them.

### **I. CALL TO ORDER at 7:04 PM by Tom Newkirk**

Tom Newkirk stated that he was fine with the agenda and asked the Board Members if there were any changes.

Kenny Rotner asked Tom if Chris Regan could shut off his camera at this time until he was ready to be asked to join the meeting. Chris Regan shut off his camera.

## **II. APPROVAL OF AGENDA:**

**Denise Day moved to approve the agenda as written, 2<sup>nd</sup> by Brian Cisneros. Motion passed via roll call vote 7-0.**

## **III. PUBLIC COMMENTS:**

Jim Morse read the following statements for public comment.

### **Jeff Pillet-Shore, Durham, NH**

First, thank you for your hard work in guiding our district through the unprecedented crises of the past several months. As a parent of 3 children in the district, I have seen the struggles -- and successes -- first hand, and I have never been prouder to be a part of the Oyster River School District. Kudos to you and every member of the district!

And now we face another tremendous challenge. The past several weeks of demonstrations have reopened my eyes to the challenges of racial justice in our country. As a relatively privileged school district in one of the whitest states, we have a special responsibility to provide our students with an education that reflects the diversity of experience in America as a whole.

I ask the school district to provide a comprehensive overview of where we stand:

- Have we done a Social Justice Equity Audit of our schools?
- What resources do we use to ensure our curriculum (beginning in elementary school) is balanced with diverse histories and stories?
- Does the district have a plan for providing anti-racism education across all grades, beginning in elementary school?
- Oyster River has always prided itself on leading the way in tolerance and progressive values, and I am hopeful to see us continue setting the standard in New England.

### **Jeff Pillet-Shore, Durham, NH**

Please elevate this topic in the community as school restarts. In light of recent events, it's important for the community to understand the priority you put on this work and to shine a light on what's already being done. I also think that much of what you've shared can be put into a more user-friendly, inviting form -- even with your directions it wasn't easy to find this information. Fellow parents need to understand the priority you put on this -- with all due respect, it deserves to be more prominent (and proudly stated).

Provide updates to hold the district accountable for the roadmap you've established; obviously with the disruption caused by COVID-19 it's understandable that some goals must be delayed, so do you know the new target dates (e.g. were equity and inclusion competencies articulated at each grade level by June 2020? Was a strategy to attract, hire and retain applicants articulated by June 2020?)

Also, specifically: Was an inclusion competency committee established? I don't see it on the website.

Finally, while I admire the Racism policy, and even though it is only 2 years old, it is now clearly not what the moment requires. As the Smithsonian Museum says,

To create an equal society, we must commit to making unbiased choices and being antiracist in all aspects of our lives. I am happy to submit as public comment, but I would like the board to revisit the racism policy to revise it, sharpen it, and make it an Anti-Racism policy.

**Brenda Worden**

I am requesting that the Board please elaborate on the representation of those joining the newly formed anti-racism committee. Could the Board or Superintendent also elaborate on the selection criteria and how staff and community members are chosen? I searched the minutes, watched the school board meeting, and read the back-up for this meeting, and still cannot find details surrounding this. I read the memo that the Superintendent has been inviting community members and is waiting on some to confirm. I write concerned that those of us who have students of color in this District should, at the very least, be invited to participate in each and every matter surrounding topics such as this. As I mentioned in my public comments back in 2017, we represent only 1%. Given the considerably low number, this does not represent many families. If the intention of the District and the Committee is progress and growth, involving all key stakeholders should be a priority. We should be the first families the District reaches out to. Once invited, we would have the option to decline, but it would show us that the District values our voice and perspective. Thank you for your understanding, sensitivity and consideration of including those of us that this directly affects. This is important work.

Thank you.

**Amy Pierce - Durham.**

If Durham chooses to have school remote this coming school year but there are schools that choose to have buildings open will ORCSD provide the ability for students to attend an alternate school? Remote learning is not a pathway to success on any level in any way for my family and I would like to make sure my children are in school - hopefully here in ORCSD.

Thanks.

**Rebecca Throop, Vice President, Seacoast Mental Health Center**

As a mental health center executive, I implore you to physically reopen the ORCSD schools this fall. Data from the Harvard School of Public Health, the American Association of Pediatrics, and others are clear – children need to be in school for their wellbeing. My agency's VP of Children & Family Services was on the statewide committee assessing this issue. As a result, I've seen some of the data, and it concretely supports our kids returning to our buildings.

As a parent, my son's long-term educational success is contingent on this re-entry. He definitely educationally regressed this Spring. Our teachers did incredible things during the emergency. But it cannot replicate real schooling, especially at the high school level.

I am intricately involved in my agency's shift from telehealth back to in-person care; I 100% understand the complexities. Our situation and ORCSD's is similar - community facing and complicated. Our re-entry for staff (all ages/health needs), clients (primarily higher risk individuals), community, three locations, field staff, hospital/school/physician co-locations...it's hard. We're doing all the screening, modifications, and investments that schools need. We're finding "re-entry" isn't one-size-fits all – similar to how elementary, middle and high school may need different models.

However, to achieve our mission, we need to get back into our buildings. Mission has to remain paramount over what perhaps subsets of our staff or constituents want. Otherwise – we fail.

ORCSD also has a mission/vision. Those words can't be achieved unless kids go back. It is critical that kids physically resume real educational routine and access to services. Supporting families also involves supporting their employment. ORCSD committing to a remote year without a state mandated Stay-At-Home order will negatively impact the job situation for the vast majority of families. I think ALL parents can agree that this Spring proved that remote learning demands full time parent involvement.

The necessary ORCSD required operational changes are hard, but entirety doable and mission required. These aren't unique from other organizations already doing this.

The state has opened. UNH is opening. Youth sports are occurring on our high school and community fields right now. Indoor operations have opened. I ask ORCSD to not make a decision regarding my child's education based on subsets of fear or due to complexity. That fails our kids educationally, socially, mentally, physically. We can do hard things.

**Allison Jumper**

As a parent of 3 ORCSD children, I urge you to make an in person return to school this fall your number one priority. Please read thoroughly, listen to, and consider closely the national recommendations of pediatricians (American Academy of Pediatrics, *Considerations: Guidance for School Re-entry*), which clearly indicate that our children need in person education. Our children are depending on you and need to be back in school. The children of this generation whose educations are being impacted by this pandemic are at risk of their life trajectories being permanently negatively impacted. Remote learning is inequitable education for all. Remote learning puts equal access to education at risk. All children need to have equal access to education, this is an essential principle, a civil right. This pandemic should not be cause for some children to benefit from education while other children have access too little to nothing.

Lengthy time away from school and associated interruption of supportive services often results in social isolation, making it difficult for schools to identify and address important learning deficits, as well as child and adolescent physical or sexual abuse, substance use, depression, and suicidal ideation. It is imperative to give all children access to in person school this fall, as the risks to their well-being, while away from school, are dire.

Please prioritize our teachers during this return to in person education for our children. Teachers have cause for substantial concern for their health and need to feel that their safety is taken very seriously. This means that every effort will need to be made to appropriately mitigate risk for them in the school setting. They will need PPE that is proven to mitigate their risk and also allow them to work with children effectively. They will need safety protocols put into place that are evidence based and allow them to return to the classroom without fear.

Lastly, please maintain great flexibility in planning for all different age levels of children within the ORCSD. The mitigation needs of each level will undoubtedly be different, and the mitigation strategies to reduce risk of COVID-19 will require our district to be innovative and courageous. Please make your decisions regarding risk mitigation based on the most up to date research and evidence that is specific to COVID-19 and children, so as to allow for all children to be in school and for teachers to feel that the risks to their health are being optimally mitigated.

**Cullen Jumper, MD Durham, NH**

As a parent of 3 young children in the Oyster River school district, I feel strongly that it is critical for the students to resume in-person education at school. We have struggled through an entire quarter now of remote learning, and with young children in particular I do not think anyone can seriously argue that remote instruction is comparable to the quality of the educational experience in person, in school. This entire cohort of children runs the risk of being educationally blighted by this experience, as they start the upcoming year behind where they should have been had this pandemic not occurred. To continue to try to educate them remotely is to accept that they will continue to fall further behind. They deserve every effort not only to resume in person, high quality instruction, but to work to recover the ground that has been lost. This cannot occur with remote learning at the elementary school age.

**IV. APPROVAL OF MINUTES:**

**Motion to approve June 17, 2020 regular meeting minutes:**

**Revisions:**

Denise Day requested the following changes: page 7 paragraph 10, 2<sup>nd</sup> sentence at the end replace "fund balance" with "budget".

**Denise Day moved to approve the June 17, 2020 regular meeting minutes as amended, 2<sup>nd</sup> by Brian Cisneros. Motion passed with roll call vote 7-0.**

**V. ANNOUNCEMENTS, COMMENDATIONS AND COMMENTS:**

**~~A. District:~~**

**B. Board:**

Denise Day stated that she did some research and stated that in the past the Board approved \$25K to improve the front entrance of the high school and that in the past meeting it was voted against spending \$2,600 to secure the back entrance of the high school and hoped that if there are additional savings we can revisit the request to secure the back entrance of the high school.

Kenny Rotner asked Jim a question on behalf of the people in his neighborhood as to how long the current phase of construction at the new middle school site would continue for.

Jim explained that the earthwork will be completed by mid-August and that the steel work will begin.

Tom Newkirk informed the Board that he arranged for another middle school site walk thru for July 23<sup>rd</sup> at 1:30 and asked the Board members to let him know within the next week if they wish to be a part of this. He then wanted to invite members of the towns select board and town council if they were interested in visiting. It is illuminating to see the work that is being done, the retaining wall and the geo-thermal wells that have been completed.

Jim asked Tom if he wanted hi to contact the towns with the invite. Tom agreed.

**VI. DISTRICT REPORTS:**

**A. Assistant Superintendent Reports:**

**B. Superintendent's Report:**

Jim began by letting the Board know that the ORHS received again this year the NHIAA Sportsmanship Award for Division II schools. This is something to be very proud of and congratulations to the student athletes and coaches.

Antiracism Committee

Jim updated the Board on the status of this committee. He explained that with it being summer, it is a time-consuming process inviting and confirming membership, but he has reached out to the past members from 3 years ago of the equity and diversity committee asking if they wish to be a part of this new committee. He has received a great response and he let the Board know that he has members of the administrative team that are willing to participate and is planning for their first meeting to be held this month. He also informed the Board that NH Listens is going to help organize and bring focus to establishing this committee. He will update the Board when this meeting will be scheduled.

**~~C. Business Administrator:~~**

### **C. Finance Committee Update:**

Al Howland informed the Board that the Finance Committee met and the first item that they concentrated on was the CIP for the 2020-21 school year and that the \$300K Moharimet project was the top priority that stands out and that the project is not complete. The old administrative office where the nurse's area is located, teachers' room and the counseling office have not been touched and he asked Jim R if we could do the work ourselves which would include the demolition and building walls, but trade skills would still need to be contracted out. The next item was to relay to the Board that approximately 80% of the budget is personnel and what the current District make up of hiring for positions that become open. Jim is asking administration if positions become vacant due to retirements to really look at if these positions and ask themselves if they are needed. Al also mentioned that the Semen's report was given to the Board as additional back up to see if the promised savings to the District happened, and he was happy to report that we exceeded the savings that were expected. Al also stated that he would be working with Jim to develop an agenda for the next Finance Committee meeting with the Towns on July 29<sup>th</sup>.

Denise Day stated that she appreciated the back up for the finance committee meetings that she received ahead of time and that it helped her to understand. She also referred to the opportunities for energy savings that were mentioned in the minutes and what the small projects were that were referred to.

Al Howland stated that he would need to touch base with Jim Rozycki as he could not remember which projects they were.

Al also stated that they will continue to provide the Finance Committee back up to the whole Board moving forward.

Brian Cisneros wanted to remind the Board that the minutes for these meetings are being done in a quick turn around timeframe and that to be patient if the minutes are not sent out by the Friday before a Board meeting and are received by Monday of the following week.

Denise Day asked if the minutes are not ready for the Friday deadline if the Board could still get the Finance Committee back up without the minutes. Al agreed that this would happen.

Tom Newkirk asked Al where he saw the Finance Committee going moving forward.

Al stated that right now the main priority of the committee has been focused on prioritizing the CIP and personnel. The committee is also focusing on what are the most important CIP projects, the possible outcome from the retirement incentive, streamlining the budget.

Tom asked about structuring the Budget goal for the coming year and gave an example of last years goal being affected by the fund balance with two separate calculated numbers using 3.5% and 2.8%

Brian Cisneros reminded the Board that the committee was formed so that they could comb through the budget and complete the legwork so that they could present the Board with their recommendations, and keep from having very long discussion at Board meetings. He also reminded the Board that they can always discuss further any of the recommendations that are put forward.



**~~E. Student Senate Report:~~**

**F. Other:** Sustainability Report – UNH Intern Kendall Gray

Jim informed the Board that Kendall has been waiting to present this report to the Board and welcomed her to the meeting. Maggie Morrison, Sustainability Coordinator to the District gave a brief introduction of the Survey that was completed and introduce Kendall Gray, the UNH Intern who presented the results of this survey using a power point presentation. Topics of discussion where: locations of the disposal bins both for recycling and composting, contamination between the bins, encouragement of peers and mentors, and the steps that need to be taken moving forward.

The Board asked some additional questions.

Kenny Rotner thanked Kendall and Maggie for the report and stated that he was struck by how much peers are not a positive influence and how the message that is trying to be conveyed is not coming through.

**VII. DISCUSSION ITEM:**

Future Board Meeting Remote or In Person

Tom Newkirk asked the Board if they could let him know where they stood on either keeping future meetings remote or if they wished to return to in-person meetings.

Denise Day stated that for her remote meetings were challenging but appreciates the concern that is being expressed for in-person meetings regarding safety. Her preference would be to move back to in-person with safety guidelines followed.

Al Howland also does not like remoted meetings and suggested a Hybrid model moving forward with Board members choosing which option they would prefer to continue meeting.

Brian Cisneros would like in-person but will go along with what the Board decides.

Dan Klein also would like to return to an in-person meeting and agrees to the Hybrid model is possible.

Michael Williams is satisfied with either option but wanted to make sure that whoever chooses the Hybrid option that they have easy access to the meeting and can be heard and communicate like they were physically at the meeting.

Kenny Rotner felt that remote and hybrid were the way that he would feel safe.

Jim Morse stated that it would not be a challenge to set up a Hybrid meeting. Tom would still need to read the statement and the public would still be able to remotely listen in. Jim is confident that Alexander would be able to do this.

Al Howland suggested that Alexander consult with Craig Stevens, the Durham Town technology person on how the town works a Hybrid meeting.

### Fall Calendar – NH State Primary Calendar Adjustment

Jim explained that a request came in from the Town of Durham regarding the use of the high school gym for the September 8<sup>th</sup> NH primary and the possibility of adjusting the calendar to reflect a change on this date. Jim invited Chris Regan to the meeting in case the Board had additional questions.

Chris Regan began by explaining that he had just finished a meeting with other town officials, and they are still in a flux and not sure what they are going to do. He looked at past voting day information in 2016 showing a turn out of approximately 1200 voters. His research from the 2018 election showed that voter turn out doubled to approximately 2400. He expressed concern that this election could also be a large turn out and with the COVID-19 and social distancing requirements, he felt that the use of the high school gym would be a better alternative, however the set up would need to happen the Friday before which would not be a problem as there is no school that day. The issue would be that the election falls the day after Labor Day and school resumes that day. Chris stated that they are pushing for absentee ballots as much as possible, but still believes there will be a record turnout.

Tom Newkirk clarified that Chris is asking that the school day be adjusted for the election.

Jim confirmed that is what is being asked and that a remote learning day could be used for the high school students only on that day.

There was a brief discussion and a motion was made.

**Kenny Rotner made a motion to amend the 2020-21 school year calendar for the NH Primary to make September 8<sup>th</sup> a remote learning day for the high school only with the elementary and middle school remaining an in school day, 2<sup>nd</sup> by Al Howland.**

#### **Discussion:**

The Board asked if the setup of the gym were done on the Friday before the election, that would mean that the Gym would be unavailable until the following week? A question was asked about what the layout would look like and confirmed that the election would be disrupting a regularly scheduled school day. It was also asked if an additional day for calendar adjustment for the November election was going to be needed.

Jim stated that he spoke with Suzanne and that they have already made the adjustments for any activity that was scheduled in the gym to be changed.

Dan asked for the motion to be reread as he was not sure if the additional request for a Wednesday in November was included. The motion was reread, and a roll call vote was taken.

**Roll Call vote of 6-1 with Michael Williams voting in the negative. The motion passed.**

### Re-Entry Planning – Phase 1

Jim began by explaining that this is the Phase 1 building strategies for the Fall. He went on to explain that they did a survey to the community, MS/HS students, and parents and the results were very informative. We had hundreds of questions that were generated from this survey which helped in the development of this power point and the three options that the District is exploring for fall reentry. Traditional, Remote Learning, and a Hybrid model that provided the starting point for our Grid that was used by the administrators and directors.

Jim went on to acknowledge the tremendous amount of staff that participated in the planning for Fall reopening and appreciated all of their efforts.

Jim also noted that he used a lot of different organizations and their research to help in the development of this plan. Those being the AAP COVID Planning, CDC School Guidance, Return to School Roadmap, NH DHHS, NH DOE: STRRT and the Harvard School of Public Health. He stated that we are developing, and continue to refine, re-entry plans to provide both safety and learning continuity for all our students. Jim spoke about the resilience of Oyster River during this difficult time and explained some of the lessons learned based on the survey data. Greater age-appropriate structure is needed, more synchronized learning, particularly at the K-8 level, more social connection needed between teacher and students, parents need Schoology access to support child's learning, and more consistency throughout the system.

At this time, he turned the meeting over to Todd Allen to continue.

Todd began by explaining the process for the Re-Entry planning using the grid in the power point that signified traditional opening with specific health and safety procedures in place. A Blended/Hybrid Learning option which provides a blend of modified in person instruction and remote learning. The third option would be remote learning where children will work synchronously and asynchronously with the support of their teacher.

Todd explained the planning for the fall is guided by the Return to School Roadmap, which is broken down by governance, wellness and SEL, instruction/assessment, school operations, school health, and technology.

Todd went on to explain what the possible scenarios could be for returning to school. They include the requirement for health screening for students, faculty, and staff. Lunch in a modified structure, staggered schedule for drop-off and pick-up, possible quarantining for two weeks following illness or exposure. Enhanced sanitizing, cleaning processes and regular handwashing. Parents and visitors by appointment only, nursing personnel on site at all times. Families responsible for keeping contact tracing log. The use of masks for all students and staff. Athletic offerings guided by NHIAA, limited building uses for outside groups, and encouraging teachers to utilize outdoor spaces for instructional and social purposes.

The introduction of Cohorts/Fixed Groups will be based on AAP/NH DHHS guidance, will be housed in a single classroom or limited set of classrooms, teachers will transition from cohort to cohort and students unable to join cohorts in person may participate virtually.

Todd also provided a chart broken down by PK-4, Middle School and High School that showed the fall re-entry plan which is designed to make on-campus and off-campus learning flow more efficiently and all class content will be created and made available through Schoology. The digital platforms that will be utilized are PowerSchool, Schoology, Microsoft Teams, Freckle, Learning A-Z, and ALEKS.

Jim explained that no one is telling us there is a right answer, we are receiving conflicting reports for the medical field and from politicians. I am relying heavily on the AAP report and encourage the Board to read this document. The issue is flexibility and we need to be ready for three different options that are based on healthcare considerations, state guidelines and local priorities.

We need to prepare for interruptions, unforeseen costs, technology, and supplies, and prioritize the on-campus experience for our youngest students.

Jim asked the Board to consider a second Board Workshop before the August 5<sup>th</sup> meeting. It was suggested that Thursday, July 30<sup>th</sup> from 7:00 – 9:00. All Board members agreed to that date.

Board discussion surrounding appreciation for the amount of work to everyone that took part in creating this document. Suggestion of checking building ventilation for better air quality. Ordering PPE early for staff. Hearing concerns from parents, lots of anxiety out there and the possibility of drafting a concise statement to the community. Appreciation for the Grid that was included in the back up as very helpful and gives a sense of process. Request for additional information surrounding the Hybrid variation in schedules. Possible suggestions to break out one column into two separate ones and the possible addition of a column to the grid on how transition would happen from one model to the other.

## **VIII. ACTIONS**

**A. Superintendent Action Items:** None

**B. Board Action Items:**

### Appoint Board Members to Antiracism Committee

**Tom Newkirk made a motion to appoint Denise Day and Kenny Rotner to the Superintendents Antiracism committee, 2<sup>nd</sup> by Michael Williams. Motion passed with roll call vote 6-0-1 with Kenny Rotner abstaining.**

### ORMS Letter of Resignation

Tom Newkirk stated that he needed a motion for Aaron Ward's resignation and that he was sorry to see him go.

Kenny Rotner also expressed his appreciation for all that Aaron has done and for the many times that he presented at the School Board meetings and wished him well.

**Kenny Rotner made a motion to accept the ORMS Letter of Resignation of Aaron Ward, 2<sup>nd</sup> by Denise Day. Motion passed with roll call vote 7-0.**

### Affirmation of Hiring – ORMS Mathematics Teacher

**Denise Day made a motion to affirm the nomination of the ORMS Mathematics teacher 2<sup>nd</sup> by Al Howland. Motion passed with roll call vote 7-0**

## **X. SCHOOL BOARD COMMITTEE UPDATES:**

~~**A. Manifests Reviewed and Approved by Manifest Committee:**~~

~~Denise Day and Dan Klein reviewed the manifests.~~

~~Payroll Manifest #~~

~~Vendor Manifest #~~

Denise Day mentioned that the Policy Committee is meeting tomorrow and that the unanimous consent agenda is one of the policies up for review.

~~**X. PUBLIC COMMENTS:**~~

**XI. CLOSING ACTIONS:**

- A. Future Meeting Dates: 7/14/20 Board Workshop –ORHS - Library 7:00 PM  
7/30/20 Board Workshop Meeting – Library 7:00 PM  
8/5/20 Board Meeting

~~**XII. NON-PUBLIC SESSION RSA 91-A:3 II (If Needed)**~~  
~~**NON-MEETING SESSION: RSA 91-A:2 I (If Needed)**~~

**XIII. ADJOURNMENT:**

**Al Howland made a motion to adjourn the meeting at 9:10 p.m., 2<sup>nd</sup> by Michael Williams.  
Motion passed with a roll call vote of 7-0.**

Respectfully Submitted,

Wendy L. DiFruscio  
Executive Assistant to  
Superintendent of Schools

**Oyster River Cooperative School District**

**Hybrid Remote Meeting\* Minutes**

**\*In accordance with Governors Executive Order #12**

**August 19, 2020**

**DRAFT**

**SCHOOL BOARD PRESENT VIA ROLL CALL VOTE:** Brian Cisneros, Dan Klein, Tom Newkirk, Denise Day, Michael Williams, Al Howland

**Student Representative:**

**ADMINISTRATORS PRESENT VIA REMOTE ACCESS:** James Morse, Todd Allen, Sue Caswell, Catherine Plourde, Suzanne Filippone, Jay Richard, Misty Lowe, David Goldsmith, Andy Lathrop

**STAFF PRESENT:**

**GUEST'S PRESENT VIA REMOTE ACCESS:**

Tom began by stating that Kenny Rotner has submitted his resignation from the School Board, as most know that he is undergoing treatment for cancer and is at Mass General. He stated that this is a tremendous loss for the Board as Kenny has been a member since 2013. He had great presence, was patient and thoughtful and he will be missed. He wished Kenny and his family all the best, and that he has a great team supporting him.

Tom Newkirk read the following statement:

As Chair of the Oyster River Cooperative School Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing Microsoft Teams for this electronic meeting. All members of the School Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-603-766-5646 and ID Code 461362#, or by clicking on the following website address: <http://www.orcsd.org/stream>

*b) Providing public notice of the necessary information for accessing the meeting:*

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Microsoft Team or telephonically. Instructions have also been provided on the website of the ORCSD Board Agenda for 08/19/20.

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

If anybody has a problem, please call 603-280-4202 or email at: [orcsd-video@orcsd.org](mailto:orcsd-video@orcsd.org).

*d) Adjourning the meeting if the public is unable to access the meeting:*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance without the need to state if you are alone as we are meeting together. A roll call vote was then done with 6 Board Member present

**I. CALL TO ORDER at 7:02 PM by Tom Newkirk**

Tom Newkirk stated that he has two additions to the agenda, the General Assurances from Catherine Plourde who will report after the Business Administrator, and the process for the replacement for Kenny Rotner's At-Large open position which will follow the MOU discussion. We will also add a non-public for a student matter. He asked the Board Members if there were any additional changes.

There were none.

**II. APPROVAL OF AGENDA:**

**Denise Day moved to approve the agenda as revised, 2<sup>nd</sup> by Brian Cisneros. Motion passed via roll call vote 6-0.**

**III. PUBLIC COMMENTS:**

Jim Morse stated that there were numerous comments received during the past week and apologized in advance to the party that asked to have her comment read at the meeting for the pronunciation of her last name. He then proceeded to read the following statement:

My name is Laura Vittorioso. It is my understanding that models for athletics will be discussed this evening and I greatly encourage you to continue with the Fall sports season. I live in Barrington and I have an incoming Freshman, Jack, who will be joining the Oyster River Cooperative School District. Jack is beyond excited to begin his high school journey at ORHS. Jack and our family are extremely sad, but somewhat understanding, of the decision to begin the school year with mostly remote learning. However, we would like to urge you to continue with the ORHS Fall Sports calendar. Jack has participated in the vast majority of the Boys' Soccer practices and the Fitness Trainings this summer. He has thoroughly enjoyed each and every practice and we would like for him to continue to participate in these activities. Jack has always felt safe and comfortable at these events and we feel that the Athletic Department has taken every precaution necessary to ensure the students' safety. The Athletic Department has been very forthcoming with information and very clear with expectations. Freshman year in high school can be one of the most difficult transitions that a teenager makes. This year will be particularly difficult for all students, especially for those that are joining a new school and a new district. Participation in sports will allow students the opportunity to become more familiar with the ORHS community, to make connections with peers, to gain a better understanding of collaboration and cooperation, and to actively engage in physical activities after spending the majority of their days in front of a computer screen. Our family feels that these opportunities are crucial parts to a successful transition to ORHS. Small cohorts of students will be attending classes in the brick and mortar school buildings. We feel that this same opportunity should be given to athletes who will be OUTSIDE following strict protocols. It states on your website "Working Together to Engage Every Learner" and we feel that valuable lessons are learned in the classroom AND on the athletic fields. In conclusion, we urge you to continue with the ORHS Fall Sports calendar. The social-emotional well-being of ALL students is at stake. Thank you for your time and consideration.

**IV. APPROVAL OF WORKSHOP MINUTES:**

**Motion to approve the August 5, 2020 meeting minutes:**

**Revisions:**

Tom Newkirk requested the following changes: page 13 under the middle school voting options for Middle School Vote 5 – change the No vote to read 4, not 5.

Michael Williams asked to have on Page 4 under ORMS Bond Final Number heading, add between the and was in the first sentence, "Budgeted Bond Payment" and to the end of the sentence add, "more than needed to make 1<sup>st</sup> payment." Additionally, on page 9 move Elementary vote 5 to the top of the list.

Brian Cisneros asked that on page 2 in the motion for approval of minutes in the last sentence replace "sustaining" with "abstaining"

**Denise Day moved to approve the August 5 meeting minutes as amended, 2<sup>nd</sup> by Brian Cisneros. Motion passed with roll call vote 6-0.**

## **V. ANNOUNCEMENTS, COMMENDATIONS AND COMMENTS:**

### **A. District:**

### **B. Board:**

Denise Day thanked everyone that took the time to write letters to the School Board and that in addition to many parents writing, many students wrote very well thought out and heartfelt letters around sports. She appreciated everyone's perspective thoughts and concerns.

Tom Newkirk also commented on the public comments that were received. They were very touching, particularly the students talking about what sports meant to them, and as a writing teacher he was very impressed with the comments that he read.

## **VI. DISTRICT REPORTS:**

**A. Assistant Superintendent Reports:** None

### **B. Superintendent's Report:**

#### Update/Status for Opening School

Jim began by also thanking parents and students who took the time to write in. He also wanted to thank parents across the District who were asked to re-register their children, and that the response within the 1<sup>st</sup> week was incredible with over a 90% return rate. We had numerous parents reach out with questions, which we were able to answer. He stated that their response made it easier for the meeting he had with administrators to take the data provided and create the staffing for the elementary. The breakdown consisted of 2/3 choosing the AM/PM model and 1/3 choosing the remote model. He invited David and Misty to the podium to bring the Board up to date on all that was completed.

David thanked and acknowledged all of the staff who worked countless hours to make the opening of school a possibility for both Mast Way and Moharimet. He presented the following information.

Hybrid Session: AM Session: 8:45-11:30, PM Session: 12:30-3:15. 11:30-12:30: Transition time for AM and PM students, Time for additional services to targeted students, 30 minute staff lunch 12 - 12:30 (some will have their lunch block at another time based on student service needs).  
45-minute Encore Class in the In-Person Session (2 times per week AM session and 2 times per week PM session), Recess will not be scheduled. All classrooms will have a designated space outside for learning and for breaks. There will be spaces on the property for classes to conduct learning outside. At home learning portion will not be 3 hours of work, each day, like "school hours at home;" will be a mix of analog and digital. He provided a sample schedule for this scenario.

Remote Learning: At least 2 live sessions with a teacher per day, Direct instruction, SEL, review, problem solving, check-ins, Independent work times, Instruction mix: Live sessions, Videos, Independent practice – digital and analog, Research/Projects



Attendance, work completion, accountability. He also provided a sample schedule of ways students can be live with teachers throughout a remote week. He explained that encore unified arts happen in person, stated that every class recess will be assigned spaces, not a full grade recess. Tents have been erected for outside learning.

At home learning portion will be a continuation of what happened during the day and wanted to make sure that students have the time to do it.

The Board asked clarifying questions to both David and Misty which included: explaining the encore schedule again, review of the at home learning guidelines, number of students anticipated per class. Questions asked pertaining to accountability and taking attendance and what happens if an in-person child is out for an extended period of time, and how that would be handled. Whether there were any tools teachers could use between the different models, and in forming the remote classes did you need to cross schools and teachers between Mast Way and Moharimet, as well as the schedule for students on Wednesday's. Additionally, has a procedure been worked out in the event that a student tests positive. There with additional concerns relating to this subject being relayed and answered by David, Misty, and Dr. Morse.

Dr. Morse explained that the School Nurses will be the local lead to contact the State and that the District will be following one plan for everyone. Jim stated that the nurses have done a great job and if the Board would like them to come to a future Board meeting to outline their efforts, we can put them on the agenda.

There was no additional discussion on this.

#### Update on Hiring

Jim stated that at this time there are no open positions, but if a position does open he is having a conversation with the principals and directors whether in this established model by the school Board, the need to fill it. Right now, we have 114 children from Moharimet and 139 students from Mast Way whose parents have chosen bus transportation. We currently have 29 drivers, but full staffing is 31 and we are currently leaving those positions open. When we re-evaluate this model in October, we might need to re-evaluate these positions.

Jim stated that he will have the middle and high school report out on their opening at the next meeting.

#### Antiracism Committee

Jim updated the Board that this small committee has met for a 90-minute span and that they plan to meet every three weeks. We will be working on how to discuss the options of expanding out to the school community and beyond.

Tom Newkirk stated that an additional member of the Board will be needed for this committee and we can do that at the next meeting.

### **C. Business Administrator:**

#### ESSER Funds Assurances

Sue explained that as in the past, these funds need to have Board authorization granted to the Superintendent to sign.

**Denise Day moved to authorize the superintendent to sign the ERRER Funds, 2<sup>nd</sup> by Brian Cisneros. Motion passed with roll call vote 6-0.**

Jim Morse clarified that these funds are what the Governor has been talking about for the millions of dollars that are being allocated for district schools, and wanted to state that ORCSD has been given a total of \$39,496 for total funds received related to COVID-19.

General Assurances for FY2021 added to the agenda at the beginning of the meeting presented by Catherine Plourde. She stated that every year this form needs to be provided to districts for signature before accessing grant funds. Last school year it was changed to include sign off by the School Board Chair as well.

**Denise Day moved to authorize the superintendent and Board Chair to sign the FY2021 General Assurances, 2<sup>nd</sup> by Brian Cisneros. Motion passed with roll call vote 6-0.**

**D. Finance Committee Update:**

Al Howland informed the Board that the Finance Committee met last week and started a discussion surrounding the budget process and how to get to a budget goal. There was a discussion about the setup of the October Board Budget meeting with the administrators and a possible change in how the information could be presented. The timeline involved in obtaining information that is needed to draft the proposed language with the unknowns of the retirement incentive as well as the health insurance. He hopes that the Finance Committee can begin to work on the language to bring to the Board at the September 16<sup>th</sup> meeting for the Board to provide guidance and clarity to the discussion.

Al stated that Jim and Sue would need to come up with all of the expenses, what the departments need, and the unknowns would be the health insurance and retirement incentive, but in that case the budget goal of 2.5% - 3.5% using the revenue from Barrington and the emergency fund, but the expenses will change and the revenue would stay the same for each separate scenario.

There was discussion surrounding the different tax impacts to the towns, possible town assistance to aid the school district, and a suggestion of another meeting after November with the town representatives to discuss a collaborative effort that can be taken by both.

There were clarifying questions asked by the Board Members which were answered by Al and Michael.

~~**E. Student Senate Report:**~~

~~**F. Other:**~~

**VII. DISCUSSION ITEM:**

Tom Newkirk began by stating that they will use the same process that was used at the last meeting for determining the decision surrounding OR Sports. We will use repeated voting to eliminate the individual options until they have a majority vote of four. He stated that Andy Lathrop, Athletic Director will go over his presentations, and after their presentation the Board will have a chance to

ask questions and have a discussion before the elimination voting. He asked the Board if they had any questions.

Andy began by thanking Kim Wolph, HS Nurse and Mike Feld, AD Trainer for all of their assistance in helping to put this presentation together. Andy began his presentation with a slide that showed all of the questions that need to be answered for OR Sports to happen. He gave a listing of the middle and high school fall sports, along with the benefits and challenges of Athletics this fall. He went on to explain the 5 possible scenarios: Full Fall Sports Offerings, Hybrid #1 (HS Interscholastic Competitions only), Hybrid #2 (Varsity Interscholastic Competition Only), Hybrid #3 (No Interscholastic Competition), No Athletic or Physical Activities.

Option 1 the Board asked how many possible games could be scheduled for the remainder of the season, how many games are played by the middle school teams a week, where would they play, the number of practices that happen in 1 week and transportation challenges and relying on parents,.

Option 2 Hybrid #1 (HS Interscholastic Competition Only) the Board expressed that it would be easier for parents to transport if we remain closer to home, allowance of spectators at the games, whether there were coaches that did not want to return, the concern in the drop in MS sports participation, space concerns and clarification of the differences between Option 1 & 2.

Option 3 Hybrid #2 (Varsity Interscholastic Competition) Andy stated that this is the same as option #2 but limited to varsity only competition.

Option # 4 Hybrid # 3 (No Interscholastic Competition) NHIAA fall sports for OR would be cancelled, no post season eligibility for Varsity teams, programs run by fall coaches.

Option #5 No Athletic or Physical Activities, this is the most restrictive with no athletic or intramural based programs at any level, teams would not be permitted to practice in any way, no interscholastic competition. NHIAA fall sports for ORHS would be cancelled.

The Board clarified what the difference was between Option 1 & 2. There was discussion surrounding the indoor sport of volleyball and the concerns associated with this sport and the protocols that they are following for play. Question asked about the ability to increase air circulation in the gyms and the questions about the NHIAA and if they have provided any guidance pertaining to spectators. There was additional discussion pertaining to the list of categorized sports of Low, Medium, and High and that we would not participate in a high categorized sport. What protocols would be followed for parents to watch, and for teams to play. A question was asked if the District Liability would need to change, and if we stick with low risk sports what the impact would be for Title IX. What the difference in number or participants would be between Option 2 & 3. There was additional discussion as to what other districts were doing, response time for reporting cases, the current rooms that would be used, limiting team play to surrounding towns and risk factor now and moving forward, research of face coverings as some are not as effective as others, clear guidelines on ventilation of air flow. The inclusion for option 1 to include bullet 2 and 4 from option 2.

There was additional discussion and Tom asked if ready to vote.

- **Option 1. Full Fall Sports Offerings – Option Chosen with Roll Call Vote**

**VOTE: Yes – 4 – Denise Day, Dan Klein, Brian Cisneros, Tom Newkirk.  
No – 2 - Al Howland, Michael Williams**

- Option 2 Hybrid #1 (HS Interscholastic Competition Only)  
VOTE: Not voted on due to choosing Option 1
- Option 3 Hybrid #2 (Varsity Interscholastic Competition)  
VOTE: Not voted on due to choosing Option 1
- Option # 4 Hybrid # 3 (No Interscholastic Competition)  
VOTE: Not voted on due to choosing Option 1
- Option #5 No Athletic or Physical Activities,  
VOTE: Not voted on due to choosing Option 1

At 8:55 a 5-minute recess was taken, and the meeting resumed at 9:00 with the Memorandum of Understanding.

Tom Newkirk began by stating the MOU included in the back up was the first time he and the Board saw this. He stated that it appears like a draft of a negotiated agreement and typically this is reviewed by the Board's negotiating team. He asked the Board if they wanted the Board's negotiating team to review and then come back at the next meeting and discuss at a non-meeting.

Jim Morse apologized to the Board and stated that as he was working through this document, he believed that it was a side bar agreement to the Guild contract. When he was provided with a revised document requiring Board signature, he had a conversation with the Guild suggesting that they meet with the Board negotiation team to fine tune the document and then bring forward to the Board.

The Board expressed concern for the timing of this document as staff was returning and would this be a problem.

Jim explained that the relationship that he has with the Guild Negotiation team and the integrity of this body that they would be able to in good faith work through this document quickly and the Guild also provided some dates to do that. The Guild also understands that ideally it should have been done prior to the opening of school but will expedite the review for an agenda item at the September 2<sup>nd</sup> Board meeting.

Dan Klein asked the Board if they had any specific concerns.

Michael Williams suggested that they review tonight adding an additional item to the non-meeting that they already will have for the open Board position.

Open Board Position that was added at the beginning of the meeting.

Tom Newkirk explained that the responsibility for filling this position falls back on the School Board and not the towns. He asked the Board for their input for a timeframe and procedure that they would like to follow to fill this opening.

There was a brief discussion which resulted in the Board advertising the opening in the various District avenues as well as word of mouth. There would be a three-week timeline being established for receipt of resumes, paper review of the applicants and screening by the full Board with a non-meeting followed by announcement of replacement at the September 16<sup>th</sup> meeting.

**A. Superintendent Actions**

**B. Board Action Items:**

Appointment of District Clerk

**Brian Cisneros made a motion to appoint Jessica Laughton as District Clerk 2<sup>nd</sup> by Denise Day. Motion passed with roll call vote 6-0.**

List of Policies

Tom Newkirk asked for a motion to approve the list of policies.

Denise Day questioned if it was for a first read.

Brian Cisneros asked that since these were non-negotiable could we do both a first and second read as they would not be changing.

Al Howland stated that a first and second at one time is only in an emergency.

**Denise Day made a motion to approve the List of Policies for a first and second read 2<sup>nd</sup> by Brian Cisneros.**

**Discussion:**

Michael Williams asked why we were approving the procedures along with the policies.

Jim explained that due to the complication of the law aspect of these policies and procedures, similar to the wellness policy we are asking for both a first and second read.

Catherine Plourde explained that the law is the reason and with the August 14 deadline, if a complaint came in now she would still need to follow the new regulations even if the Board chooses to review and not approve them at this meeting.

There was additional discussion between the Board members pertaining to the process for procedure approval, that this is not an emergency situation and if additional time was needed for review.

There was no further discussion and Tom Newkirk called a roll call vote.

**Vote: Yes: Denise Day, Brian Cisneros, Tom Newkirk**

**No: Al Howland, Dan Klein, Michael Williams**

**A tied vote – Motion Failed**

Tom Newkirk asked if the motion was for a first read only would the Board be willing to vote and could he have a new motion.

**Dan Klein made a motion to approve the List of Policies for a first read 2<sup>nd</sup> by Brian Cisneros. Motion passed with roll call vote 6-0.**

**IX. SCHOOL BOARD COMMITTEE UPDATES:** None

~~**A. Manifests Reviewed and Approved by Manifest Committee:**~~

~~Denise Day and Dan Klein reviewed the manifests.~~

~~Payroll Manifest #~~

~~Vendor Manifest #~~

~~**X. PUBLIC COMMENTS:**~~

**XI. CLOSING ACTIONS:**

- A. Future Meeting Dates:                    9/2/20 – Regular Hybrid/Remote Meeting – 7:00 PM  
    9/16/20 – Regular Hybrid/Remote Meeting – 7:00 PM

**Michael Williams made a motion to enter into nonpublic session at 9:20 PM under RSA 91 A:3 II (c), for a student matter, 2<sup>nd</sup> by Denise Day. Motion passed with a roll call vote of 6-0.**

**XII. NON-PUBLIC SESSION RSA 91-A:3 II (c)**

- Student Matter

**NON-MEETING SESSION: RSA 91-A:2 I (a)**

- Open Board Position
- Memorandum of Understanding

**XIII. ADJOURNMENT:**

**Michael Williams made a motion to adjourn the meeting at 9:41 p.m., 2<sup>nd</sup> by Dan Klein. Motion passed with a roll call vote of 6-0.**

Respectfully Submitted,

Wendy L. DiFruscio  
Executive Assistant to  
Superintendent of Schools

Oyster River Cooperative School Board

August 19, 2020 Meeting

NON-PUBLIC MEETING  
MINUTES

**Michael Williams moved to enter into nonpublic session at 9:19 p.m. in accordance with RSA 91-A:3 II (c) – Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting, 2<sup>nd</sup> by Denise Day. Upon roll call vote, the motion passed 6-0.**

School Board Attendees:

Tom Newkirk  
Denise Day  
Michael Williams  
Dan Klein  
Brian Cisneros  
Allan Howland

Administrators Present:

Dr. James C. Morse, Sr.  
Catherine Plourde

Catherine Plourde discussed a student issue with the School Board and Dr. Morse

Chair Newkirk declared the School Board back in public session at 9:40 pm.

Michael Williams moved to adjourn, 2<sup>nd</sup> by Dan Klein. The motion passed 6-0 on a roll call vote. The meeting was adjourned at 9:41 pm

Submitted by Michael Williams  
School Board Vice-Chair

## Mast Way Elementary School 2020-2021 Enrollment

Enrollments							
	K	1	2	3	4	Total	
October 1, 2019 Enrollment	64	53	87	80	89	<b>373</b>	
<b>As of March 24, 2020</b>	63	52	86	78	91	<b>370</b>	
2020-2021 Enrollments	<b>61</b>	<b>63</b>	<b>52</b>	<b>86</b>	<b>78</b>	340	
New Registrations 2020-2021	61	4	4	3	3	<b>75</b>	
Withdrawals Covid/Summer	9	6	2	7	6	<b>30</b>	
8-27-20 Enrollment	<b>52</b>	<b>61</b>	<b>54</b>	<b>82</b>	<b>75</b>	<b>324</b>	
Anticipated 2020-2021 Enrollment 19 classes							
Kennedy Remote	K	20				17.33	
McCormick	K	16					
Webb	K	16					
To Place/Potential		3				18.33	
To Withdraw							
Anctil	1		13			15.25	
Burke Remote	1		20				
Desrochers	1		14				
Handwork	1		14				
To Place/Potential			1				
To Withdraw						15.50	
Moulton	2			18		18.00	
Spinelli	2			19			
Zimar Remote	2			17			
To Place/Potential				2			
To Withdraw						18.66	
Biggwither Remote	3			15		16.40	
Buswell	3			17			
Drew	3			16			
Laliberte Remote	3			17			
Paquette	3			17			
To Place/Potential				2			
To Withdraw						16.80	
Bowden-Gerard	4				17	18.75	
Farwell	4				19		
Harris	4				18		
Stacy Remote	4				21		
To be Placed					1		
To Withdraw						19.00	
<b>8/27/2020</b>	<b>TOTAL</b>	<b>55</b>	<b>62</b>	<b>56</b>	<b>84</b>	<b>76</b>	<b>333</b>
	<b>Grade</b>	<b>K</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	



## Moharimet Elementary School 2020 - 2021 Enrollment Projections

Enrollments						
	K	1	2	3	4	Total
October 1, 2018 Enrollment	41	55	65	66	90	<b>317</b>
<b>As of May 15, 2019</b>	46	57	47	68	67	<b>285</b>
2020 Enrollments	49	54	51	65	70	<b>289</b>
New Registrations 20-21 or VLAC	0	1	1	1	1	<b>4</b>
Projected Withdrawal				0		
Anticipated 2020 Enrollment	<b>49</b>	<b>55</b>	<b>52</b>	<b>66</b>	<b>71</b>	<b>293</b>

Anticipated 2020 - 2021 Enrollment							
16 classes							
Teacher	Grade	K	1	2	3	4	Avg
Chartrand	K	15					16.33
Lapierre	K	18					
Raspa - Remote	K	16					
To Be Placed/VLACS		0					0.000
To Withdraw		0					
Dolcino	1		17				18.00
Ray	1		17				
Torr- Remote	1		20				
To be Placed/VLACS			1				0.00
To Withdraw			0				
Hoff	2			15			17.00
Jones	2			15			
Nadeau - Remote	2			21			
To Be Placed/VLACS				1			0.00
To Withdraw				0			
Hall - Remote	3				17		21.67
Larson-Dennen	3				24		
Schmitt	3				24		
To be Placed/VLACS					1		0.00
To Withdraw					0		
Fitzhenry	4					22	17.50
Joosten	4					21	
Randall - Remote	4					13	
Van Ledtje - Remote	4					14	
To be Placed						1	0.00
To Withdraw						0	
<b>TOTAL</b>		<b>49</b>	<b>55</b>	<b>52</b>	<b>66</b>	<b>71</b>	<b>293</b>
<b>GRAND TOTAL</b>		<b>49</b>	<b>55</b>	<b>52</b>	<b>66</b>	<b>71</b>	<b>293</b>
<b>Grade</b>		<b>K</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	

MOH Students Returning From Mast Way	0	0	0	0	0	0
Mast Way Students Returning From MOH	0	0	0	0	0	0

## **ORMS Enrollment Update**

**August 28, 2020**

### **8<sup>th</sup> grade-186**

*2 student moved out of state*

### **7<sup>th</sup> grade-161**

*4 students moved out of state  
1 student went to private school  
1 student homeschool*

### **6<sup>th</sup> grade-161**

*3 students moved to another NH school  
1 student moved out of state  
3 students homeschool*

### **5<sup>th</sup> grade-155**

*1 student moved out of state  
1 student homeschool*

### **Total-663**

# Oyster River High School 2020 - 2021 Enrollment August 27, 2020

Town of Residence	9	10	11	12	Total
Barrington	50	36	51	41	178
Durham	78	78	85	79	320
Lee	52	64	50	60	226
Madbury	31	28	29	26	114
Attending from Out of District *	2	1	1	2	6
<b>TOTAL</b>	<b>213</b>	<b>207</b>	<b>216</b>	<b>208</b>	<b>844</b>

\* Somersworth Resident 1; Strafford Residents 4; Dover Resident 1

Home Schooled Students	1	0	0	1	2
------------------------	---	---	---	---	---

2019 - 2020 Enrollment	9	10	11	12	Total
October 1, 2019 Enrollment	210	217	205	205	<b>837</b>
June 30, 2020 Enrollment	212	218	206	201	<b>837</b>

2020 Summer Enrollments	9	10	11	12	Total
From New Hampshire Public School	4	2	0	1	<b>7</b>
From New Hampshire Private School	3	1	1	0	<b>5</b>
From Out-Of-State School	1	0	3	2	<b>6</b>
From VLACS	2	0	0	1	<b>3</b>
Formerly Home Schooled	1	0	0	0	<b>1</b>
<b>TOTAL</b>	<b>11</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>22</b>

2020 Summer Withdrawals	9	10	11	12	Total
Attending In-State Public School	3	2	1	0	<b>6</b>
Attending In-State Private School	1	3	0	0	<b>4</b>
Attending Out-Of-State School	2	2	4	1	<b>9</b>
VLACS	0	0	0	0	<b>0</b>
Home Schooled	1	0	0	0	<b>1</b>
<b>TOTAL</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>1</b>	<b>20</b>

# SCHOOL FINANCIAL REPORT

For the Year Ending June 30, 2020

For School District of Oyster River Cooperative - Durham, Lee, Madbury, NH

SAU # 5

**DUE TO THE NH DEPARTMENT OF REVENUE**

Not Later Than September 1, 2020

"I certify under the pains and penalties of perjury, to the best of my knowledge and belief, that all of the information contained in this document is true, accurate and complete."  
Per RSA 198:4-d

School Board Chairperson: Thomas Newkirk

Date: \_\_\_\_\_

Superintendent of Schools: Dr. James C. Morse, Sr.

Date: \_\_\_\_\_

**SCHOOL BOARD MEMBERS**

*Please sign in ink.*

Michael Williams

Denise Day

Allan Howland

Daniel Klein

Brian Cisneros

\_\_\_\_\_

**FOR DRA USE ONLY**

NH DEPARTMENT OF REVENUE ADMINISTRATION  
MUNICIPAL & PROPERTY DIVISION  
P.O. BOX 487  
CONCORD, NH 03302-0487  
(603)230-5090

For Office Use Only

Dist.	Loc.
-------	------

COPY

Form DOE-25  
School Administrative Unit #5

NEW HAMPSHIRE STATE DEPARTMENT OF EDUCATION

Annual Financial Report

for the Year Ending June 30, 2020

for the Oyster River Cooperative School District

Due to the State Department of Education not later than September 1, 2020

This document has been prepared in accordance with the New Hampshire Financial Accounting Handbook For Local Education Agencies

"I certify under the pains and penalties of perjury, to the best of my knowledge and belief, that all of the information contained in this document is true, accurate and complete." Per RSA 198:4-d

School Board Chairperson : Thomas Newkirk

Date

Superintendent of Schools: Dr. James C. Morse, Sr.

School Board

Date

School Board

Michael Williams

Denise Day

Allan Howland

Daniel Klein

Brian Cisneros

COPY

Office of the Superintendent  
Oyster River School District  
36 Coe Drive, Durham, NH 03824

---

INTEROFFICE MEMORANDUM

---

TO: School Board  
FROM: Dr. James C. Morse, Sr.  
DATE: September 2, 2020  
RE: Appointment of SRO and Truant Officer's

Please nominate the below listed individuals for the 2020-2021 school year:

School Resource Officer ORHS/ORMS	Officer Michael Nicolosi - Durham
Truant Officer Mast Way School:	Officer Justin Doty - Lee
Truant Officer Moharimet School:	Chief Joseph McGann - Madbury

Thank you.



**ORHS ATHLETICS**  
**55 Coe Drive**  
**Durham, NH 03824**  
**603-868-2375 x1105**  
**603-868-1355 Fax**

**ORCS D ATHLETICS DEPARTMENT**

**To:** Dr. James Morse, Superintendent  
**From:** Andy Lathrop, Director of Athletics  
**Date:** 8/14/2020  
**Re:** 2020 MS/HS Fall Coach Nomination

**Message:**

Please accept the following names for nomination to coach their selected sports this upcoming fall season.

**High School:**

**Volunteer Positions:**

**Paid Positions:**

Name	Team	Stipend	Years	Longevity	Total
Lewis Atkins	Boys Varsity Basketball	\$5,346	0	\$0	\$5,346
Liam Conrad	Boys Reserve Soccer	\$2,109	0	0	\$2,109

**Middle School:**

Name	Team	Stipend	Years	Longevity	Total
Meaghann Johnson	Grade 8 Volleyball	\$2,057	0	\$0	\$2,057

Oyster River Cooperative School District

COACHING NOMINATION FORM

Name of Candidate: Lewis Atkins	School: ORHS
Position: Boys Varsity Basketball Head Coach	Paid: <input checked="" type="checkbox"/> Non-Paid: <input type="checkbox"/>

Athletic Director Narrative:

Please accept this nomination of Lewis Atkins as the Boys Varsity Basketball Head Coach. Lewis is an extremely experienced Basketball Coach and brings a wealth of knowledge to the program. He has made strong connections with his former players and we are lucky to have an opportunity to add him to our .

Attachments:      Reference Checks:       Application:

Andrew P. Lathrop  
Signature of Athletic Director

8-10-2020  
Date



Oyster River Cooperative School District

COACHING NOMINATION FORM

Name of Candidate: Liam Conrad	School: ORHS
Position: Boys Reserve Soccer	Paid: <input checked="" type="checkbox"/> Non-Paid: <input type="checkbox"/>

Athletic Director Narrative:

Please accept this nomination of Liam Conrad as the Boys Reserve Soccer Coach. Liam is an ORHS alumni and has also played for our Varsity Head Coach in th past. Liam brings a lot of soccer knowledge to the program and is a great fit for our younger players.

Attachments:

Reference Checks:

Application:

Andrew P. Lathrop

Signature of Athletic Director

8-26-20

Date

AUG 27 2020

Oyster River Cooperative School District

COACHING NOMINATION FORM

Name of Candidate: Meaghann Johnson	School: OMHS
Position: 8th Grade MS Volleyball	Paid: <input checked="" type="checkbox"/> Non-Paid: <input type="checkbox"/>

Athletic Director Narrative:

Please accept this nomination of Meaghann Johnson as the 8th Grade Volleyball Coach. She is a former college player and has a lot of good experience coaching youth.

Attachments:      Reference Checks:       Application:

Andrew P. Lathrop  
Signature of Athletic Director

8-26-20  
Date

Policies for  
 First/Second Read/Adoption/Deletion  
**SB Meeting of  
 September 2, 2020**

Title	Code
<b>Policies for First Read</b>	
<b>Policies for Second Read/Adoption</b>	
Nondiscrimination/Equal Opportunity	AC
Harassment and Sexual Harassment of Students/Procedure	ACCA/-R
Harassment and Sexual Harassment of School Employees/Procedure	ACAB/-R
<b>Policies for Deletion/Replacement</b>	

**As a reference the July 23, 2020 policy minutes are attached to this packet.**

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: AC
Date of Adoption: February 13, 2009 Review School Board First Read: March 13, 2013 School Board Second Read/Adoption: April 3, 2013 Returned to Policy for Review: July 9 & July 23 <u>School Board First Read: August 19, 2020</u> <u>School Board Second Read/Adoption: September 2, 2020</u>	Page 1 of 2 Category: Recommended

### NONDISCRIMINATION/EQUAL OPPORTUNITY

The Oyster River School District does not discriminate on the basis of sex or other protected categories in its education programs and activities, as required by federal and state laws/regulations.

Discrimination against and harassment of school employees because of age, sex, gender identity, sexual orientation, race, creed, color, ancestry or national origin, marital status, familial status, physical or mental disability, religion, or genetic information are prohibited.

Discrimination against and harassment of students because of 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.

The School District does not tolerate discrimination, harassment or retaliation and takes steps to ensure students, employees and third parties are not subject to any discrimination, harassment, or retaliation in District programs or activities. The Board directs the school administration to implement a continuing program designed to prevent discrimination against all.

The District will designate a Nondiscrimination Officer who will be responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination. The Nondiscrimination Officer will be a person with direct access to the Superintendent.

The Board directs the administration to implement internal complaint procedures for resolving complaints of discrimination under this policy and to provide adequate notice of the availability of such complaint procedures.

The Board directs the administration to provide notice of compliance with federal and state civil rights laws to all applicants for employment, employees, students, parents, and other interested persons, as appropriate.

The District will require all persons, agencies, vendors, contractors, and other persons and organizations doing business with or performing services for the District to subscribe to all applicable federal and state laws pertaining to contract compliance.

The Oyster River School District will respond promptly and effectively to allegations of discrimination, harassment, and retaliation. It will promptly conduct investigations and takes appropriate action, including, but not limited to, disciplinary action, against individuals found to have violated its policies, as well as providing appropriate remedies to complaints and the Oyster River community.

Legal Reference: Equal Employment Opportunities Act of 1972 (P.L. 92-261 amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e) et seq.)  
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (P.L. 88-352)  
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.)  
Equal Pay Act of 1963 (29 U.S.C. § 206)  
Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.); 34 CFR § 104.7, as amended  
Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as amended  
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)  
NH RSA 186:11; 354-A:7  
NH Code Admin. R. Ed. 303.01(i)

Cross Reference: ACAA/JBAA- Harassment and Sexual Harassment of Students  
ACAA-R/JBAA-R – Student Discrimination/Harassment and Title IX  
Sexual Harassment Complaint Procedures

<u>OYSTER RIVER COOPERATIVE SCHOOL BOARD</u>	<u>Policy Code: AC</u>
<u>Date of Adoption: February 13, 2009</u> <u>Review School Board First Read: March 13, 2013</u> <u>School Board Second Read/Adoption: April 3, 2013</u> <u>Returned to Policy for Review: July 9 &amp; July 23</u> <u>School Board First Read: August 19, 2020</u> <u>School Board Second Read/Adoption: September 2, 2020</u>	<u>Page 2 of 2</u> <u>Category: Recommended</u>

Cross References Cont'd

ACAB/GBAA - Harassment and Sexual Harassment of School Employees  
ACAB-R/GBAA-R – Employee Discrimination/Harassment and Title IX  
Sexual Harassment Complaint Procedures  
JICK – Bullying and Cyberbullying Pupil Safety and Violence Prevention  
JICK-R – Bullying/Cyberbullying Reporting Form  
JICK-R1 – Bullying Investigation Form

<b>OYSTER RIVER COOPERATIVE SCHOOL BOARD</b>	Policy Code: ACAA
Date of Adoption: February 13, 2008 Revised: March 18, 2009 Code and Title Change-Adopted School Board: May 2, 2012 Policy Committee Review: July 9 & July 23 School Board First Read: August 19, 2020 <u>School Board Second Read/Adoption: September 2, 2020</u>	Page 1 of 2

## **HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS**

Harassment of [Oyster River](#) students because of 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 is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

School employees, fellow students, volunteers, visitors to the schools, and other persons with whom students may interact in order to pursue or engage in education programs and activities, are required to refrain from such conduct.

Harassment and sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment and sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

### **A. Harassment**

Harassment includes, but is not limited to, verbal abuse and other offensive conduct based on of 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. Harassment that rises to the level of physical assault, battery and/or abuse and bullying behavior are also addressed Board Policies JICIA – Weapons, Violence and School Safety and JICK – Bullying.

### **B. Sexual Harassment**

Sexual harassment is addressed under federal and state laws/regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

#### **1. Title IX Sexual Harassment**

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district's education programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual's participation in unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive *and* objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or
- c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

#### **2. Other Forms of Sexual Harassment**

Some forms of sexual harassment may not meet the definition under Title IX (see paragraph 1, above) but is still prohibited under New Hampshire law.

<b>OYSTER RIVER COOPERATIVE SCHOOL BOARD</b>	Policy Code: ACAA
Date of Adoption: February 13, 2008 Revised: March 18, 2009 Code and Title Change-Adopted School Board: May 2, 2012 Policy Committee Review: July 9 & July 23 School Board First Read: August 19, 2020 School Board Second Read/Adoption: September 2, 2020	Page 2 of 2

The District defines non-Title IX “sexual harassment” as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:

- 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 affecting a student’s educational benefits; or
- c. Such conduct has the purpose and effect of substantially interfering with a student’s academic performance or creates an intimidating, hostile or offensive educational environment.

**C. Reports and Complaints of Harassment or Sexual Harassment**

All school employees are required to report possible incidents of harassment or sexual harassment involving students to the Title IX Coordinator. Failure to report such incidents may result in disciplinary action.

Students, parents/legal guardians and other individuals are strongly encouraged to report possible incidents of harassment or sexual harassment involving students to the Title IX Coordinator. The Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.

All reports and complaints of harassment or sexual harassment against students shall be addressed through the Student Unlawful Discrimination/Harassment and Title IX Sexual Harassment Procedures (ACAA-R).

Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107) Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7) Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106 Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault) Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence) Title VI of the Civil Rights Act of 1964 (42 USC § 2000d) NH RSA 186:11; 193:38; 193:39; 354-A NH Code Admin. R. Ed. 303.01(i) and (j)

Cross Reference: ACAA-R/JBAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures  
 AC – Nondiscrimination/Equal Opportunity and Affirmative Action  
 ACAD – Hazing  
 GBEB – Staff Conduct with Students  
 JFCK – Student Use of Cellular Telephones and Other Electronic Devices  
 JICIA – Weapons, Violence and School Safety  
 JICK - Bullying



OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: <del>JBAA-R</del> <u>ACAA-R</u>
Date of Adoption: February 13, 2008 Revised: March 18, 2009, October 16, 2019 Code and Title Change-Adopted School Board: May 2, 2012 <u>Policy Committee Review: 7/9 &amp; 7/23 SB 1<sup>st</sup> Read: 8/19/20</u> <u>School Board Second Read/Adoption: September 2, 2020</u>	Page 1 of 12

## **STUDENT DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

The Oyster River School 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/JBAA – 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:

**Catherine Plourde**  
Director of Student Services/Title IX Coordinator  
Oyster River Cooperative School District  
36 Coe Drive  
Durham, New Hampshire 03824  
(603) 868-5100  
[cplourde@orcsd.org](mailto:cplourde@orcsd.org)

### **Section 1. Definitions**

For purposes of these complaint procedures, the following definitions will be used. The 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.
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” means unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:



OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: <u>JBAA-R</u> <u>ACAA-R</u>
Date of Adoption: February 13, 2008 Revised: March 18, 2009, October 16, 2019 Code and Title Change-Adopted School Board: May 2, 2012 <u>Policy Committee Review: 7/9 &amp; 7/23 SB 1<sup>st</sup> Read: 8/19/20</u> <u>School Board Second Read/Adoption: September 2, 2020</u>	Page 2 of 12

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

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

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

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: <u>JBAA-R ACAA-R</u>
Date of Adoption: February 13, 2008 Revised: March 18, 2009, October 16, 2019 Code and Title Change-Adopted School Board: May 2, 2012 <u>Policy Committee Review: 7/9 &amp; 7/23 SB 1<sup>st</sup> Read: 8/19/20</u> <u>School Board Second Read/Adoption: September 2, 2020</u>	Page 3 of 12

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

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

This procedure should be used for any complaint of unlawful harassment or discrimination based on a protected category which does not involve Title IX sexual harassment under Section 3 below.

### **A. How to Make A Complaint**

1. School employees are required to promptly make a report to the Title IX Coordinator if they have reason to believe that a student has been discriminated against or harassed.
2. Students (and others) who believe that they, or another student has been harassed or discriminated against should report their concern promptly to the Title IX Coordinator, or to the building principal (who will report the matter to the Title IX Coordinator).
3. The individual making the report must provide basic information in writing concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation) to the Title IX Coordinator.
4. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, they are encouraged to discuss the matter with the Title IX Coordinator.
5. Individuals will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary action, up to and including discharge for employees, and expulsion for students.
6. Individuals are encouraged to utilize the school district's complaint procedure. However, individuals are hereby notified that they also have the right to report incidents of discrimination or harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Bldg. One, Concord, NH 03301 (telephone: (603) 271-2767; e-mail: [humanrights@nh.gov](mailto:humanrights@nh.gov)); and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111; email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)).

### **B. Complaint Handling and Investigation**

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

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: <u>JBAA-R ACAA-R</u>
Date of Adoption: February 13, 2008 Revised: March 18, 2009, October 16, 2019 Code and Title Change-Adopted School Board: May 2, 2012 <u>Policy Committee Review: 7/9 &amp; 7/23 SB 1<sup>st</sup> Read: 8/19/20</u> <u>School Board Second Read/Adoption: September 2, 2020</u>	Page 4 of 12

3. The Title IX Coordinator may implement supportive measures to a student to reduce the risk of further discrimination or harassment to a student while an investigation is pending. Examples of supportive measures include but are not limited to ordering no contact between the individuals involved or changing classes.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. 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.
5. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 30 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the Title IX Coordinator.

### **C. Findings and Subsequent Actions**

1. The Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the Title IX Coordinator, in consultation with the Superintendent shall:
  - i. Determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
  - ii. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JBAA-R ACAA-R
Date of Adoption: February 13, 2008 Revised: March 18, 2009, October 16, 2019 Code and Title Change-Adopted School Board: May 2, 2012 Policy Committee Review: 7/9 & 7/23 SB 1 <sup>st</sup> Read: 8/19/20 School Board Second Read/Adoption: September 2, 2020	Page 5 of 12

## D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

## E. Records

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

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

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

#### **A. How to Make A Report**

1. School employees who have reason to believe that a student has been subjected to sexual harassment is required to promptly make a report to the Title IX Coordinator.
2. Students, parents/legal guardians or other individuals who believe a student has been sexually harassed are encouraged to make a report to the Title IX Coordinator.
3. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
  - a. Supportive measures are individualized measures designed to ensure the student can continue to access educational programs and activities (such as requiring no contact between individuals or changing classes).
  - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
4. The school district cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.

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5. Individuals will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge for employees, or expulsion for students.
6. Any student (or their parent/legal guardian) who believes they have been the victim of sexual harassment is encouraged to utilize the school district's complaint procedure. However, students (and their parents/legal guardians) are hereby notified that they also have the right to report sexual harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Bldg. One, Concord, NH 03301 (telephone: (603) 271-2767; e-mail: [humanrights@nh.gov](mailto:humanrights@nh.gov)); and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111; email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)).
7. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

## **B. How to Make A Formal Complaint**

1. An alleged student victim and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation, etc.).

Students who need assistance in preparing a formal written complaint are encouraged to consult with the Title IX Coordinator.

2. In certain circumstances, the Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school district. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.
3. In accordance with the Title IX regulations, the Title IX Coordinator must dismiss a formal complaint if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; or b) if the conduct alleged did not occur within the scope of the school district's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the Title IX Coordinator may dismiss a formal complaint if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by or enrolled in the school district; or c) there are specific circumstances that prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint.
5. If a formal complaint is dismissed under this procedure, the Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.

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

### C. Emergency Removal or Administrative Leave

The Superintendent may remove a student from education programs and activities on an emergency basis, or place an employee on administrative leave during the complaint procedure:

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
2. The respondent (and in the case of a student, their parent/legal guardian) will be provided notice of the emergency removal or administrative leave and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency removal or administrative leave was unreasonable.
3. Any such decision shall be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

### D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice shall include:
  - Notice regarding the complaint procedure and the availability of an informal resolution process;
  - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days).
  - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint; and that the parties may inspect and review evidence;
  - Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
  - Notice that knowingly making false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action;
  - Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.

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3. The Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

### **E. Informal Resolution Process**

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

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

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

### **F. Investigation**

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and Title IX Coordinator. 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.
2. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school district, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
  - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
  - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.

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- c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
  - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
  - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
  - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school district does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
  - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
  - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
  - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review. The Parties may submit written responses to the report within ten business days of receipt.
  - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the school administrator designated by the Superintendent to serve as decision maker.
6. The investigation shall be concluded within 30 business days if practicable. Reasonable extension of time for good reason shall be allowed.

### **G. Determination of Responsibility**

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.
  - a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.



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4. The decision maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").
5. The decision maker shall issue a written determination, which shall include the following:
  - a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
  - b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
  - c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
  - d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant;
  - e. The school district's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school district provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

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

### **1. Remedies**

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

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

The following are examples of the types of discipline and other actions that may be imposed on a student determined to be responsible for one or more violations involving sexual harassment:

- In or out of school suspension.
- Expulsion.
- Restorative justice.
- Requirement to engage in education or counseling program.

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### 3. Discipline and Other Actions – Employees

The following are examples of the types of disciplinary actions that may be imposed on an employee determined to be responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

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

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

#### I. Appeals

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

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall notify the other party in writing of the appeal and will allow both parties to submit a written statement in support of, or challenging, the determination of the decision maker.

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3. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school district officials in making their decision.
4. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary or other action(s).

## J. Records

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

Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107) Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)  
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106 Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)  
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)  
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)  
RSA 186:11; 193:38-39; and 354-A  
NH Code Admin. R. Ed. 303.01(i) and (j)

Cross Reference: ACAA/JBAA – Harassment and Sexual Harassment of Students  
AC – Nondiscrimination/Equal Opportunity and Human Rights  
ACAD – Hazing  
GBEB – Staff Conduct with Students  
JFCK – Student Use of Cellular Telephones and Other Electronic Devices  
JICIA – Weapons, Violence and School Safety  
JICK – Bullying

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## **HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES**

Harassment of [Oyster River](#) school employees because of race, creed, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, marital status, familial status, genetic information or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

Any employee who engages in harassment or sexual harassment shall be subject to disciplinary action, up to and including discharge.

### **A. Harassment**

Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, genetic information or disability.

### **B. Sexual Harassment**

Sexual harassment is addressed under federal and state laws and regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

#### **1. Title IX Sexual Harassment**

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit's education programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or
- c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

#### **2. Sexual Harassment Under Title VII and New Hampshire Law**

Under another federal law, Title VII, and under New Hampshire law/regulations, sexual harassment is defined differently. New Hampshire State law defines sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal, or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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### C. Reports and Complaints of Harassment or Sexual Harassment

Any employee who believes they have been harassed or sexually harassed is encouraged to make a report to the Human Rights Officer/Title IX Coordinator. The Human Rights Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment or sexual harassment has occurred.

All reports and complaints regarding harassment or sexual harassment of employees shall be addressed through the Employee & Third-Party Unlawful Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R/GBAA-R).

Legal References: Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106  
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)  
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault;  
34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking;  
34 U.S.C. §12291(a)(8) – definition of domestic violence)  
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)  
Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended  
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended  
Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)  
Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)  
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)  
RSA 354-A:7  
NH Code Admin. R. Ed. 303.01(i) and (j)

Cross Reference: ACAB-R/GBAA-R - Employee & Third-Party Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedure  
AC - Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAD - Hazing

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## **EMPLOYEE DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

The Oyster River School Board has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints of discrimination and harassment, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and ACAB/GBAA – Harassment and Sexual Harassment of School Employees.

The complaint procedure in Section 2 may also be used, to the extent applicable, by visitors, including parents, volunteers and others having lawful access to the schools who wish to make a complaint of discrimination or harassment.

Complaints alleging harassment or discrimination against students based on a protected category should be addressed through the Board’s Student Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedures (ACAA-R).

Any individual who is unsure about whether discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact:

**Catherine Plourde**  
 Director of Student Services/Title IX Coordinator  
 Oyster River Cooperative School District  
 36 Coe Drive  
 Durham, New Hampshire 03824  
 (603) 868-5100  
[cplourde@orcsd.org](mailto:cplourde@orcsd.org)

### **Section 1. Definitions**

For purposes of these complaint procedures, the following definitions will be used. The 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 employees, includes race, creed, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, marital status, familial status, genetic information or disability.
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.

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4. "Sexual harassment" under New Hampshire law means unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal, or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
  - d. "Sexual orientation": Under New Hampshire law, this means "having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality."
  - e. "Gender identity": Under New Hampshire law, this means "a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth." This does not include sexual harassment as defined in the Title IX regulations (see Section 1.B).
  - f. "Complaint" is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability (and in regard to sex, conduct not otherwise addressed in the Title IX regulations and Section 3 of ACAB-R).
  - g. "Employee": Whenever the term "employee" is used in Section 2, it includes visitors or others who have a lawful basis to make a complaint of discrimination or harassment.

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

1. "Title IX sexual harassment": Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school district's education programs and activities:
  - a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
  - b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school district's education programs and activities; or
  - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. "Report": Under the Title IX regulations, any individual may make a report of sexual harassment involving an employee, whether the individual is the alleged victim or not. A report must be made to the Title IX Coordinator. A report triggers certain actions by the Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a "Formal Complaint" is filed.

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3. "Formal Complaint": Under Title IX, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAB-R. Only a school employee (and in certain circumstances, the Title IX Coordinator) may file a formal complaint.
4. "Employee": For the purpose of this procedure, "employee" means an applicant for employment or a current employee of the school district.

## **Section 2. Discrimination/Harassment Complaint Procedure**

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

### **A. How to Make A Complaint**

1. An employee who believes they have been unlawfully harassed or discriminated against (as such terms are defined in Section 1.A.1-3) is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive, and requesting that the behavior stop. This shall not prevent the employee from making an immediate complaint to the Title IX Coordinator.
2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the Title IX Coordinator. A written complaint must include basic information concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation).
3. Employees who are unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss the matter with the Title IX Coordinator.
4. Employees will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary measures, up to and including discharge.
5. Any employee who believes they have been discriminated against or harassed is encouraged to utilize the school 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 for Human Rights, 2 Industrial Park Drive, Bldg. One, Concord, NH 03301 (telephone: (603) 271-2767; e-mail: [humanrights@nh.gov](mailto:humanrights@nh.gov)); and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111; email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)).

### **B. Complaint Handling and Investigation**

1. The Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process



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and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.

3. The Title IX Coordinator may implement supportive measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved; changing a work location or changing a work schedule.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Title IX Coordinator. 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.
5. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 30 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the Title IX Coordinator.

### **C. Findings and Subsequent Actions**

1. The Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the Title IX Coordinator, in consultation with the Superintendent:
  - a. Shall determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and

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- b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

#### **D. Appeals**

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

#### **E. Records**

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

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

This section should be used only for complaints of Title IX sexual harassment as defined in Section 1.B.1.

#### **A. How to Make A Report**

1. Any individual who believes an employee has been sexually harassed (as this term is defined in Section 1.B.1) may make a report to the Title IX Coordinator.
2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
  - a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (such as requiring no contact between individuals, temporarily moving work locations or changing schedules, etc.).
  - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
3. The school district cannot provide an informal resolution process for resolving a report until a formal complaint is filed.

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4. Employees will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge.
5. Any employee who believes they have been the victim of sexual harassment is encouraged to utilize the school district's complaint procedures. However, employees are hereby notified that they also have the right to report sexual harassment to the New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Bldg. One, Concord, NH 03301 (telephone: (603) 271-2767; e-mail: [humanrights@nh.gov](mailto:humanrights@nh.gov)); and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111; email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)).
6. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

## **B. How to Make A Formal Complaint**

1. An alleged victim may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who alleged engaged in sexual harassment, description of allegation).

Employees who need assistance in preparing a formal written complaint, are encouraged to consult with the Title IX Coordinator.

2. In certain circumstances, the Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school district). In such cases, the alleged victim is not a party to the case but will receive notices as required by the Title IX regulations at specific points in the complaint process.
3. In accordance with the Title IX regulations, the Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; b) if the conduct alleged did not occur within the scope of the school district's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by the school district; or c) there are specific circumstances that prevent the school district from gathering evidence sufficient to reach a determination regarding the formal complaint.
5. If a formal complaint is dismissed under this Title IX procedure, the Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.
6. If the conduct alleged potentially violates other laws, Board policies and/or professional expectations, the school district may address the conduct under Section 2 or another applicable policy/procedure.

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### C. Administrative Leave

The Superintendent may place a respondent on administrative leave during the complaint procedure:

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
2. The respondent will be provided notice of the administrative leave and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency leave was unreasonable.
3. Any such decision to place an employee on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

### D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:
  - Notice regarding the complaint procedure and the availability of an informal resolution process;
  - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days);
  - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
  - Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
  - Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and
  - Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

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### **E. Informal Resolution Process**

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

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

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

### **F. Investigation**

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and Title IX Coordinator. 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.
2. The investigator shall consult with the Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school district, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
  - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
  - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
  - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.

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- d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
  - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
  - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school district does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
  - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
  - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
  - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
  - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the school administrator designated by the Superintendent to serve as decision maker.
6. The investigation shall be concluded within 30 business days if practicable. Reasonable extension of time for good reason shall be allowed.

### **G. Determination of Responsibility**

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.
  - a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The decision maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").

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5. The decision maker shall issue a written determination, which shall include the following:
  - a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
  - b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
  - c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
  - d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant;
  - e. The school district's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school district provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

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

### **1. Remedies**

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

### **2. Discipline and Other Actions**

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

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

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

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

## I. Appeals

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

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.
2. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school district officials in making their decision.
3. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary action(s).

## J. Records

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

Legal References: Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106  
 Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)  
 Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)



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Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)  
Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended  
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended  
Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)  
Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)  
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)  
RSA 186:11; and 354-A  
NH Code Admin. R. Ed. 303.01(i) and (j)

Cross Reference: AC – Nondiscrimination/Equal Opportunity  
ACAB/GBAA – Harassment and Sexual Harassment of School Employees

Policy Committee Remote Meeting Minutes

Thursday, July 23, 2020 @ 12:00 noon

Attendees: Denise Day, Dan Klein, James Morse, Kenny Rotner, Catherine Plourde, Wendy DiFruscio

Visitors: Attorney Allan Kropp – Drummond Woodsum

Dr. Morse opened the meeting by explaining that once again we have invited Attorney Allan Kropp to this meeting to continue reviewing the policies and procedures surrounding the Title XI legislative changes at the Federal level, that the District will need to adopt prior to the August 2020 deadline, and that Catherine Plourde will be joining in on this meeting as well.

The following policies and procedures are being reviewed: AC – Nondiscrimination/Equal Opportunity, ACAA – Harassment and Sexual Harassment of Students, ACCA-R – Student Discrimination/Harassment and Title XI Sexual Harassment Complaint procedure, ACAB – Harassment and Sexual Harassment of School Employees, and ACAB-R – Employee Discrimination/Harassment and Title XI Sexual Harassment complaint procedure.

Atty Allan Kropp began by explaining that he has provided the District specific policies that were requested by Superintendent Morse. He explained that the committee needs to be working from the second set of documents that were sent yesterday.

Policy AC – Nondiscrimination/Equal Opportunity is very similar to the existing policy that the District currently has and explained that this is the general notice policy. There were no questions on this policy.

Policy ACAA – Harassment and Sexual Harassment of Students is a broad-based policy that goes into effect for the 2020-21 school year. Atty Kropp reiterated the differences in this policy between the State and Federal requirements. He also pointed out a difference from the prior version which was the definition and steps needed to be taken for the category of “Other Forms of Sexual Harassment.”

Catherine Plourde asked Atty. Kropp if the Policy JICK – Bullying could be reviewed again against the new regulations to make certain that the District is in compliance, as we refer to this policy frequently.

Atty. Kropp stated that he could do that. He also explained to the committee that Policy AC and ACAA are Board policies that require Board approval and they also direct, if needed, the Superintendent to develop a procedure. Typically, procedures are not Board approved.

Jim explained that in the past the Wellness Policy was mandated by Federal requirements that needed the procedure to be approved along with the policy. Policies/Procedures ACAA&R and ACAB&R will also fall under this category.

Procedure ACAA-R – Harassment and Sexual Harassment of Students Procedure – Atty Kropp reviewed again with the committee the three sections to this procedure: Section 1 – Definitions, Section 2 – Unlawful Discrimination/Harassment Complaint Procedure, and Section 3 – Title IX Sexual Harassment Complaint Procedure. The committee asked clarifying questions pertaining to the different roles especially the decision maker and if this person has been determined yet. The training of individuals at the District level, the timelines involved in an investigation. The complaint process and who is responsible, the handling of the investigation and the findings and subsequent actions that need to be followed. The language surrounding emergency removal and administrative leave and requesting additional language be added to the procedure. The guidelines that need to be followed by the Title IX Coordinator for all parties involved in the investigations. The options that the District has if an investigation does not fall under Title IX.

Atty Kropp stated that the remaining two policies are very similar but are adapted to employees and their employment.

Jim asked if we needed to be the first to adopt these new guidelines and asked Catherine what her thoughts were. Catherine and Atty. Kropp felt that we should follow through with adopting as soon as they are ready. Jim asked Atty. Kropp if he would be willing to come to the August 19 Board meeting to present these policies and subsequent procedures and that he would discuss with the Board Chairs. He agreed.

Additional discussion ensued. Jim thanked Atty. Kropp and Catherine.

No additional questions or comments. Meeting ended at 1:05 PM – Next meeting: September 10, 2020.

Respectfully submitted,  
Wendy L. DiFruscio