



Mount Prospect Academy, Inc.

**Parent and Student Handbook**

**2025-2026**

# TABLE OF CONTENTS

Mount Prospect Academy Inc. “A Learning Community” President’s Message	Page 5
Admissions	Page 5
Health Services	Page 5
School Contacts and Operations	Page 6
School Contact Information	Page 6
Operation	Page 6
Daily Schedule	Page 7
Morning Arrival	Page 9
Afternoon Dismissal	Page 9
School Calendar	Page 10
School Closing/Delays	Page 10
Classroom Assignments	Page 10
Academic Courses, Grading and Reporting	Page 10
Student Assessments	Page 11
School Conduct and Guidelines	Page 11
Attendance Policy	Page 11
Dress Code	Page 12
Contraband	Page 12
Transportation Protocol	Page 13
Student Council	Page 13
Strength-Based Behavior Tracking System	Page 13
School Store	Page 13

Capture of Audio Recording on School Vehicles	Page 14
Use of Video or Audio Recording in Student Discipline Matters	Page 14
Student Support Services	Page 14
Behavioral and Academic Support Plans	Page 14
Grievance Policy	Page 14
Computer Use	Page 15
ARC Trauma Informed Approach	Page 15
Attachment	Page 15
Regulation	Page 16
Competency	Page 16
Inclusive Environment	Page 16
Crisis Help	Page 16
School Safety	Page 17
Emergency Preparedness	Page 17
Security Cameras	Page 17
Student Searches	Page 17
Additional Information	Page 17
Food Services	Page 17
Field Trips/Off Campus Programming	Page 17
Photo Waiver	Page 18
Regulations	Page 18
Anti-Discrimination Statement	Page 18
Reporting, Accommodation & Compliance	Page 19
Equal Opportunity	Page 19

Mandatory Reporting	Page 20
Pupil Harassment/Bullying	Page 20
Cyber Bullying	Page 21
FERPA	Page 21
Appendix A - Academic Grievance Procedure / Educator Misconduct	Page 22
Appendix B - Academic Student Safety & Violence Prevention Discrim. and Bullying	Page 29
Appendix C – Academic TCI & Physical Restraint	Page 42
Appendix D – Photo/Video Release & Waiver Form	Page 52
Appendix E – Notification of Rights under FERPA	Page 55
Appendix F – Title IX Sexual Harassment	Page 57

# Mount Prospect Academy, Inc: “A Learning Community”

## President’s Message:

Mount Prospect Academy, Inc's mission is to provide caring, safe, therapeutic environments where students and their families are engaged and have opportunities to gain experience and acquire skills needed to reach their educational and social potential. We aim to develop trusting relationships with students and their families to facilitate experiences that promote their ability to develop feelings of safety, confidence, and competence.

Mount Prospect Academy, Inc's model is to treat and educate based on student and family needs, in home, in communities, in school settings. MP, Inc. has crafted numerous settings; academic and residential and community based, to support a diverse range of student needs.

Mount Prospect Academy, Inc. offers a safe, supportive, and structured environment with academic, experiential, therapeutic, and an extended school year program. The goal of the program is to provide students with success-orientated experiences to increase their self-esteem and self-confidence while providing engaging learning opportunities. Our mission is "To Prepare Students for Business of Life".

Mount Prospect Academy, Inc. offers an array of support to our students and families with the goal of helping the students to achieve their Academic and Character Development goals. These supports are designed to assist the students and family and sending schools to collaborate with the child's educational goals in focus. Mount Prospect Academy, Inc. views parents/guardians as an important and active part of the educational team and we work closely with the sending schools and parents to ensure the successful placement of all students who are referred.

## Admissions

Admissions policies are available upon request. Student Immunizations are to be submitted with their intake packet.

## Health Services

Health Services are provided on campus. The school nurse is available every day for the hours of 8:30 AM to 2:30 PM. Student medications prescribed or non-prescribed are kept in the nursing office. Medications must be distributed to students by the school nurse. Any prescription medication must have the Medical Authorization form signed by parents and a copy of the Doctor's Orders. We cannot give students medication without this documentation.

## School Contacts and Operations:

### Contact Information:

The main contact number for school is: 603-536-1102

Faculty Name	Position	E-mail
Jessie Superchi	Principal	<a href="mailto:Jessie.superchi@mpa.us">Jessie.superchi@mpa.us</a>
Michael Sullivan	Principal	<a href="mailto:michael.sullivan@mpa.us">michael.sullivan@mpa.us</a>
Carl Chambers	Principal	<a href="mailto:carl.chambers@mpa.us">carl.chambers@mpa.us</a>
Matthew Hanson	Dean of Students/Assistant Principal	<a href="mailto:matthew.hanson@mpa.us">matthew.hanson@mpa.us</a>
Dewitt Lightsey		<a href="mailto:dewitt.lightsey@mpa.us">dewitt.lightsey@mpa.us</a>
Jerod Florentine		<a href="mailto:jerod.florentine@mpa.us">jerod.florentine@mpa.us</a>
Daniel Carbee		<a href="mailto:daniel.carbee@mpa.us">daniel.carbee@mpa.us</a>

### Operation:

Mount Prospect Academy, Inc. is open from 8:30 AM -2:30 PM. All transports of students should arrive no earlier than 8:15 AM. Mount Prospect Academy, Inc. communicates critical information to families including school closings, delays, school events, drills and emergency information. Families are requested to keep current phone numbers and emergency contact information on file with the main office to ensure notifications are being received. Mount Prospect Academy, Inc. has transitioned to PowerSchool for the 2025-2026 school year and will be utilizing their School Messenger system.

## Daily Schedules: KLLL Campus, Plymouth Campus, Pike Campus

KLLC 2025-2026– updated November 2025						
Time	Juliana’s Room (1)	Darren R’s Room (2)	Corey’s Room (3)	Life On Purpose -Ally Eu	Outdoor Ed -Jack B	SEL- Emily & Robert
8:30-8:40 Breakfast & Morning Meeting	Juliana O	Darren R	Corey & Breakfast To Go		To Go	Front Lobby Welcome
8:40-9:20 BLOCK 1	Art – Juliana O	Social Studies w/Zac A Darren Prep	Classroom 3 - Science		8:30-9:15 Ally Eu CLIMB Jack Prep Period	Emily & Robert meeting with students
9:20-10:00 BLOCK 2	Classroom 3 Social Studies – Zac A	CLIMB – Darren R & ACMs	Classroom 1 - Science	Ally Eu in Classroom 2	OE Morning	
10:00-10:15 Break	BREAK	BREAK	BREAK	BREAK		
10:15-10:55 BLOCK 3	Family & Consumer Science – Ally Eu & Zac A	Classroom 3 – English Darren R	Classroom 2 - Science	Ally Eu in Classroom 1		
10:55- 11:55 BLOCK 4	English Darren R	Art w/ Juliana	CLIMB – Darren & ACM’s	Ally Eu in Classroom 3		
11:15-11:35 LUNCH 1		Experiential Wing LUNCH 1				
11:35-11:55 LUNCH 2	LUNCH 2	English – Darren R	Corey Prep		Jack- OE Afternoon	Supporting Lunch and Transitions & meetings if necessary Emily & Robert meeting with students
11:55-12:20 LUNCH 3	CLIMB – Juliana O & ACMs	LUNCH 3	Family & Consumer Science – Ally Eu	Student-focused goals in IEP		
11:55-12:35 BLOCK 5						
12:35-1:05 BLOCK 6	Health/PE – Juliana	Math – Katie L	Health/PE- Corey T			
1:05-1:50p BLOCK 7	Math – Katie L	Family & Consumer Science – Ally Eu & Darren R	Art - Juliana			
1:50-2:30p School Store						
1:50-2:30 Elective Block	Social Studies w/Zac	Health/PE – Darren R	Math – Katie L	School Store		
2:30p p.m. Dismissal for all Students						

# MPA Plymouth 2024-2025 Academic Class Schedule

	Legacy (Emma)	Warren		SUMMIT Ply #1 & 1.5		CAST Ply #2 & Lib.		Rumney		ERT/STEP	
<b>X</b>	Morning Meeting	8:30-8:45	Morning Meeting (MPA news)	8:30-8:45	Morning Meeting (MPA News)	8:30-8:45	Morning Meeting (MPA news)	8:30-8:45	Morning Meeting (MPA news)	8:30-8:45	Morning Meeting (MPA news)
<b>X</b>		1 <sup>st</sup> 8:45-9:25	MATH KATIE L	1 <sup>st</sup> 8:45-9:25	SS MOLLY E.	1 <sup>st</sup> 8:45-9:25	SCIENCE ELEXIS	1 <sup>st</sup> 8:45-9:25	ENGLISH Derek P	1 <sup>st</sup> 8:45-9:10	MATH KATIE L
<b>X</b>		2 <sup>nd</sup> 9:25-10:05	ELA DEREK P.	9:25-9:40	Break	9:25-9:40	Break	2 <sup>nd</sup> 9:25-10:05	SS MOLLY E.	2 <sup>nd</sup> 9:25-10:05	ELA DEREK P.
<b>X</b>		3 <sup>rd</sup> 10:05-10:45	SS MOLLY E.	2 <sup>nd</sup> 9:40-10:20	SCIENCE ELEXIS	2 <sup>nd</sup> 9:40-10:20	MATH KATIE L.	3 <sup>rd</sup> 10:05-10:20	Break	3 <sup>rd</sup> 10:05-10:45	SS MOLLY E.
<b>X</b>		10:45-11:00	BREAK	3 <sup>rd</sup> 10:20-11:00	MATH KATIE L	3 <sup>rd</sup> 10:20-11:00	ELA DEREK P.	3 <sup>rd</sup> 10:20-11:00	SCIENCE ELEXIS	10:45-11:00	BREAK
<b>X</b>		4 <sup>th</sup> 11:00-11:40	SCIENCE ELEXIS	4 <sup>th</sup> 11:00-11:40	ELA DEREK	4 <sup>th</sup> 11:00-11:40	SS MOLLY	4 <sup>th</sup> 11:00-11:40	MATH KATIE	4 <sup>th</sup> 11:00-11:40	SCIENCE ELEXIS
DEREK MOLLY		1 <sup>st</sup> Lunch 11:40-12:10	LUNCH	11:40-12:10	FCS SARAH	11:40-12:10	FCS LILLY	1 <sup>st</sup> Lunch 11:40-12:10	LUNCH	1 <sup>st</sup> Lunch 11:40-12:10	LUNCH
ELEXIS KATIE		12:10-12:40	FCS BIAGIO	12:10-12:40	2 <sup>nd</sup> LUNCH	12:10-12:40	2 <sup>nd</sup> LUNCH	12:10-12:40	FCS MEAGAN N.	12:10-12:40	FCS MEGAN B
<b>X</b>		6 <sup>th</sup> 12:45-1:45	SEMINAR	6 <sup>th</sup> 12:45-1:45	SEMINAR	6 <sup>th</sup> 12:45-1:45	SEMINAR	6 <sup>th</sup> 12:45-1:45	SEMINAR	6 <sup>th</sup> 12:45-1:45	SEMINAR
<b>X</b>		7 <sup>th</sup> 1:45-2:20	WIN (WHAT I NEED)	7 <sup>th</sup> 1:45-2:20	WIN (WHAT I NEED)	7 <sup>th</sup> 1:45-2:20	WIN (WHAT I NEED)	7 <sup>th</sup> 1:45-2:20	WIN (WHAT I NEED)	7 <sup>th</sup> 1:45-2:20	WIN (WHAT I NEED)
<b>X</b>		2:30-2:45	Afternoon Meeting (faculty)	2:30-2:45	Afternoon Meeting (faculty)	2:30-2:45	Afternoon Meeting (faculty)	2:30-2:45	Afternoon Meeting (faculty)		



MPA-Pike Academic Schedule 2025-26 (as of July 1, 2025)									
Period and Cohort	Monday through Friday								
	HF 1	HF 2		Blake	Prep & Prof. Periods				
[1] 8:30-9:30	Math-Will w/Hayley TA & Nick ACM Support	HUM-Carter w/Nate CL & Nick ACM Support		Sci-Emily w/Kayla CL & Nick ACM Support					
[2] 9:30-10:30	Sci-Emily w/Hayley TA & Nick ACM Support	Math-Will w/Nate TA & Nick ACM Support		HUM-Carter w/Kayla TA & Nick ACM Support					
[3] 10:30-11:30	HUM-Carter w/Hayley TA & Nick ACM Support	Sci-Emily w/Nate CL & Nick ACM Support		Math-Will w/Kayla TA & Nick ACM Support					
[4] Lunch & Advisory 11:30-12:15	Lunch w/Haylee	Adv. w/Nate		Adv. w/Kayla					
	Adv. w/Haylee	Lunch w/Nate		Lunch w/Kayla					
[5] 12:15-1:00	Con Sci -Will w/Hayley & Nick ACM Support	Con Sci - Carter w/Nate & Nick ACM Support		Con Sci - Emily w/Kayla CL & Nick ACM Support					
[6] 1:00-1:45	Will/Hayley - Enrichment	Cater/Nate - Enrichment		Emily /Kayla- Enrichment					
[7] 1:45-2:30	Hayley - Enrichment w/Nick ACM Support	Nate - Enrichment w/Nick ACM Support		Kayla - Enrichment w/Nick ACM Support	Carter, Will, and Emily				

MPA-Pike Academic Experiential Sites and Elective Class Schedule 2024-25									
Site	Exp. Sites	Exp. Teacher	# Students per day	Location	Section	Electives	Teacher	# Students per class	Location
1	NYPUM	PJ	3/NA 3:1 ratio	CDC	1	Enrichment Science	Emily & TA	3 to 6	HF 2
2	Outdoor Ed	Zac	3 and 3* 3:1 ratio	Moody Barn	2	Erichment Humanities	Carter & TA	3 to 6	Warren 1
3	Ani Sci 1	Amy	3 and 3* 3:1 ratio	Pike Farm	3	Erichment Tech/Math	Will & TA	3 to 6	HF 1
4	Ani Sci 2	Eric w/Dakota	3 and 3* 3:1 ratio	Pike Farm	4	Transitions & Careers	Guy	3 to 6	Warren 2
6	Adv. Science	Erin*	3 and 3* 3:1 ratio	RSH	5	Erichment Art/PE	Kayla & YC	3 to 6	Blake
7	Sch to Wk	Guy	TBD	Job sites and class	6	Cons. Sci	Nick and Teachers	3 to 6	Classes

### Morning Arrival:

All transport arrives no earlier than 8:15 AM and students will be dropped off at the designated area. They will then be provided with breakfast.

School day begins at 8:30. Although students will not be searched at the beginning of the school day, unless there has been an incident where the student was found to have contraband, faculty retain the right to search a student's belongings and person if deemed necessary in accordance with MPA policies and procedures. Students are encouraged to bring only necessary items to school, as MPA is not responsible for any lost or stolen items that are brought on campus (i.e. cellphones, mp3 players, Magic Cards, etc.).

### Afternoon Dismissal:

Students on campus will remain in their classroom until their transport arrives and are called out. When called, students are to proceed directly to their transport. School ends at 2:30 PM.

**School Calendar:**

All students will follow the school calendar provided to them upon intake. Mount Prospect Academy, Inc. operates on a year-round 220-day calendar.

**School Closings/Delays:**

Mount Prospect Academy, Inc. follows the same school inclement weather cancellations, late arrivals, and early release as the SAU 48 School District. If the local SAU cancels or delays for the day, school will be on a 1 hour delayed start.

**Classroom Assignments:**

Students are assigned to classrooms by the program they attend. Students are supported by a team of teachers and support faculty. These teams work closely together to create a safe and positive learning environment. Students will be assigned to groups within the classrooms that best fit their academic needs.

**Academic Courses, Grading and Reporting:**

All students follow the general education curriculum standards of their designated grade level as defined by the New Hampshire Department of Education. Mount Prospect Academy, Inc. has an approved Program of Studies outlining all courses that are required to be offered as defined by the New Hampshire Department of Education. Students are enrolled in the appropriate academic classes as determined by sending school district's graduation requirements and Mount Prospect Academy's recommendations. Mount Prospect Academy, Inc. also provides opportunities that include a competency-based model of credit recovery.

Students, parents, sending school districts, and other outside agencies will receive quarterly report cards delineating student progress towards goals and objectives. Honor roll is awarded for students who earn letter grades of B or higher and effort grades of satisfactory or higher on their quarterly report card.

Mount Prospect Academy Inc.'s grading scale and GPA are as follows:

Grade	Score	GPA
A+	97-100	4.33
A	93-96	4
A-	90-92	3.67
B+	87-89	3.33
B	83-86	3
B-	80-82	2.67
C+	77-79	2.33
C	73-76	2

C-	70-72	1.67
D+	67-69	1.33
D	63-66	1
D-	60-62	0.67
F	Below 60	0
P	Pass	N/A
NC	No Credit	N/A
INC	Incomplete	N/A

### **Student Assessments:**

Throughout the academic school year, students will be required to participate in a variety of assessments and evaluations. The purpose of these assessments is to provide the academic team knowledge and insight into each student's strengths and areas in need of improvement. All academic information and Mount Prospect Academy, Inc. recommendations for high school credits will be communicated to each student's sending school district's academic team.

## **School Conduct and Guidelines**

Faculty, families and students must collectively work together in ways that provide and support a respectful, safe, and productive school environment. Open and respectful communication, working cooperatively, accepting responsibility for our actions, and displaying empathy towards others and their rights are crucial to the success of Mount Prospect Academy, Inc. and its' students.

### **Attendance Policy:**

In accordance with NH RSA 193.1 and 193.2, students are expected to attend all scheduled school days to progress academically and develop the skills they will need in the future. It is understood that on occasion, due to illness, family emergencies, meetings, or court dates, it will be necessary for a student to be absent from school. All planned absences need to be requested from the Academic Case Manager two weeks prior to the planned absence.

### New Hampshire State Law:

#### ***RSA 193:1 Duty of Parent; Compulsory Attendance by Pupil. –***

*1. A parent of any child at least 6 years of age and under 18 years of age shall cause such child to attend the public school to which the child is assigned in the child's resident district. Such child shall attend full time when such school is in session unless:*

*(a) The child is attending a New Hampshire public school outside the district to which the child is assigned or an approved New Hampshire private school for the same time.*

*(d) The child is attending a public or private school located in another state which has been approved by the state education agency of the state in which the school is located, or is attending a nonsectarian private school located in New Hampshire that is approved as a school tuition program by the school board pursuant to RSA 193:3, VII;*

**Dress Code:**

- Students will wear appropriate fitting clothing to school.
- Pants will be pulled up to the waistline and belts will be worn as needed.
- Doo rags and bandanas will not be worn in the school building.
- Shirts with obscene logos, offensive material, drug, alcohol and cigarette logos will not be allowed
- Hats showing inappropriate material will be considered contraband
- Students are required to wear shoes, and sandals, if worn, must be worn with socks. No steel toe boots are allowed. Sandals will not be worn at Experiential sites.
- Sleeveless/midriff shirts are not allowed at school, this includes the following not being allowed: muscle shirts, tank tops, shirts without sleeves, shirts that show the midsection.
- Pajamas are not allowed in school
- Dress code violations are subject to a loss of points. A student not adhering to the dress code will earn 0's in the safe behavior column while not in compliance.

**Contraband:**

The following items will be defined as contraband and are NOT allowed on school grounds:

- Tobacco or tobacco products of any type, including e-cigs, vapes and any similar item.
- Lighters, matches or other ignition sources
- Any pornographic material
- Food, drinks, candy, or gum not purchased from the school store or from morning snack (10:00am). Gum plans do not pertain to school. As water bubblers are located on each floor of the school, water bottles will not be provided to students. Students may use their own water bottle as needed. • Energy drinks
- Electronic devices of any type including, but not limited to: Cell phones, IPODs, Gameboys, CD players. This is a partial list and will be updated as necessary. Students who have earned cell phone plans will be expected to follow their plans, which will include no possession or usage of the phone while on campus during the academic day. MP3 players are allowed in school, but students are expected to follow policy.
- Playing cards, Magic Cards
- Weapons, knives, chains, any sharp objects or "homemade" weapons • Skateboards and similar items (Rip sticks, unicycles, bikes etc.)
- Money (Students may be in possession of one dollar).
- Blankets and pillows
- Basketballs, if brought to school, must be secured by faculty until needed.
- Students in possession of contraband will earn 0's on their skill sheet in the "utilizes appropriate coping skills" block.

- Students in use of contraband will earn 0's for each block while in use.

**Transportation Protocol:**

All students need to demonstrate appropriate behavior while being transported using Mount Prospect Academy, Inc. vehicles.

**Student Council:**

The purpose of the student council is to empower students to find new ways to fulfill their identified needs within Mount Prospect Academy Inc's learning community, to create a positive relationship with their peers and faculty, discuss issues and concerns appropriately in a formal setting, and to display ownership in the decision-making process. Student council meets weekly and all students with a desire to promote positive change are encouraged to attend.

**Strength-Based Behavior Tracking System:**

Every day each student may earn 28 points by the end of the school day. These points are based on the student attending their assigned class, completing their assignments demonstrating safe behavior, and using their identified coping skills. The student's behavior is assessed using the operational definitions, every block, by the classroom teacher and any other adult faculty member the student may interact with within that timeframe. Mount Prospect Academy, Inc. does not use seclusion as a behavior management practice and only uses physical management strategies when student safety is an issue. (See Appendix C - Therapeutic Crisis Intervention: Use of Physical Managements/Child Restraint Practices).

**School Store:**

The school store is a privilege and not a right. To earn use of the school store, students are expected to maintain acceptable behavior as defined by the operational definitions. Students who are on Red due to demonstrating unsafe behavior, will forfeit their privilege of using the store on that day. Students may only use the school store on their designated academic day. If a student gives or lends an item from the store to a peer, both students will forfeit the use of the store on their next designated academic day. School dollars are awarded to students who demonstrate positive classroom behavior throughout the day. Students may also earn school dollars for volunteering to complete a task that is outside the classroom experience. School dollars are then used to purchase items from the school store on the student's designated academic day. Pro Socials that have been awarded to a student demonstrating positive behavior can also be used at the school store. Students turning in a Pro Social draw a ticket out of a container and are awarded the item listed on the ticket. These are larger items than items sold regularly in the school store. Only one Pro-Social per designated academic day may be redeemed per student.

**Capture of Audio Recordings on School Vehicles:**

MPA vehicles are equipped with audio and video recording equipment. As a standard practice, video recording is always activated while the vehicles are in operation/being used. Pursuant to New Hampshire RSA 570-A:2, notice is hereby given that the MPA may authorize audio recordings to be made in conjunction with video recordings of the interior of school vehicles while students are being transported to and from school or school activities. The Head of Schools shall ensure that there is a sign informing the occupants of school vehicles that such recordings are occurring.

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. If an audio or video recording does become part of a student's education record, the provisions of MPA policies on student records shall apply.

**Use of Video or Audio Recordings in Student Discipline Matters:**

MPA reserves the right to use audio and/or video recording devices on MPA property (including school vehicles) to ensure the health, safety, and welfare of all faculty, students, and visitors. The placement and location of such devices will be established according to the MPA policy. If a parent or legal guardians wishes to know if such devices are in use in an academic building, they can reach out to the principal/academic director. Parents and legal guardians should presume video surveillance is occurring.

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. If an audio or video recording does become part of a student's education record, the provisions of MPA policies on student records shall apply.

## Student Support Services

**Behavioral and Academic Support Plans:**

Any plan created is simply an “idea” until all team members expected to facilitate the plan have been consulted and agree to the terms of the plan. No changes to a student’s academic programming can be made without prior consulting with that student’s sending school district. If the student has been identified as needing special educational services, a Special Education Team Meeting will have to be scheduled to discuss the proposed plan.

**Grievance Policy (Appendix A- Academic Policy 033):**

A complete copy of the MPA Inc. Academic Grievance Policy is attached as Appendix A. Students and/or caregivers with a grievance, or who disagree with the consequence of a behavior may appropriately grieve their complaint after following set expectations defined by the Dean of Students or an assigned faculty member. Grievance forms will be supplied by faculty upon request. Appendix A includes a copy of the form that may be used. Students will

receive a response to their grievance within 48 hours.

A separate policy to report bullying and harassment is attached as Appendix B. The reporting is the same for both policies, students and caregivers can report any concerns at any time, to anyone. There is also a formal written procedure that students and families are encouraged to use.

**Computer Use:**

All students will have access to a Chromebook to use as needed throughout their regular education classrooms unless otherwise indicated per behavioral support plans. Students will be assigned an email to use to log into their Chromebook. Faculty will never provide students with access to the faculty's login information or log into a Chromebook using the faculty's assigned log, and then allow a student to use their account. Students who inappropriately use a Chromebook will be recommended for a computer restriction to be reviewed by the Dean of Students. All Chromebooks within the academic area will be logged into and monitored by faculty. All students will be provided with a copy of Mount Prospect Academy's computer policy, which will be explained to the student by faculty, after which the student will sign the student user agreement to acknowledge understanding of the agreement and show intended compliance with this agreement. Failure of the student to sign the student user agreement will result in a suspension of the student's Chromebook usage until such time as the student agrees to compliance.

**ARC Trauma Informed Approach:**

The Attachment, Regulation and Competency (ARC) Framework is a flexible, component-based intervention developed for children and adolescents who have experienced complex trauma, along with their caregiving systems. ARC's foundation is built upon four key areas of study: normative childhood development, traumatic stress, attachment, and risk and resilience. Drawing from these areas, ARC identifies important childhood skills and competencies which are routinely shown to be negatively affected by traumatic stress and by attachment disruptions, and which -when addressed- predict resilient outcomes.

ARC is designed as both an individual level clinical intervention, to be used in settings for youth and families, and as an organizational framework, to be used in service systems to support trauma-informed care.

ARC is organized around three primary domains of intervention and identifies 8 key treatment targets. These domains and targets are briefly described below.

**Attachment:**

The framework focuses on strengthening the caregiving system surrounding children through enhancing support, skills, and relational resources for adult caregivers. In many families and systems, we work with caregivers and youth who have been exposed to

multiple stressors and traumatic experiences. Even in caregiving systems that have experienced little or no prior adversity, the effect of a child's relational trauma is likely to impact ongoing attachment relationships.

**Regulation:**

Many young people who experience trauma struggle in settings like school because of difficult behaviors, out of control emotions, and impulsive or disorganized bodies. Underlying these challenges is often a difficulty with regulation - of feelings, of thoughts, and of physical experience. Intervention emphasizes cultivating youth awareness and skill in identifying, understanding, tolerating, and managing internal experience.

**Competency:**

The framework addresses key factors associated with resilience in stress-impacted populations. The goal of intervention using ARC is to increase positive / resilient outcomes among youth receiving intervention.

**Inclusive Environment:**

MPA has many diverse stakeholders, all entitled to an inclusive environment that acknowledges and celebrates diversity. Accordingly, MPA creates a safe learning environment for all students and ensures that every student has equal access to all programs and activities.

[Please see U.S. Department of Education's 2024 Title IX Final Rule Overview.](#)

**Crisis Help:**

**Immediate danger: Call 911**

**Crisis Text Line: Text TALK to 741741- Text with a trained counselor from the Crisis Text Line for free, 24/7**

**Substance Abuse: Call 211**

**Suicidal Thoughts: Call 988**

**If you or someone you know is experiencing suicidal thoughts, text, call or chat with a professional NOW.**

**National Suicide Prevention Lifeline: <https://suicidepreventionlifeline.org>**

**188-273-8255 or 911 for emergencies**

**National Suicide Prevention Lifeline is a national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24/7**

**American Foundation for Suicide Prevention (AFSP): <https://www.afsp.org>**

**Suicide Prevention Resource Center: <https://www.sprc.org>**



# School Safety

## **Emergency Preparedness**

Throughout the year Mount Prospect Academy, Inc. conducts fire drills per New Hampshire state law RSA 189:64

Mount Prospect Academy, Inc. has extensive emergency plans that cover most anticipated emergencies and evacuations. These plans are practiced and reviewed yearly, updated, and practiced by all students and staff. During drills or emergencies, students must follow staff directions. Non-compliance with staff directives has severe implications and will result in disciplinary consequences.

If an evacuation occurs, the public information officer, as part of our Incident Command system, will use all appropriate means to communicate with students' families, constituents, and agencies. As part of any reunification procedure, parents/guardians must show ID to pick up their students at the evacuation site.

## **Security Cameras:**

Mount Prospect Academy, Inc. has a video monitoring system. Video monitoring takes place throughout the interior and exterior of the building. Video records are considered part of the student records, and while their access may be made available under FERPA regulations, such records may be limited due to the presence of other students in the same recording.

## **Student Searches:**

Although as a general practice students will not be searched in at the beginning of the school day, faculty retain the right to search a student's belongings and person if deemed necessary in accordance with MPA policies and procedures.

Backpacks/duffle bags, etc. are allowed but are also subject to search at any time. Students are encouraged to only bring necessary items to school, as MPA is not responsible for any lost or stolen items that are brought on campus (i.e. cellphones, mp3 players, Magic Cards, etc.).

# Additional Information

## **Food Services:**

Breakfast and lunch are provided to each student each day.

## **Field Trips/Off Campus Programming:**

All students will have the opportunity to be eligible to participate in off campus field trips during the academic day if they are actively participating in all aspects of programming. This includes being caught up with schoolwork, participating in group therapy, and exhibiting

positive behaviors within community life.

Expectations for students while off campus: all Mount Prospect Academy, Inc., policies and procedures apply while off campus.

Van Protocol: all students need to demonstrate appropriate behavior while being transported using Mount Prospect Academy, Inc. vehicles. Students are expected to help staff unload the school vehicles of trash and any items that have been left behind.

Bathroom breaks while off campus: students will only be allowed to use a single-occupancy restroom when supervised by one faculty (faculty of the opposite sex may only allow students to use single occupancy restrooms.) When two or more faculty are supervising, a multi occupancy bathroom may be utilized, which will need to be vacated by the public prior to students/ faculty entering the restroom.

### **Photo Waiver:**

Periodically, Mount Prospect Academy, Inc. publishes printed material, prepares PowerPoint presentations, and updates websites and other social media that may use photographs, and/or videos of students in a classroom or school setting, or during a school related event. Names of students are not used except to celebrate achievement.

These media materials may be used for:

- School presentations, newsletters, yearbooks, and internal displays
- **Promotion of student achievements** in external and internal channels
- Publication on school websites, social media, and digital platforms
- Other academic-based opportunities supporting the school's educational mission

This waiver pertains **only to educational and celebratory purposes** and does **not authorize** commercial use. If you do not want your student's photo to be used, please notify the principal or their designee. A release and additional information is attached as Appendix D.

## Regulations

### **Anti-Discrimination Statement**

MPA is committed to maintaining a learning and working environment free from discrimination and harassment. We prohibit discrimination based on:

- Race
- Color
- National origin

- Age
- Sex (including gender identity and expression)
- Disability
- Religion or creed
- Sexual orientation
- Marital status
- Veteran status
- Any other category protected by federal, state, or local law

This policy applies to all aspects of our programs, services, activities, admissions, and employment practices.

We comply with the following laws and regulations:

[Title VI and VII of the Civil Rights Act of 1964](#)  
[The Age Discrimination Act of 1967](#)

[Title IX of the Education Amendments of 1972](#)

[Section 504 of the Rehabilitation Act of 1973](#)

[The Americans with Disabilities Act of 1975 \(Amended as of 1990\)](#)

NH Law against Discrimination (RSA 354-A)

State Rule: Ed. 393.01 (i), (j), and (k)

Relevant New Hampshire Administrative Code, including Ed 303.01

### **Reporting, Accommodation & Compliance**

If you believe you have been subject to discrimination or harassment:

1. Submit a complaint in writing to our designated **Title IX Coordinator** or **Section 504 Coordinator**.
2. We will promptly investigate and respond impartially.
3. Reasonable accommodations will be provided as required under applicable law.

For further assistance or questions, you may contact the school Principals.

Additionally, inquiries can be submitted to the New Hampshire Department of Education's Office for Civil Rights or NH Commission for Human Rights.

### **Equal Opportunity:**

Mount Prospect Academy, Inc. is an equal opportunity employer and is nondiscriminatory in their course and extracurricular offerings. Anyone who feels s/he has been a victim of discrimination should file a written report detailing the complaint within five (5) school days to the Principal/Academic Director.

**Mandatory Reporting:***Mandatory Reporters (RSA 169-C:29)*

Under New Hampshire Revised Statutes § 169-C:29, all adults, including the following individuals, must report if they have reason to suspect that a child has been abused or neglected:

- Medical professionals: physicians, surgeons, county medical examiners, psychiatrists, residents, interns, dentists, osteopaths, optometrists, chiropractors, psychologists, therapists, registered nurses, hospital personnel involved in admission, examination, care, or treatment, and Christian Science practitioners
- Educational personnel: teachers, school officials, school nurses, school counselors
- Educational personnel: teachers, school officials, school nurses, school counselors
- Childcare and support professionals: social workers, day care workers, any other child or foster care worker
- Clergy: priests, ministers, rabbis
- Law enforcement officials
- Any other person who has reason to suspect a child has been abused or neglected

Put simply, everyone whether by profession or not, who “has reason to suspect” must report.

Mount Prospect Academy, Inc. and its employees operate within New Hampshire, they fall under these same requirements—both by profession (e.g., educators, healthcare staff) and simply as individuals with possible knowledge of suspected abuse.

[Chapter 169-C Child Protection Act](#)

[Section 169-C:29 Persons Required to Report.](#) (state.nh.us)

**Pupil Harassment/Bullying:**

**Bullying:** In New Hampshire, bullying is defined by law as a single significant incident or pattern of incidents involving written, verbal, or electronic communication, a physical act or gesture, or any combination thereof, directed at another student (“pupil”), that:

1. Physically harms a pupil or damages their property.
2. Causes emotional distress to a pupil.
3. Interferes with a pupil’s educational opportunities.
4. Creates a hostile educational environment.
5. Substantially disrupts the orderly operation of the school.

**Harassment:** While New Hampshire state law, RSA 193-F:3, doesn’t use “harassment” in the exact same federal Title IX sense, the state law’s definition of bullying encompasses many behaviors that overlap with harassment, including actions that create a hostile environment or significantly disrupt a student’s education.

Student Harassment 20 U.S.C. §1681-§1688- Title IX of the Education Amendments Act of 1972

RSA 193-F:3 Pupil Safety and Violence Prevention Act

**Cyber Bullying:**

Cyberbullying is not a separate set of behaviors; it refers to bullying conducted via electronic means. It must meet the same criteria as bullying—such as causing harm, distress, disruption to schooling, or creating a hostile environment—but be delivered through digital communication or devices.

Examples: repeated harassing texts or emails, harmful social media posts, or online gestures or content that cause emotional or educational harm.

The policies of (Insert SCHOOL NAME) regarding these situations are the same as above and will follow the [NH Pupil Safety and Violence Prevention Act, RSA 193-F:3-10](#).

**FERPA:**

FERPA is the Family Educational Rights and Privacy Act, a federal law protecting the privacy of student education records and granting students (and their parents) rights to access and control their records. Mount Prospect Academy, Inc. follows FERPA guidance to protect the privacy of its students and families. Learn more by following the link provided here: [Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#). (See Appendix E, FERPA notice)



Policy Name	Grievance Procedure / Educator Misconduct
Policy Number	Academic 033
Date	12/15/2025
Laws, regulations and standards	Ed 403.01 (teacher misconduct) Ed 510.01 et seq

### **Introduction and summary of grievance process**

“A New Hampshire educator is entrusted by the state and the public with a responsibility to teach New Hampshire’s children the skills and model the values that will make each child a knowledgeable, capable, and engaged member of a democratic society. The educator accepts the responsibility to practice within the educational profession according to the highest ethical standards and aspires to continuously and consistently make decisions which are, first and foremost, within the best interests of the student.” *Introduction, NH Code of Ethics for Educators.*

Students and/or caregivers who have a grievance about any misconduct by an MPA faculty member and/or disagree with the consequence of a behavior may appropriately grieve their complaint. Grievance forms are available on campus and will be supplied by faculty upon request. A copy is also included in the Student/Family Handbook. Students will receive a response from the Principal or their designee in a timely manner.

If a person is uncomfortable reporting a grievance to the Principal, or if the grievance is about the Principal, they may submit their grievance to the Head of Schools or Superintendent.

## **Reporting Grievances**

At each school, the Principal shall be responsible for receiving grievances.

The Principal may designate this responsibility to a building level administrator with the understanding that the Principal shall be informed of such incidents as soon as possible within the school day. If the grievance is about the Principal, or if the individual is uncomfortable reporting to the Principal, they may file the grievance with the Head of Schools or Superintendent. The Principal will notify the Head of School and Director of Academics via email as soon as possible and no later than the end of the school day.

### **Student or Caregiver Reporting**

1. Any student or caregiver who has a grievance about an MPA employee can report the concern immediately to the Principal or administrative designee. If the student or caregiver is more comfortable reporting the alleged acts to a person other than the principal or administrative designee, the student or caregiver may tell any school MPA faculty member or volunteer about a grievance. Students or caregivers are encouraged to report alleged acts as soon as possible. Students or caregivers are encouraged to utilize the formal MPA Student Grievance Process but can also verbally report concerns to any faculty member.
2. Any faculty member or volunteer who receives a grievance from a student or caregiver, or who otherwise has knowledge or belief of a grievance shall inform the Principal as soon as possible, but no later than the end of that school day.
3. The Principal or administrative designee has a system or method for receiving anonymous grievances. Specifically, all programs have confidential, locked suggestion boxes that are checked regularly. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied. The Head of Schools or Principal may implement other mechanisms to anonymously report grievances.

4. While the MPA student or caregiver grievance procedure has reporting forms for filing such reports, an investigation shall still proceed even if a student or caregiver is reluctant to fill out the designated form and chooses not to do so.
5. Upon receipt of a grievance, the principal or administrative designee, shall commence an investigation consistent with this policy.

#### Faculty Reporting

1. Faculty shall immediately report grievances that are brought to their attention.
2. Certain credentialed academic faculty have further obligations under the educator's Code of Ethics and Code of Conduct (see below).
3. Any faculty member or volunteer who witnesses, receives a report of, or has knowledge or belief of a grievance shall inform the Principal or administrative designee immediately.
4. Upon receipt of a grievance, the Principal or administrative designee shall commence an investigation consistent with this policy.

#### **The Investigative Process**

The Principal leads the response to formal grievances filed by students or caregivers.

The investigation may include documented interviews with the alleged victim, alleged perpetrators, and any witnesses. All interviews shall be conducted privately, separately, and shall be confidential. Each individual will be interviewed separately.



If the alleged grievance involves e-mails, text messages, or other electronic communications, the Principal may ask students and/or parents/legal guardians/caregivers to provide MPA with printed copies of e-mails, text messages, website pages, or other similar electronic communications. A student or caregiver may choose to refuse requests to access emails, text messages or other similar electronic communications if on a private email, text or other similar electronic system. MPA emails, MPA software and MPA devices are not private, and MPA can access any material on those systems and devices.

The student and caregiver will be informed of the time needed to fully investigate and respond to their concern.

### **III. False Reporting**

A student found to have wrongfully and intentionally filed a false grievance may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion.

The Head of Schools or Superintendent will manage a caregiver who is found to have wrongfully and intentionally filed a false grievance.

### **IV. Prohibition Against Retaliation for Reports of Misconduct**

#### **Reprisal or Retaliation**

MPA shall discipline and take appropriate action against any student, teacher, administrator, volunteer, or other faculty member who retaliates against any person who makes a good faith grievance or against any person who testifies, assists, or participates in a proceeding or hearing relating to such grievance.

The consequences and appropriate remedial action for a student, teacher, administrator or school volunteer, or other faculty member who engages in reprisal or retaliation shall be

determined by the Director of Academic or Head of Schools after consideration of the nature, severity and circumstances of the act, in accordance with laws and MPA policies.

Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to and including, recommendations of discharge.

Any faculty member or school administrator found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment.

Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

#### **V. Process To Protect Students From Retaliation**

If the alleged victim or any witness expresses to the Principal or other faculty member that he/she believes he/she may be retaliated against, the Principal or administrative designee shall develop a process or plan to protect that student from possible retaliation.

Each process or plan may be developed on a case-by-case basis. Suggestions include re-arranging student class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

#### **VI. Additional Policies on specific types of concerns**

MPA has separate policies on (1) Bullying and Harassment, (2) The Use of Physical Managements and (3) The Ethical use of Technology that are incorporated into this grievance policy and supplement it in regard to concerns/grievances about bullying, harassment and/or physical managements

#### **VII. Educator Code of Conduct and Code of Ethics.**

MPA's educators follow the educator [\*Code of Conduct\*](#) (November 2018), and the educator [\*Code of Ethics\*](#) (June 2018), and receive at least annual training on its content. This combined set of rules and procedures, approved by the NH State Board of Education, was created to elevate the education profession and provide guidance to educators. Whereas the [\*Code of Ethics\*](#) outlines aspirational goals for educators, the [\*Code of Conduct\*](#) precisely describes inappropriate activities and due process when rules have not been followed. The overarching purpose is to provide guidance to educators in the decision-making process involving interactions with students, community, colleagues, parents, and public.

The NH Code of Ethics for Educators and the Code of Conduct have the following guiding principles:

- Principle I—Responsibility and Commitment to the Education Profession and Colleagues
- Principle II—Responsibility and Commitment to the Student
- Principle III—Responsibility and Commitment to the School Community
- Principle IV - Responsible and ethical use of technology as it relates to students, schools, and other educational professionals

Under New Hampshire Education regulations, any “credential holder” shall report any suspected violation of the code of conduct following the grievances procedures noted above. See Ed 510.05. Credential Holders is defined by NH regulations as “any individual who holds a credential, as defined in Ed 501.02(h)”. Ed 501.02(h) defines “Credential” as “any authorization, statement, or license issued by the state board including, but not limited to, beginning educator license (BEL), experienced educator license (EEL), in process of licensure authorization (IPLA), intern authorization (IA), emergency authorization (EA), statement of eligibility (SOE), educational interpreter/transliterator license (EITL), paraeducator I & II license (PARA I & PARA II), school nurse I, II & III license (SN I, SN II & SN III), and master teacher license (MTL).”

Principals shall report to the Head of Schools or Superintendent of the school, if the Principal has been notified of, or is personally aware that a credential holder has

violated any of the rules of professional conduct as enumerated in Ed 510, which occurred on or off duty.

The Head of Schools or Superintendent shall report any of the following to the office of credentialing:

- (1) When the Head of Schools or Superintendent has knowledge that a credential holder, as defined in Ed 501.02(m), has been arrested and charged with an offense enumerated in RSA 189:13-a, V; and
- (2) When The Head of Schools or Superintendent has knowledge that a credential holder has violated the code of conduct as specified in Ed 510.01 through Ed 510.04.

If a credential holder suspects that the Head of Schools or Superintendent has violated the code of conduct, as specified in Ed 510.01 through Ed 510.04, or if a credential holder has made a report and believes the local reporting procedures have not been followed, the reporting credential holder shall notify the department directly.

All MPA employees, including Credential holders who have reason to suspect that a student has been, or is being, abused or neglected, shall report the same to:

- (1) His or her immediate supervisor, superintendent, or both; and
- (2) The department of health and human services, pursuant to RSA 169-C:29.

MPA's Reporting of Suspected Child Abuse or Neglect supplements this statement.

The original documents and ancillary guides can be found here: (The following links are not accessible in this Word document. The PDF form has hyperlinks directly to the NH Department of Education.)

- [Full Code of Conduct and Code of Ethics](#)
- [Guiding Principles: The Code of Ethics for New Hampshire Educators](#)
- [Code of Conduct for New Hampshire Educators](#)



Policy	Student Safety and Violence Prevention Policy – Discrimination and Bullying
Date	December 18, 2025
Legal References	RSA 193-F:3, Pupil Safety and Violence Prevention Act RSA 189:70, Educational Institution Policies on Social Media NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment 20 U.S.C. §1681-§1688 Title IX of the Education Amendments Act of 1972

## **I Introduction**

NH RSA 193-F:3 protects youth from all forms of bullying and cyberbullying.

In addition, Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in all education programs and activities operated by recipients of Federal funds, including public school districts. Title IX says, subject to certain exceptions:

***No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.***

The full text of Title IX can be read at 20 U.S.C. § 1681. MPA also has a separate Title IX policy that provides more information about this law.


## **Statement Pursuant to NH RSA 193 --- Prohibiting Discrimination, Bullying or Cyberbullying of a Student**

MPA is committed to providing all students with a safe and secure school environment. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

Bullying in schools has historically included actions shown to be motivated by a student's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories.

This policy seeks to promote a school atmosphere in which bullying of students will not be tolerated by students, parents/legal guardians/caregivers, faculty, and volunteers. MPA believes that everyone in the school community, including bystanders, plays an important role in preventing bullying of students in our schools.

### **Procedures to report concerns of Discrimination, Bullying or Cyberbullying**

The  Head of Schools or the Director of Academics (or their specific designee) is responsible for implementing this policy and designating specific roles to other administrators and faculty as well if appropriate.

All students have the right to participate in educational programming. If any actions of peers of a bullying or harassing nature are occurring or if a student feels uncomfortable with the way a peer is treating them, they should report their concerns to their teacher first. If that faculty is unable to address the situation, the actions should be reported to the Dean of Students or the Academic Director office. At this time, a faculty will be assigned by the initial reportee to start an investigation into any situation that can be possibly defined as bullying, cyberbullying, discrimination or harassment on the basis of race, sex or sexual orientation, or any other conduct of concern.

All students have the right to voice their concerns without fear of retaliation. Any reported behaviors that are of a retaliatory nature are not tolerated and will be addressed with the student's clinician and the student's treatment team.

A formal investigation will begin within the first 5 days of the initial report. It should be noted, MPA strives to investigate these concerns the day they are reported. Investigation forms can be acquired from the Dean of Students or the Academic Director. The entire investigation should only take a total of 10 days. An extension can be granted in certain circumstances by the Director of Academics or the Head of Schools.

It is the intent of MPA to apply and enforce this policy in a manner that is consistent with student rights to free expression under the First Amendment of the U.S. Constitution. The purpose of this policy is to (1) prohibit conduct or communication that is directed at a person's protected characteristics and that has the purpose or effect of substantially disrupting the educational learning process and/or access to educational resources or creates a hostile learning environment; (2) prohibit conduct intended to ridicule, humiliate or intimidate students in a manner as defined under this policy.

### **II Definitions**

1. **"Bullying"** is hereby defined as a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another student which:

- Physically harms a student or damages the student's property;
- Causes emotional distress to a student;
- Interferes with a student's educational opportunities;
- Creates a hostile educational environment; or
- Substantially disrupts the orderly operation of the school.

"Bullying" shall also include actions motivated by an imbalance of power based on a student's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the student's association with another person and based on the other person's characteristics, behaviors, or beliefs.

2. "**Cyberbullying**" means any conduct defined as "bullying" in paragraph 1 of this section that is undertaken through the use of electronic devices. For purposes of this policy, any references to the term bullying shall include cyberbullying.

3. "**Electronic devices**" include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites. (This shall include electronic social networking sites.)

4. "**Harassment**" means an incident or incidents of verbal, written, visual, or physical conduct, including but not limited to any incident conducted by electronic means, based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status disability, sex, sexual orientation, or gender identity, that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating hostile, or offensive environment.

Harassment includes conduct as defined above and may also constitute one or more of the following:

1. Sexual harassment, which means unwelcome conduct of a sexual nature, that includes sexual violence/sexual assault, sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature, and includes situations when one or both of the following occur:
  - (i) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education, academic status, or progress; or
  - (ii) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

Sexual harassment may also include student-on-student conduct or conduct of a non-employee third party that creates a hostile environment. A hostile environment exists where the harassing conduct is severe, persistent or pervasive so as to deny or limit the student's ability to participate in or benefit from the educational program on the basis of sex.

2. Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's or caregiver's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to cultural customs.
3. Harassment of members of other protected categories, means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, disability, sex, sexual orientation, or gender identity and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

**5. "Hazing"** means any intentional, knowing or reckless act committed by a student, whether individually or in concert with others, against another student:

1. In connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the educational institution; and
2. which is intended to have the effect of or should reasonably be expected to have the effect of, endangering the mental or physical health of the student.

Hazing shall not include any activity or conduct that furthers legitimate curricular, extra-curricular, or military training program goals, provided that:

1. The goals are approved by the educational institution; and
2. The activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.



With respect to Hazing, “**Student**” means any person who:

1. is registered in or in attendance at an educational institution;
2. has been accepted for admission at the educational institution where the hazing incident occurs; or
3. intends to attend an educational institution during any of its regular sessions after an official academic break.

6. “**Perpetrator**” means a student who engages in bullying, cyberbullying, harassment or hazing.

7. “**School property**” means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

6. “**Victim**” means a student against whom bullying, cyberbullying, harassment or hazing has been perpetrated.

### **III. Statement prohibiting Retaliation or False Accusations**

#### **False Reporting**

A student found to have wrongfully and intentionally accused another of bullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion.

A faculty member or student found to have wrongfully and intentionally accused a student of bullying shall face discipline or other consequences determined in accordance with applicable law, MPA policies, procedures and collective bargaining agreements.

#### **Reprisal or Retaliation**

MPA shall discipline and take appropriate action against any student, teacher, administrator, volunteer, or other faculty member who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.

1. The consequences and appropriate remedial action for a student, teacher, administrator or school volunteer, or other faculty member who engages in reprisal or retaliation shall be determined by the Director of Academic or Head of Schools

after consideration of the nature, severity and circumstances of the act, in accordance with laws and MPA policies.

2. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to and including recommendations of discharge.

3. Any faculty member or school administrator found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment.

4. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

#### **IV Process To Protect Students From Retaliation**

If the alleged victim or any witness expresses to the Director of Academics or other faculty member that he/she believes he/she may be retaliated against, the Director of Academics or administrative designee shall develop a process or plan to protect that student from possible retaliation.

Each process or plan may be developed on a case-by-case basis. Suggestions include re-arranging student class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

#### **V. Disciplinary Consequences for Violation of this Policy**

MPA reserves the right to impose disciplinary measures against any student who commits an act of bullying, falsely accuses another student of bullying, or who retaliates against any student or witness who provides information about an act of bullying.

In addition to imposing discipline under such circumstances, the MPA encourages the administration and school MPA faculty to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution and other similar measures.

#### **VI. Distribution and Notice of this Policy**

The Head of Schools or Director of academics (or his/her/their designee) shall provide annual written notice of this policy to students, parents/legal guardians/caregivers, teachers, faculty members, administration, volunteers, and school MPA agents through appropriate references in school and MPA handbooks, or through other reasonable means. Parents/legal guardians/caregivers will be informed of the program and the means for students to report bullying acts toward them or other students. They will also be told that to help prevent bullying at school they should encourage their children to:

1. Reporting bullying when it occurs;
2. Taking advantage of opportunities to talk to their children about bullying;
3. Informing the school immediately if they think that their child is being bullied or is bullying other students; and,
4. Cooperating fully with school personnel in identifying and resolving incidents

The Head of Schools or Director of Academics (or his/her/their designee) shall ensure that all faculty members, volunteers, and agents receive annual training on bullying and related MPA policies.

Students shall participate in an annual education program which sets our expectations for student behavior and emphasizes an understanding of harassment, intimidation, and bullying of students, MPA's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Students shall also be informed of the consequences of bullying conduct toward their peers. The Head of Schools or Director of academics may incorporate anti-bullying training and education in MPA's curriculum. Any student training programs shall be written and presented in age-appropriate language. The Head of Schools or Director of academics, in consultation with faculty, may incorporate student anti-bullying training and education into MPA's curriculum but shall not be required.

## **VII. Procedure for Reporting Bullying**

At each school, the Director of Academics shall be responsible for receiving complaints of alleged violations of this policy. The Director of Academics may designate this responsibility to a building level administrator with the understanding that the Director of Academics shall be informed of such incidents as soon as possible within the school day.

### **Student Reporting**

1. Any student who believes they have been the victim of bullying should report the alleged acts immediately to the Director of Academics or administrative designee. If the student is more comfortable reporting the alleged acts to a person other than the Director of Academics or administrative designee, the student may tell any school MPA faculty member or volunteer about the bullying. Students are encouraged to report alleged acts as soon as possible, preferably by the end of the school day. Students may utilize the formal MPA Student Grievance Process to document bullying.
2. Any faculty member or volunteer who witnesses, receives a report, or has knowledge or belief that bullying may have occurred shall inform the Director of Academics as soon as possible, but no later than the end of that school day.
3. The Director of Academics or administrative designee has a system or method for receiving anonymous reports of bullying. Specifically, all programs have confidential, locked suggestion boxes that are checked regularly. Independent verification of the anonymous report shall be necessary for any disciplinary action to be applied. The Head of Schools or Director of Academics may implement other mechanisms to anonymously report concerns of bullying.
4. While the MPA student grievance procedure has reporting forms for filing such reports, an investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.
5. Upon receipt of a report of bullying, the Director of Academics or administrative designee, shall commence an investigation consistent with this policy.

### **Faculty Reporting**

1. Faculty shall immediately report acts or behavior that they witness that appear to constitute bullying.
2. All MPA faculty members and volunteers should encourage students to tell them about acts that may constitute bullying. For young students, faculty members given such information will need to provide direct assistance to the students.
3. Any faculty member or volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Director of Academics or administrative designee immediately.

4. Upon receipt of a report of bullying the Director of Academics or administrative designee shall commence an investigation consistent with this policy.

### **VIII. Notifying Parents/legal guardians/caregivers of Alleged Bullying**

The Director of Academics or administrative designee shall report to the parents/legal guardians/caregivers of a student who has been reported as a victim of bullying and to the parents/legal guardians/caregivers of a student who has been reported as a perpetrator of bullying within 72 hours of receiving the report. Such notification may be made by telephone, writing or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the report. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

The Head of Schools or Superintendent may, within a 72-hour time period, grant the Director of Academics a waiver from the requirement that the parents/legal guardians/caregivers of the alleged victim and the alleged perpetrator be notified of the filing of a report. A waiver may only be granted if the Head of Schools or Superintendent deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing, maintained in the student file, and discussed during the next IEP.

### **IX. Investigative Procedures**

1. Upon receipt of a report of bullying, the Director of Academics or administrative designee shall, within 5 school days, initiate an investigation into the alleged act. If the Director of Academics or administrative designee is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Head of Schools or Superintendent shall direct another MPA faculty member to conduct the investigation.

2. The investigation may include documented interviews with the alleged victim, alleged perpetrator and any witnesses. All interviews shall be conducted privately, separately and shall be confidential. Each individual will be interviewed separately and at no time will the alleged victim and perpetrator be interviewed together during the investigation.

3. If the alleged bullying was in whole or in part cyberbullying, the Director of Academics may ask students and/or parents/legal guardians/caregivers to provide MPA with printed copies of e-mails, text messages, website pages, or other similar electronic communications.

4. A maximum of ten (10) school days from the receipt of the report of bullying shall be the limit for the completion of the investigative procedural steps. During this time the Director of Academics or administrative designee shall ensure that all involved in the reporting of the incident are protected from retaliation.

5. Factors the Director of Academics or other investigator may consider during the course of the investigation, including but not limited to:

- Description of incident, including the nature of the behavior;
- How often the conduct occurred;
- Whether there were past incidents or past continuing patterns or behavior;
- The characteristics of parties involved, (name, grade, age, etc.);
- The identity and number of individuals who participated in bullying behavior;
- Where the alleged incident(s) occurred;
- Whether the conduct adversely affected the student's education or educational environment;
- Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
- The date, time and method in which parents/legal guardians/caregivers or legal guardians of all parties involved were contacted.

6. The Director of Academics or administrative designee shall complete the investigation within 10 school days of receiving the initial report. If the Director of Academics or administrative designee needs more than 10 school days to complete the investigation, the Head of Schools or Superintendent may grant an extension of up to 7 school days. In the event such an extension is granted, the Director of Academics or administrative designee shall notify in writing all parties involved of the granting of the extension.

7. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances and shall include recommended remedial steps necessary to stop the bullying and a written final report to the Director of Academics.

8. Students found to have violated this policy may face discipline in accordance with other applicable MPA policies.

9. Consistent with applicable law, MPA will not require or request that a student disclose or provide to MPA the student's username, password or other authenticating information to a student's personal social media account. However, MPA may request to a student or a student's parent/guardian that the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing MPA investigation.

#### **X. Response to Remediate Substantiated Instances of Bullying**

Consequences and appropriate remedial actions for a student or faculty member who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students and dismissal from employment for faculty members.

Consequences for a student who commits bullying or retaliation shall be varied and graded according to the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying. Examples of consequences may include, but are not limited to:

- Verbal warning
- Temporary removal from classroom
- Removal of privileges
- Administrative detention
- Referral to counselor

Examples of intervention strategies may include, but are not limited to:

- Restitution
- Corrective instruction or other relevant learning experience
- Behavior assessment
- Student counseling
- Parent conferences

- Behavior class
- Community service

Peer mediation may not be considered as a remedial action as an imbalance of power may make the process intimidating for the victim and exacerbate the problem.

In support of this policy, the MPA promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The MPA encourages the Head of Schools to work collaboratively with all faculty members to develop appropriate responses and interventions to remediate substantiated instances of bullying.

#### **XI. Reporting of Substantiated Incidents to the Head of Schools** (RSA 193-F:4, II (1))

The Director of Academics shall forward all substantiated reports of bullying to the Head of Schools or Superintendent upon completion of the Director of Academic's investigation.

#### **XII. Communication With Parents/legal guardians/caregivers Upon Completion of Investigation** (RSA 193-F:4II(m))

1. Within two (2) school days of completing an investigation, the Director of Academics shall notify the students involved in person of their findings and the investigation's result.
2. The Director of Academics shall notify via telephone or other reasonable methods to immediately notify the parents/legal guardians/caregivers of the alleged victim and alleged perpetrator of the results of the investigation. The Director of Academics will also send a letter to the parents/legal guardians/caregivers within 24 hours again notifying them of the results of the investigation.
3. If the parents/legal guardians/caregivers request, the Director of Academics shall schedule a meeting with them to further explain his/her findings and reasons for his/her actions.
4. In accordance with the Family Educational Rights and Privacy Act and other law concerning student privacy, MPA will not disclose educational records of students including the discipline and remedial action assigned to those students and the parents/legal guardians/caregivers of other students involved in a bullying incident.

#### **XIII. Appeals**

A parent or guardian who is aggrieved by the investigative determination letter of the Director of Academics or his/her designee may appeal the determination to the Head of Schools or Superintendent for review. The appeal shall be in writing addressed to the Head of Schools or superintendent, shall state the reason(s) why the appealing party is



aggrieved, and the nature of the relief they seek. The Head of Schools or superintendent shall not be required to re-investigate the matter and shall conduct such review as he/she deems appropriate under the circumstances.

It is in the best interests of students, families and MPA that these matters be promptly resolved. Therefore, any such appeal to the Head of Schools or Superintendent shall be made within ten (10) calendar days of the parent/guardian's receipt of the investigative determination letter of the Director of Academics or his/her designee. The Head of Schools or Superintendent shall issue his/her decision in writing.

#### **XIV. Capture of Audio Recordings on School Vehicles**

Pursuant to RSA 570-A:2, notice is hereby given that the MPA authorizes audio recordings to be made in conjunction with video recordings of the interior of school vehicles while students are being transported to and from school or school activities. The Head of Schools shall ensure that there is a sign informing the occupants of school vehicles that such recordings are occurring.

#### **XV. Use of Video or Audio Recordings in Student Discipline Matters**

MPA reserves the right to use audio and/or video recording devices on MPA property (including school buses) to ensure the health, safety and welfare of all faculty, students and visitors. The placement and location of such devices will be established in accordance with the provision of the MPA policy.

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. If an audio or video recording does become part of a student's education record, the provisions of MPA policies on student records shall apply.



Policy & Procedure Name:	TCI and Physical Restraints - Academic
Date Updated:	December 16, 2025
Laws, Regulations & Standard	NH RSA 126-U; He-C 901 CARF F. Promoting Nonviolent Practices Six Core Strategies

#### Introduction and purpose:

MPA (Mount Prospect Academy) utilizes physical restraints for students as part of behavioral intervention only as the necessary option. MPA seeks to never use a physical restraint; however, for the safety of all students and faculty, at times a physical restraint, used as part of Therapeutic Crisis Intervention (TCI), is necessary. MPA has adopted the recommendations of the National Association of State Mental Health Program Directors, as set forth in the Six Core Strategies for Reducing Seclusion and Restraint Use. In addition, MPA has adopted the TCI Program Quality Standards, Policies and Procedures, and trains all direct care faculty during initial orientation and thereafter in the use of proactive verbal intervention strategies to prevent the need for a TCI physical restraint.

TCI encourages the focus of verbal interventions whenever possible and physical restraints when needed using the maximum amount of care and the minimum amount of force to contain acute physical behavior with the goal of increasing the child's sense of safety. Physical restraints will only occur to ensure immediate physical safety when there is a substantial and imminent risk of serious bodily harm to the child or others. TCI physical restraints will be used only by trained and competent personnel, with valid certification, using professional dynamic risk assessment for when the child's Individual Crisis Support Plan (ICSP) prescribes it. MPA also utilizes a trauma informed care approach prohibiting the use of student seclusion.

The primary goal is to reduce the risks involved in any physical intervention while maintaining safety. This policy provides the structure to support necessary use of physical restraint, complete documentation and reporting requirements, evaluation of and re-establishing therapeutic rapport if physical restraint is necessary to prevent imminent risk to a student or others. In addition, this policy ensures compliance with NH RSA 126-U and other applicable laws and regulations.

Another goal is the creation of a climate that documents and evaluates each time a physical restraint is utilized for behavior intervention, so families, caregivers and other stakeholders are informed when and why a physical restraint was necessary. This data also serves to assist MPA in its continuous quality improvement efforts to reduce when restraints are utilized as part of a behavioral intervention.

This strategy includes consistent communication, mentoring, supervision, and follow-up to ensure that faculty are provided with the required knowledge, skills, and abilities regarding TCI and use of physical restraint. This occurs through training about the prevalence of violence in the population of people that are served in mental health settings, the effects of traumatic life experiences on developmental learning and subsequent emotional development, and the concept of recovery, resiliency, and mental/behavioral health in general. This work is done through faculty development training, new hire applicants interview questions, job descriptions, performance evaluations, new employee orientation during which our faculty receives initial TCI certification in behavioral management and verbal de-escalation techniques, and other similar activities.

## Physical Restraint

Physical restraints will only be used to ensure the immediate physical safety of person(s) when there is a substantial and imminent risk of serious bodily harm to the child or others. The determination of whether the use of restraint is justified under this section may be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a substantial risk of serious bodily harm to the child or others.

“Restraint” is a manual method used to restrict a child’s freedom of movement or normal access to their body. It is defined by New Hampshire law. NH RSA 126-U. Restraints do not include:

1. Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.
2. The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving towards a safe location.
3. The use of seat belts, safety belts, or similar passenger restraints during a child's transportation in a motor vehicle.
4. The use of force by a person to defend themselves or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which they reasonably believes to be necessary.
5. The actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms or legs of any child.

Mount Prospect Academy, Inc. does not utilize the following restraints:

1. **“Medication restraint”**- providing medication involuntarily for the purpose of immediate control of the child’s behavior.
2. **“Mechanical restraint”**- use of a physical device or devices that are used to restrict the movement of a child or the movement or normal function of a portion of the body.
3. **“Prone restraint”**- is a prohibited physical restraint technique which occurs when a child is intentionally placed face-down on the floor or another surface, and the child's physical movement is limited to keep the child in a prone position. For the purpose of this definition, physical restraint that involves the temporary controlling of an individual in a prone position while transitioning to an alternative, safer form of restraint is not considered to be a prohibited form of physical restraint.

#### **Restraints are never used:**

1. Explicitly or implicitly as punishment for the behavior of a child.
2. In a manner that obstructs a child’s respiratory airway or impairs the child’s breathing or respiratory capacity or restricts the movement required for normal breathing.
3. In a way that places pressure or weight on, or causes, a child's chest, lungs, sternum, diaphragm, back, or abdomen.
4. In a manner that obstructs the circulation of blood.
5. In a manner that involves pushing on or into the child’s mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths.
6. In a manner that endangers a child’s life or significantly exacerbates a child’s medical condition.
7. In a manner that causes the intentional infliction of pain, including the use of pain inducement to obtain compliance.
8. In a manner that causes unnecessary ridicule, humiliation, or emotional trauma.

#### **Planning for Students Entering MPA**

As soon as possible after admissions to the facility, the Milieu Clinician or designee, the child and the child’s parent or guardian shall develop an Individual Crisis Support Plan (ICSP) to:

1. Identify the child’s history of physical, sexual, or emotional trauma, if any.
2. Identify effective responses to potential behavior or situations which will avoid the use of restraint.
3. Identify health conditions which may make the child vulnerable to injury while at the facility.
4. Identify what coping strategies faculty can promote prior to the crisis occurring.

#### **Physical Restraint Procedures**

The following procedures apply in all restraints.

1. Restraint shall not be imposed for longer than is necessary to protect the child or others from the substantial and imminent risk of serious bodily harm
2. Children in restraints shall be the subject of continuous direct observation by personnel trained in the safe use of restraint.
3. When any TCI physical restraint is required, this intervention should not exceed 15 minutes without the approval of the director or supervisory employee designated by the director to provide such approval (Administrator on Duty, Program Manager, Medical Faculty or other Supervising Employee who has been trained to conduct such approval by the director).
4. All TCI physical restraints lasting 30 minutes or longer, require a face-to-face assessment of the mental, emotional, and physical well-being of the child by the facility or school director or by a supervisory employee designated by the director who is trained to conduct such assessments. This assessment shall also include a determination of whether the restraint is being conducted safely and for a purpose authorized. This assessment will be repeated every 15 minutes, and each assessment will be documented. At the 30-minute mark, the assessment must be conducted by someone who falls into one of these three categories: (1) Clinician (2) TCI Trainer or (3) Medical Professional.
5. MPA will utilize the following TCI physical restraint techniques:
  - a. Small Child Seated
  - b. Small Child Seated (Wall)
  - c. Standing
  - d. Seated Restraint (Wall)
  - e. Supine

## Procedures to Document Physical Restraints

If a student requires the support of TCI physical restraint techniques, the incident will be documented by each faculty member involved individually prior to the end of their scheduled shift. This information will be documented via the Extended Reach case management note “TCI Physical Restraint Form” which will be transcribed into the respective state reporting forms or portal (e.g., IMS Portal and/or approved state PDF). The completed report will be made available to the treatment team, referral, guardian, and any stakeholders.

The documentation will include the following:

1. Date, Time, and duration of the physical restraint
2. Description of the actions of the child before, during and after the occurrence.
3. Description of any other relevant events preceding the use of restraint, including the justification for initiating the use of physical restraint.

4. Names of persons involved in the occurrence.
5. Description of the actions of the faculty involved before, during and after the occurrence.
6. Description of any interventions used prior to physical restraint. These interventions should identify what de-escalation techniques faculty used before using a physical restraint.
7. Description of the TCI techniques used, including any hold used and the reason it was necessary.
8. Description of any injuries sustained by, and any medical care administered to, the child, faculty, or others before, during or after the physical restraint occurrence.
9. Description of any property damage associated with the occurrence.
10. Description of actions taken to address the emotional needs of the child during and following the physical restraint as utilized in the student processing following the Life Space Interview TCI terminology.
11. Description of future actions taken to control the child's problem behaviors by updating the Individual Crisis Support Plan (ICSP).
12. Name and position of the faculty member completing the notification.
13. Notification to respective individuals of the management.

The Administrator on Duty (AOD)/Academic Director or the TCI Trainer assigned to the program will review the TCI Physical Restraint Form documentation before it is finalized and released.

Once the TCI Physical Restraint Form has been completed by all persons involved, the TCI Physical Restraint form will be forwarded internally to the **TCI Physical Restraint Report finalizer for the appropriate site**, who will review it and provide feedback within two business days. It is also forwarded to the nurse for review, **if there was a physical injury or the potential need to schedule a meeting with the consulting psychiatrist**. All TCI Physical Restraint reports are provided to the parent-guardian(s), the referral source (e.g., Juvenile Probation and Parole Officer, Child Protective Services Worker Case Management Entity or other referring entities and related externals as required (e.g., IMS Portal and/or PDF used by respective states).

#### **Injury During a Physical Restraint:**

1. If a student complains of pain or suffers from an injury during a physical restraint the faculty must administer first aid immediately and notify the AOD. The following steps will be taken:
2. The AOD will notify medical faculty of the injury and have the student examined as soon as possible if deemed necessary. If medical faculty are not available at the time of the incident or in the location of the incident, then utilizing the local Emergency Room should be implemented.
3. At the conclusion of the examination the medical faculty will provide a written report regarding their observations and recommendations. A Critical Incident Report will be written if any injury requires further medical assessment, evaluation or treatment at a

emergency room or urgent care.

4. If medical treatment by a health practitioner is required the AOD will assure that all written reports regarding the injury and follow-up care are provided to the MPA Medical Department, the Executive Director, and the Clinical Director.
5. The AOD will also decide if separation between the student and the faculty involved is required, until all parties are able to participate in the debriefing and processing of the event to reestablish rapport.
6. If faculty are injured during a physical restraint the AOD will process and support that faculty and ensure that an Accident Injury Report has been completed and faxed or emailed to the HR Department at Mount Prospect Academy. There will also be a debriefing process in place both to assess physical injury but also to support any potential symptoms of vicarious trauma.
7. All incidents of student injury will be reported to the Executive Director for review. Upon determining that a significant injury has occurred, the Executive Director will notify the family and required state agencies within two business days. Notification for state agencies include:

Commissioner of the NH Department of Health & Human  
Services c/o Division for Children Youth and Families  
129 Pleasant Street  
Concord, NH 03301  
Telephone: (603) 271-4451 Fax: (603) 271-4729  
[DCYFProviderIncidentReporting@dhhs.nh.gov](mailto:DCYFProviderIncidentReporting@dhhs.nh.gov)

NH Department of  
Justice  
33 Capitol Street  
Concord, NH 03301  
Telephone: (603) 271-3658 Fax: (603) 271-2110

Disability Rights Center – NH  
64 North Main Street, Suite 2, 3rd Floor  
Concord, NH 03301-4913  
Telephone: (603) 228-0432 Fax: (603) 225-2077

Office of the Child Advocate  
107 Pleasant Street, Johnson Hall, Concord, NH 03301  
Telephone: [\(603\) 271-7773](tel:6032717773) (may be notified through DCYF)

## Physical Restraint Review Process

MPA has a three-tier review process, consistent with the Six Core Strategies that includes:

1. Initial Review / Post Event Debriefing
2. Formal Review
3. Monthly Review

In addition, annual data is compiled and shared with leadership to guide decision making.

### Initial Review/Post Event Debriefing:

1. When the TCI Physical Restraint occurs, the senior milieu leadership or Administrator on Duty (AOD) will respond to the site if needed. If the AOD was involved in the TCI Physical Restraint, the AOD will reach out to see if a neutral AOD is available. A neutral AOD is an objective faculty member with training in TCI Physical Restraint policy and procedures and ideally not someone involved in the TCI Physical Restraint event occurring at the time.
2. Upon reaching the milieu or site of the occurrence, the AOD will immediately survey the environment and seek to ensure that all persons are safe and that processes are orderly. Unless an emergency occurs that requires direct intervention, the AOD's role is to ensure proper documentation of what occurred, who was involved, the antecedents to the event, least restrictive alternatives attempted and the results, specific dangerous behaviors necessitating the use of TCI Physical Restraint, and the faculty's response.
3. The AOD or supervisor on shift will notify the Administrator on Call who will determine if on-site support is needed based on the event's significance and its potential impact on faculty and the milieu.
4. In addition, the physical and emotional safety of the student and other student witnesses to the event will be assessed and responded to, to ensure the appropriate support is in place for that student.
5. The AOD shall assist the milieu faculty in returning the milieu to a pre-crisis level and ensure that all necessary documentation has been adequately completed.
6. An immediate "post-event" debriefing is done onsite after each event, led by the AOD, the senior on-site supervisor who immediately responds to that milieu or area. The goals of this post-acute event debriefing are to ensure that everyone is safe, that documentation is sufficient to be helpful in later analysis, to check in with involved faculty, students and witnesses to the event to gather information, to try and return the milieu to pre-event



status, to identify potential needs for policy and procedure revisions, and to ensure that the student in the restraint was safe and was appropriately monitored..

7. The Administrator on Duty or their designee will make a reasonable attempt to provide verbal notification of the physical restraint to the legal guardian the day of the incident. If notification of the restraint cannot occur the day of, efforts to make notification will occur within 24 hours. The AOD may contact the Permanency Coordinator or others to assist with this verbal notification.
8. The AOD will help the primary faculty member involved in the TCI Physical Restraint conduct the Life Space Interview the student can complete following de-escalation.
9. Upon receiving the finalized report of the Physical Restraint on the respective form required, the Permanency Coordinator will provide written copies of this report to the parents/ guardian of the student, referral source (JPPO/CPSW), the guardian ad litem and required reporting entity within seven days of the restraint occurring. To support HIPPA compliance the report will be sent encrypted though Extended Reach and/or will utilize the IMS Portal.

### **Formal Review**

1. A formal rigorous event analysis will follow every incident of TCI Physical Restraint and will occur within the first week following the event.
2. A standing meeting is scheduled within respective programs. The following individuals are part of leadership: Executive Director, Clinical Director, Program and Assistant Program Managers, Community Leaders, TCI Trainers and/or clinical faculty. An event analysis can be scheduled earlier upon request.
3. When possible, the senior milieu leadership member involved will attend the formal debriefing. If that is not possible, they will communicate what occurred through written documentation, shift report, or phone participation in the formal debriefing. It is imperative that the post-acute event information gets passed on up to the formal debriefing activity so that all information is communicated and shared with the entire team. Per protocol, the Individual Crisis Support Plan (ICSP) is reviewed or updated with feedback from the student's clinical team and assigned faculty that work with the student in the milieu.
4. During orientation, families are notified of this standing meeting and invited to participate
5. The student will be reminded after a physical restraint that they can participate in this formal review in addition to their participation in the Life Space Interview. All care and attention shall be paid to the comfort and safety of the students involved and their informed consent and ability to participate without being overly stressed, coerced, or overwhelmed by this activity.
6. In certain situations where the student does not want or cannot participate, all efforts will be made to debrief the student ahead of time and to gather their input into what occurred

and what could have prevented the event. The students' report about the incident will have been sought in writing, and if available, it will be shared as part of the debriefing. The students will have the opportunity to provide feedback regarding their ICSP.

7. The formal event debriefing will support continuation of treatment and assist with further interventions that may be utilized to maintain safety of all persons involved.
8. This debriefing includes an analysis of 1) triggers, 2) antecedent behaviors, 3) alternative behaviors, 4) least restrictive or alternative interventions attempted, 5) de-escalation preferences or safety planning measures identified and 6) treatment plan strategies.
9. The facilitator of the debriefing needs to be skilled and knowledgeable about the TCI Post Crisis Response.

### Monthly Review

Each month a review of all physical restraints will be conducted by the TCI Trainers <sup>1</sup>. This review team will produce a report to identify areas that can be improved in connection to student individual intervention, faculty professional development and to assess progress towards the goal of reducing physical restraints.

### Trainings

Prior to faculty utilizing TCI techniques, each faculty must go through a minimum of 28 hours of initial training. This TCI training will be held by an MPA faculty member with current certification and trained as a TCI Trainer, to teach the TCI verbal and physical competencies. Training will be held during the scheduled faculty onboarding during the third full week every month.

All Faculty once trained in TCI will have at least 12 additional hours of ongoing TCI training annually. Additional training will be held at least once a month in two-hour increments during standard residential training.

### Data Collection and Use of Data to Inform Practice

As the Six Core Strategies notes, “successfully reducing the use of TCI Physical Restraint requires the collection and use of data by facilities at the individual unit level. This strategy includes the collection of data to identify the facility/units’ TCI Physical Restraints use baseline; the continuous gathering of data on facility usage by unit, shift, day; individual faculty members involved in events; involved student demographic characteristics; the concurrent use of stat involuntary medications; the tracking of injuries related to TCI Physical Restraint events in both students and faculty and other variables.” MPA actively collects data. Please see our procedure for collecting data.

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<sup>1</sup> All MPA TCI Trainers are scheduled to attend this monthly meeting. If, however, someone is ill or on vacation, the meeting can still occur.

Action	Changes Made	Doc version	Date Approved
Created			January 8, 2020
Updated			December 14, 2023



## PHOTO/VIDEO RELEASE & WAIVER FORM

### Student Information

- **Student Name:** \_\_\_\_\_
- **Grade/Class:** \_\_\_\_\_
- **Academic Director/Principal:** \_\_\_\_\_

### Parent/Guardian Information

- **Name:** \_\_\_\_\_
- **Relationship to Student:** \_\_\_\_\_
- **Phone:** \_\_\_\_\_
- **Email:** \_\_\_\_\_

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### Photo/Video Rights & Intended Uses

I, the undersigned parent or guardian, grant permission to **[School Name]** to photograph and record my child during school-related events, including academic achievements, classroom activities, performances, and ceremonies.

These media materials may be used for:

- School presentations, newsletters, yearbooks, and internal displays
- **Promotion of student achievements** in external and internal channels
- Publication on school websites, social media, and digital platforms
- Other academic-based opportunities supporting the school's educational mission

This waiver pertains **only to educational and celebratory purposes** and does **not authorize** commercial use.

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### ✓ Consent

- ☐ **I GIVE permission** for my child's photo/video to be used for the purposes listed above.
- ☐ **I DO NOT GIVE permission** for my child's photo/video to be used.

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### Privacy & Retention

- No personally identifying details (e.g., home address, phone number) will be shared publicly unless expressly permitted.
- Media featuring my child may be stored and used by the school for up to **X years**, aligned with school policy and discretion.

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### Duration

This authorization is valid for the **2025–2026 school year**, unless I provide written revocation earlier.

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### Signature

I acknowledge that:

- I understand the scope and context of this release and consent.
- I am the legal parent or guardian and have the authority to grant permission.
- I may revoke this authorization at any time in writing; however, materials released prior to revocation may still be used.

**Parent/Guardian Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**School Representative Name & Title:** \_\_\_\_\_

**Date Received:** \_\_\_\_\_



### Notes for the School

1. Maintain completed forms in student records.
2. If no box is checked, assume **no consent granted**.
3. Update platforms (e.g., website, social media) promptly upon revocation.



## Notification of Rights under FERPA

The **Family Educational Rights and Privacy Act (FERPA)** affords parents of students under 18, and eligible students (18 or older or attending a postsecondary institution), the following rights regarding education records:

1. **Inspect and Review Records**

You have the right to inspect and review your child's education records within **45 days** of your written request. Submit such requests to the designated school official. We will inform you of the time and place for access.

2. **Request Amendment**

If you believe records are inaccurate, misleading, or violate privacy rights, you may ask the school to amend them. The request should be in writing and detail the specific part and reason. If we refuse, you will be notified and informed of your right to a hearing.

3. **Consent for Disclosure**

Except as allowed by FERPA, the school must have written permission before releasing personally identifiable information from education records. Exceptions include:

- a. School officials with legitimate educational interest
- b. Other schools to which the student is transferring
- c. Specified government officials for audit or evaluation
- d. Financial aid organizations
- e. Certain research studies
- f. Accrediting organizations
- g. Health/safety emergencies
- h. Complying with court orders or subpoenas.

4. **File a Complaint**

You may file a complaint with the U.S. Department of Education's Family Policy Compliance Office if you believe our school has violated FERPA rights.

## Directory Information

The school may designate certain items as **directory information** (e.g., student's name, grade level, honors, participation in officially recognized activities). Such information may be disclosed unless you **opt out in writing** by [date] each year.

Requests to opt out should be sent to: Principals, Contact for MPA Student Records

## Compliance with New Hampshire Requirements

In accordance with New Hampshire RSA 189:66-IV, schools must make parents and eligible students aware that they also have:

- Right to inspect and review records within **14 days**
- Right to amend or correct education records
- Right to provide written consent before disclosure of personally identifiable data
- Right to file complaints with the Family Policy Compliance Office.

## Annual Distribution Notice

This notice is provided at least **annually**, and:

- At the start of each school year
- Upon initial enrollment of a student
- Anytime students become eligible (turn 18 or enter postsecondary)

## Contact Information

For questions or requests regarding education records, please contact: School Principal

I hereby confirm I received a copy of this notice:

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Parent/Legal Guardian

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Date





Policy Name	Title IX: Sexual Harassment
Date	December 18, 2025
Laws, Regulations and Standards	Title IX of the Education Amendments of 1972 and RSA 193:38
Form(s)	Report Form

### Policy Statement

*No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or subjected to discrimination under any education program or activity of, (School Name) including employment and admissions, per Title IX of the Education Amendments of 1972 and RSA 193:38.*

### Scope & Applicability

This policy applies to all students, staff, faculty, volunteers, contractors, visitors, and third-party participants in school programs or on school property. It governs all educational activities—including athletics, extracurriculars, and events—regardless of location or time.

### Key Definitions

- **Sexual Harassment:** Conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it denies equal access to educational programs; includes quid pro quo harassment, sexual assault, dating violence, domestic violence, and stalking.
- **Complainant:** Individual alleged to be the victim.
- **Respondent:** Individual accused of the behavior.
- **Formal Complaint:** Must be filed in writing by a complainant, parent/guardian, or Title IX Coordinator to trigger the grievance process.
- **Actual Knowledge:** Notice of sexual harassment to any employee—excluding the harasser or Title IX Coordinator—placing the school on notice.
- **Supportive Measures:** Non-disciplinary, non-punitive aid offered to either party, such as counseling, schedule adjustments, or increased supervision.

### Title IX Coordinator

- Appointed annually by the Head of School/Superintendent.
- Responsibilities include receiving reports, issuing written notices, coordinating supportive measures, initiating investigations, and overseeing compliance.
- In cases of conflict or absence, an acting Coordinator is designated.

### Reporting Obligations

- **All employees** (except the harasser or Title IX Coordinator) must report any known or suspected Title IX violations without delay.

- **Any person** may file a report in person, by phone, email, or in writing.
- A formal grievance process begins upon submission of a formal complaint by the complainant, parent/guardian, or Coordinator.

### **Grievance Procedure**

1. **Notice:** Upon receiving a formal complaint, the coordinator notifies all parties of the allegations.
2. **Investigation:** Conducts a fair, impartial investigation with trained investigators.
3. **Decision Making:** A designated, unbiased Decision Maker determines responsibility.
4. **Standard of Proof:** Preponderance of evidence.
5. **Equal Treatment:** Both parties receive notice, opportunities to present evidence, and to question.
6. **Written Determination:** Issued after the hearing, detailing findings, rationale, sanctions, and remedies before implementation.
7. **Appeals:** Both parties may appeal; separate and impartial appeal Decision-Maker reviews.
8. **Recordkeeping:** Records retained for at least 7 years, including complaints, actions taken, and training materials.

### **Supportive Measures & Confidentiality**

- Supportive measures to address immediate needs are offered promptly and maintained confidentially unless disclosure is needed for implementation.
- The school respects confidentiality, disclosing information only to fulfill legal responsibilities or due process.

### **Retaliation**

The school prohibits retaliation against anyone for reporting, participating, or refusing involvement in any grievance process.

### **Training**

Title IX Coordinators, investigators, Decision-Makers, and others involved in the resolution processes receive annual training on Title IX definitions, procedures, confidentiality, bias, relevance, and impartiality.

### **Publication & Notice**

The policy and procedures are included in student and employee handbooks and published on the school website, clearly identifying the Title IX Coordinator and how to file a complaint.

### **Contact Information**

#### **Title IX Coordinators**

Jessie Superchi, Principal, KLLC Campus, [jessie.superchi@mpa.us](mailto:jessie.superchi@mpa.us)  
 Michael Sullivan, Principal, Plymouth Campus, [michael.sullivan@mpa.us](mailto:michael.sullivan@mpa.us)  
 354 Main Street, Plymouth, NH 03264  
 603-536-1102

Carl Chambers, Principal, Pike Campus, [carl.chambers@mpa.us](mailto:carl.chambers@mpa.us)  
 2274 Mount Moosilauke Highway, Pike, NH 03780  
 603-989-5921

This comprehensive framework ensures compliance with federal and New Hampshire requirements, supports student rights, and provides a clear path for addressing Title IX concerns in your school.

A more detailed Description of the Title IX rights and processes is attached as Addendum A to this policy and incorporated by reference.

#### **Addendum A – Details to Title IX Policy**

**The definition of “Sexual Harassment” is found in Section II.B of this Policy. Instructions for making a report or complaint of sexual harassment are found in Section II.J.1. The “Title IX Grievance Process” is Section III, and the procedure for filing a formal complaint to initiate the grievance process is found in Section III.A.**

##### **I. RESTATEMENT OF POLICY PROHIBITING DISCRIMINATION ON THE BASIS OF SEX.**

Mount Prospect Academy (MPA) does not discriminate based on sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment are prohibited at MPA.

Title IX of the Education Amendments Act of 1972 (“Title IX”), NH RSA 193:38

##### **II. TITLE IX SEXUAL HARASSMENT POLICY.**

###### **A. Application of This Policy**

While all forms of sex-based discrimination are prohibited at MPA, the purpose of this policy is to address, and only to address, *sexual harassment as defined in Title IX and Sec. II.B*, below, that occurs within the educational programs and activities of MPA, and to provide a grievance process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment. The “Title IX Grievance Process” is set out in Sec. III below. While MPA responds to all “reports” it receives of sexual harassment, the Title IX Grievance Process is initiated only with the filing of a formal complaint.

The purpose of this Policy, however, is to address, and only to address, sexual harassment as defined in Title IX that occurs within the educational programs and activities at MPA. For harassing conduct which does not meet the definition of sexual harassment under Title IX and this Policy, MPA's response will be governed under other applicable laws and policies.

This Policy shall apply to all students, employees, and any third party who contracts with MPA to provide services to MPA's students or employees, upon MPA's property or during any school program or activity.

Nothing in this policy will be construed to confer on any third-party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law. Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, the NH Division of Children, Youth and Families (DCYF), as appropriate. A third party under the supervision and control of MPA will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

The Superintendent/Head of Schools shall have overall responsibility for implementing this Policy and shall annually appoint an MPA Title IX Coordinator as that position is described in Section II.C, below.

#### **B. Definitions.**

As used in this Policy and the Title IX Grievance Process, the terms below shall have the meaning ascribed.

**"Actual knowledge"** occurs when MPA's Title IX Coordinator or **ANY** employee of one of MPA's programs (other than a "respondent" or alleged harasser) receives a notice, report or information or becomes aware of sexual harassment or allegations of sexual harassment.

**"Complainant"** is an individual who is alleged to be the victim of conduct that could constitute sexual harassment, whether or not that person files a report or formal complaint.

**"Days"** shall mean calendar days but shall exclude non-weekend days on which the school is closed (e.g., holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g., snow days).

**"Decision Maker"** means persons tasked with the responsibility of making initial determinations of responsibility (at times referred to as "initial decision maker"); or the responsibility to decide any appeal (at times "appeals decision maker") with respect to

formal complaints of sexual harassment in accordance with the Title IX Grievance Process.

**“Determination of Responsibility”** is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal Complaint that the Respondent did or did not engage in conduct constituting Sexual Harassment Under Title IX.

**“Formal Complaint”** means a document filed by a complainant, the complainant’s parent/guardian, or the Title IX Coordinator, alleging sexual harassment against a respondent, and requesting that MPA investigate the allegation of sexual harassment.

**“Respondent”** is an individual who is reported to be the individual accused of conduct that could constitute sexual harassment.

**“Sexual harassment”** prohibited under Title IX and by this policy *is conduct on the basis of sex* (including, without limitation, gender, sexual orientation, and/or gender identity), occurring in a school, education program or activity that satisfies one or more of the following:

1. An MPA employee conditioning an aid, benefit, or service of an education program or activity on an individual’s participation or refusal to participate in sexual conduct irrespective of whether the conduct is welcomed by the student or other employee;
2. Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to
  - a. the education program or activity (this standard requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and victim and the number of individuals involved and their authority; **OR**
  - b. Sexual assault, dating violence, domestic violence, or stalking as defined in state or federal law.
3. Behaviors that constitute sexual harassment may include, but are not limited to:
  - a. Sexually suggestive remarks or jokes;
  - b. Verbal harassment or abuse;
  - c. Displaying or distributing sexually suggestive pictures, in whatever form (e.g., drawings, photographs, videos, irrespective of format);

- d. Sexually suggestive gesturing, including touching oneself in a sexually suggestive manner in front of others;
- e. Harassing or sexually suggestive or offensive messages that are written or electronic;
- f. Subtle or direct propositions for sexual favors or activities;
- g. Touching of a sexual nature or groping; and
- h. Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct.

**Note: incidents of the above conduct would still need to satisfy one or more of the criteria in paragraphs 1-3 of this definition.**

Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

The context of behavior can make a difference between conduct falling within the technical definition of Sexual Harassment Under Title IX and conduct of a sexual nature that is offensive or hostile, but which does not arise to the level within that definition. **MPA policies prohibit both, but for purposes of its Title IX obligations MPA must address reports or complaints of conduct which may constitute sexual harassment as defined above, under this specific, limited scope Policy and Title IX Grievance Process.** Except as used in other laws (e.g., Title VII) or policies pertaining to harassment, including of a sexual nature, other than Title IX sexual harassment, all references to “sexual harassment” in this policy mean sexual harassment that meets the above definition.

Conduct that satisfies this definition is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which MPA did not have substantial control over both the harasser/respondent and the context in which the harassment occurred.

***NOTE Regarding Concurrent Enrollment and Dual Enrollment, Extended Learning Opportunities, 3<sup>rd</sup> Party Distance Learning and Other Alternative Instructional Programs:*** Under federal regulations, in order for MPA to have jurisdiction over conduct that would otherwise meet the definition above of sexual harassment, MPA must have substantial control over both the respondent and the context in which the harassment occurred. In general, this will mean that unless such learning program is occurring upon MPA property, conduct otherwise meeting the definition of sexual harassment within that program, may not be subject to this policy.

**“Supportive Measures”** are free, non-disciplinary, non-punitive, individualized services and shall be offered to the complainant, and may be offered to the respondent, as appropriate. These measures may include, but are not limited to, the following:

1. Counseling;
2. Course modifications;
3. Schedule changes; and
4. Increased monitoring or supervision
5. Social Emotional Learning Measures
6. System of Care and Learning Supports

Such measures shall be designed to restore or preserve equal access to MPA’s education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or MPA’s educational environment and/or deter sexual harassment. Supportive measures shall remain confidential with exclusive exceptions stated required in Sec. II.E, below.

**C. Title IX Coordinator.**

The Title IX Coordinator shall respond promptly to all general reports as well as formal complaints of sexual harassment. The Title IX Coordinator shall receive general and specific reports of sexual harassment, and coordinate MPA’s responses to both reports and formal complaints of sexual harassment so that the same are prompt and equitable. In addition to any other specific responsibilities assigned under this Policy, or as assigned by the Superintendent/Head of Schools, the Title IX Coordinator will be responsible for:

1. meeting with a complainant, and informing the parent/guardian once the Title IX Coordinator becomes aware of allegations of conduct that could constitute sexual harassment as defined in this Policy;
2. identification and implementation of supportive measures;
3. signing or receiving formal complaints of sexual harassment;
4. engaging with the parents/guardians of parties to any formal complaint of sexual harassment;
5. coordinating with MPA and school-level personnel to facilitate and assure implementation of investigations, and remedies, and helping to assure that MPA

otherwise meets its obligations associated with reports and complaints of sexual harassment;

6. coordinating with the Superintendent/Head of Schools with respect to assignment of persons to fulfill MPA's obligations, both general and case specific, relative to this Policy (e.g., investigator, decision makers, etc.; this may involve the retention of third party personnel.);
7. coordinating with MPA administration and school-level personnel to assure appropriate training and professional development of employees and others in accordance with Sec. II.D of this Policy; and
8. helping to assure that appropriate systems are identified and maintained to centralize sexual harassment records and data.

In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason (see Sec. II.G, below), the Superintendent/Head of Schools shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances "Title IX Coordinator" shall include the acting Title IX Coordinators.

#### **D. Training**

1. MPA employees shall receive regular training relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.
2. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the definition of sexual harassment, this Policy, the scope of the MPA's education program or activity, and how to conduct an investigation (including the requirements of the reporting and the Title IX Grievance Process, including hearings, appeals, and information resolution processes). The training must also include avoiding prejudgment of the facts, conflicts of interest and bias.
3. Decision-makers must also receive training on issues of relevance of questions and evidence, including when questions about the complainant's sexual predisposition or prior sexual behavior are not relevant.
4. Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
5. Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex



stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment, and must be made available to the public as provided in Sec. II.H of this Policy.

**E. Confidentiality.**

MPA will respect the confidentiality of the complainant and the respondent as much as possible, however, some information may need to be disclosed to appropriate individuals or authorities. All disclosures shall be consistent with MPA's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action.

Examples of required disclosure include:

1. information to either party to the extent necessary to provide the parties due process during the Title IX Grievance Process;
2. information to individuals who are responsible for handling MPA's investigation and determination of responsibility to the extent necessary to complete the MPA's grievance process;
3. mandatory reports of child abuse or neglect to DCYF or local law enforcement;
4. information to the complainant's and the respondent's parent/guardian as required under this Policy and or the Family Educational Rights and Privacy Act ("FERPA"); and
5. reports to the New Hampshire Department of Education as required under N.H. Code of Administrative Rules Ed 510 regarding violations of the NH Code of Conduct for Education Professionals.

Additionally, any supportive measures offered to the complainant or the respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of MPA to provide supportive measures.

Except as specified above, MPA shall keep confidential the identity of:

1. Any individual who has made a report or complaint of sex discrimination;
2. Any individual who has made a report or filed a formal complaint of sexual harassment;
3. Any complainant;
4. Any individual who has been reported to be the perpetrator of sex discrimination;
5. Any respondent; and

6. Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of MPA to provide supportive measures.

**F. Retaliation Prohibited.**

Retaliation against any person who makes a report or complaint, or against any person who assists, participates, or refuses to participate in any investigation of an act alleged in this Policy is prohibited. Actions taken in response to **materially** false statements made in bad faith, or to submitting **materially** false information in bad faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A finding of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith. Complaints of retaliation with respect to reports or formal complaints of sexual harassment shall be filed under MPA's general grievance process.

**G. Conflict of Interest.**

No person designated as a Title IX Coordinator, investigator, decision-maker, nor any person designated by MPA to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**H. Dissemination and Notice.**

MPA shall include in all student and employee handbooks, and shall make *publicly available on MPA's website* the following information:

1. MPA's policy of non-discrimination on the basis of sex;
  2. the title, name, office address, email address, and telephone number of the Title IX Coordinator (to be provided pursuant to policy and its addendum, updated annually;
  3. the complaint process;
  4. how to file a complaint of sex discrimination or sexual harassment;
  5. how MPA will respond to such a complaint; and
  6. a statement that Title IX inquiries may be referred to the Title IX Coordinator or to the Assistant Secretary for Civil Rights.
2. 1 34 CFR 106.71 (a).

3. 234 CFR 106.71 (a).

The same information shall be provided to all people seeking employment with MPA or seeking to enroll or participate in MPA's educational programs or activities.

Additionally, MPA will make this Policy, as well as any materials used to train personnel as required under Sec. II.D publicly available on MPA's website.

**A. Records and Record Keeping.**

1. For each report or formal complaint of sexual harassment, MPA, through the Title IX Coordinator, must create, and maintain for seven (7) years, record of:
  - a. Any actions, including any supportive measures,
  - b. The basis for MPA's conclusion that its response was not deliberately indifferent; and
  - c. Documentation which:
    - o If supportive measures were provided to the complainant, a description of the supportive measures taken designed to restore or preserve equal access to the MPA's program or activity; or
    - o If no supportive measures were provided to a complainant, explain the reasons why such a response was not clearly unreasonable in light of the known circumstances.
2. In addition, MPA shall maintain the following records for a minimum of seven (7) years:
  - a. Records for each formal complaint of sexual harassment, including:
    - o Any determination regarding responsibility, including dismissals;
    - o Any disciplinary sanctions imposed on the respondent;
    - o Any remedies provided to the complainant designed to restore or preserve equal access to MPA's education program or activity;
    - o Any appeal and the result therefrom;
    - o Any informal resolution process and the result therefrom;
  - b. All materials used to train Title IX Coordinators, investigators, and decision-makers.

**B. Reports of Sexual Harassment, Formal Complaints and MPA Responses.**

1. Report of Sexual Harassment.

**NOTE:** *A report does not initiate the formal Title IX Grievance Process. That process begins only upon the filing of a formal complaint under the procedures set out in II.J.3, and III.A, below.*

Any person may report sexual harassment whether relating to her/himself or another person. **However, if any MPA employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator** of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.

A report of sexual harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Additionally, while MPA strongly encourages reports of sexual harassment to be made directly to the Title IX Coordinator, the report may be made to **any** MPA staff member, including, for instance, a counselor, teacher or principal.

If the Title IX Coordinator is the alleged respondent, the report or formal complaint may be made directly to the Superintendent/Head of Schools, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that report/complaint, or delegate the function to another person.

NOTE: For any allegation of sexual assault on a student under the age of 18, such conduct shall be reported immediately to DCYF. If the alleged respondent is a person holding a license or credential from the New Hampshire Department of Education (i.e., "credential holder"), then a report shall also be made pursuant to the requirements of Ed 510 (Code of Conduct).

#### 1. MPA's Response to a Report of Sexual Harassment.

MPA will promptly respond when there is actual knowledge of sexual harassment, even if a formal complaint has not been filed. MPA shall treat complainants and respondents equitably by providing supportive measures to the complainant and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator may also offer supportive measures to the respondent.

As soon as reasonably possible after receiving a report of alleged sexual harassment from another MPA employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- i. discuss the availability of and offer supportive measures;

- ii. consider the complainant's wishes with respect to supportive measures;
- iii. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- iv. explain to the complainant the process for filing a formal complaint.

## 2. Formal Complaints.

Pursuant to federal regulations, and this Policy, a formal complaint that contains an allegation of sexual harassment and a request that MPA investigate the allegations is required before MPA may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a person accused of sexual harassment. **Once a formal complaint of sexual harassment is received by the Title IX Coordinator, s/he shall commence the Title IX**

**Grievance Process set out in Sec. III below. The process for filing a formal complaint is set forth in Sec. III.A.**

## 3. Limitation on Disciplinary Action.

In no case shall MPA impose disciplinary consequences or sanctions against a respondent who has been accused of conduct which may constitute sexual harassment, until the Title IX Grievance Process has been completed.

## 4. Emergency Removal and Administrative Leave.

At any point after receiving a report or formal complaint of sexual harassment, the Title IX Coordinator (or other MPA official charged with a specific function under this Policy or the Title IX Process: e.g., investigator, decision maker, etc.) may request the Superintendent/Head of Schools to direct that an individualized safety and risk analysis be performed to determine whether a respondent student is an immediate threat to the physical health or safety of any person. In the event that the safety and risk analysis determines that the respondent student does present an immediate threat to the physical health and safety of any person, MPA may remove that student, provided that such removal is in full compliance with the IDEA, a student's IEP and or 504 plan if applicable. Such emergency removal shall not be disciplinary. However, MPA must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal, and shall continue to offer educational programming until a final determination is made pursuant to the Title IX Grievance Process.

The Title IX Coordinator shall keep the Superintendent/Head of Schools informed of any employee respondents so that he/she can make any necessary reports to New Hampshire Department of Education in compliance with applicable administrative rules and the New Hampshire Code of Conduct for Educational Professionals. In appropriate cases, the Superintendent/Head of Schools may place an employee respondent on non-disciplinary administrative leave pursuant to RSA 189:31.

## **II. TITLE IX GRIEVANCE PROCESS.**

The Title IX Grievance Process is used only upon the filing of a formal complaint of sexual harassment as described in Sec. III.A, below. The provisions of Section I of the Policy are incorporated as part of the Title IX Grievance Process. Upon receipt of a formal complaint of sexual harassment, the Title IX

Coordinator will coordinate MPA's efforts to comply with its responsibilities related to the Title IX Grievance Process.

### **A. Process for Filing a Formal Complaint of Sexual Harassment.**

The Title IX Grievance Process is initiated by way of a formal complaint ("complaint" or "formal complaint") filed by the complainant, the complainant's parent/guardian, or the Title IX Coordinator. The complainant may file a complaint or choose not to file a complaint and simply receive the supportive measures. If the Complainant does not file a complaint, the Title IX Coordinator may sign a formal complaint, but only if initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances, and in other cases where, in the exercise of good judgment and in consultation with MPA's attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment (e.g., reports of sexual assault, employee on student harassment, repeat reports, or the conduct in the complainant's report has not been adequately resolved through the provision of supportive measures). If the complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and MPA must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.

If no formal complaint is filed by the complainant or the Title IX Coordinator no disciplinary action may be taken against the respondent based upon conduct that would constitute sexual harassment under this policy.

Although there is no time limit per se to filing a formal complaint, for complaints initiated by the complainant or his/her parent/guardian, the complainant must be employed by MPA or participating in or attempting to participate in the education program or activities of MPA at the time of filing. Additionally, although MPA will initiate the Title IX Grievance Process regardless of when the formal complaint is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

At a minimum, a formal complaint must:

1. contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student;
2. describe the alleged sexual harassment,
3. request an investigation of the matter, and
4. be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX Coordinator or on MPA's website.

**B. Initial Steps and Notice of Formal Complaint.**

1. The Title IX Coordinator will provide notice to the complainant and the complainant's parent/guardian (if the complainant is a non-eligible student under FERPA), and to the respondent (if known) and the respondent's parent/guardian (if the respondent is a non-eligible student under FERPA), as well as to any other known parties, of the following:
  - a. this Title IX Grievance Process, including any informal resolution process;
  - b. the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview; "sufficient details" shall include to the extent known identities of persons involved, the conduct allegedly constituting sexual harassment, and the date and location of the incident;
  - c. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;

- d. that each party may have an advisor of their choice, who may be, but is not required to be, an attorney (the advisor must be at least 18 years of age);
  - e. that each party is entitled to inspect and review evidence; and
  - f. a reference to any provision in MPA's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
1. The Title IX Coordinator will contact the complainant to discuss and offer supportive measures.
  2. The Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
  3. The Title IX Coordinator will examine the allegations in the formal complaint, to determine whether even if assumed true, the allegations are sufficient to sustain a finding of sexual harassment under this Policy. If the Title IX Coordinator was not involved with preparing the formal complaint, the Title IX Coordinator will contact the complainant to discuss the complaint and whether amendment is appropriate, in which case the process of Sec. III.C.4 will apply.
  4. If the formal complaint fails to satisfy the definition of sexual harassment in this Policy, the complaint shall be dismissed as provided in Sec. III.G, below.
  5. If the complaint is not dismissed, then Title IX Coordinator will consult with the Superintendent/Head of Schools as to whether the Title IX Coordinator should act as the investigator or whether a different MPA employee shall act in that capacity. At the same time, the Title IX Coordinator and the Superintendent/Head of Schools shall appoint the person who shall make the initial determination of responsibility (initial decision maker). In all cases, the investigator and the initial decision maker must be properly trained and otherwise qualified (see Sec. II.D "Training", and Section II.G "Conflict of Interest").
  6. If the report alleges sexual harassment by the Superintendent/Head of Schools, the Title IX Coordinator will inform the President, a board member and the Human Resources Manager, the latter of whom shall have authority to seek guidance from MPA's general counsel but shall not delay MPA's response to the report as outlined in this Policy.

**B. General Provisions and Additional Definitions Relative to Title IX Grievance Process.**



1. Copies and Notices. Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to MPA's official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent/Head of Schools, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. (Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to the party's advisor. See Sections III.E.3, and III.E.4).
2. Risk Analysis and Emergency Removal. At any point during the Title IX Grievance Process, the Title IX Coordinator may arrange for an individualized safety and risk analysis as described in Sec. II.J.5, following which a student may be removed.
3. Administrative Leave. At any point during the Title IX Grievance Process, the Superintendent/Head of Schools, and at his/her own discretion, and with or without consulting the Title IX Coordinator, may place an employee on administrative leave pursuant to RSA 189:31.
4. Additional Allegations. If, in the course of an investigation, if MPA decides to investigate allegations about the complainant or respondent that were not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.
5. No Interference with Legal Privileges. At no point in the process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of MPA, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process.
6. Consolidation of Complaints. MPA may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise

out of the same facts or circumstances, and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party.

When MPA has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.

7. Remedies: Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.

- a. “Disciplinary sanctions” are consequences imposed on a respondent when she/he is found responsible for sexual harassment under this Policy. Remedial actions are actions

intended to restore or preserve a complainant’s equal access to the educational programs and activities of MPA.

- b. “Disciplinary sanctions” against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of policy, NH Code of Conduct for Educational Professionals, applicable individual or collective bargaining contract, or state or federal laws or regulations.
- c. “Disciplinary sanctions” against a student may include any available discipline or sanction, up to and including expulsion, under the policies, rules and procedures that establish the district’s comprehensive student code of conduct.
- d. “Remedial actions” as to a respondent after a final finding of responsibility, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond

appropriately to the circumstances surrounding a successful complainant’s right to access the district’s program and activity.

Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent/Head of Schools shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

**A. Timeframe of Grievance Process.**

MPA shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through at least the determination of responsibility within 80 days after filing the formal complaint. In more complex cases, the time necessary to complete a fair and thorough investigation or other circumstances mean that a determination of responsibility cannot reasonably be made within that timeframe.

**1. Summary of Grievance Process Timeline.**

- a. Investigation 20 +/- days as the complexity of the case demands (Sec. III.E.1)
- b. 10 days for reviewing information prior to conclusion of investigation
- c. 10 days after receiving report to respond to report
- d. 10 days for decision maker to allow initial questions
- e. 10 days for responses to questions
- f. 10 days for questions and responses to follow-up questions.
- g. 10 days for determination of responsibility decision
- h. 10 days for appeal (6 additional days for administrative steps)
- i. 10 days for argument/statement challenging or supporting determination
- j. 10 days for decision on appeal

- 2. Delays and Extensions of Time.** At any stage of the grievance process, MPA(through the Superintendent/Head of Schools, or if the Superintendent/Head of Schools is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties or witnesses, school or school administrative office holidays or vacations,

referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent/Head of Schools or the Title IX Coordinator will provide written notice to the parties of the delay/extension and the reason(s).

**B. Investigation.**

The Title IX Coordinator will coordinate the investigation. The investigator shall be appointed pursuant to Sec. III.B.5.

1. The Title IX Coordinator may conduct the investigation, or, in consultation with the Superintendent/Head of Schools, designate another qualified person to investigate. The investigation and investigator must:
  - a. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
  - b. Ensure that the burden of proof (and the burden of gathering evidence sufficient to reach a determination) regarding responsibility rests on MPA and not on either of the parties;
  - c. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence;
  - d. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
  - e. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The investigator may restrict any others from participating, as long as the restrictions apply equally to both parties;
  - f. Provide, to a party (e.g., respondent or complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or

other meetings, with sufficient time for the party to prepare to participate within the timeframes established in Sec. III.D, below.

- g. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;

2. Prior to completion of the investigative report, MPA, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;

- 3. The investigator must prepare a written investigative report that summarizes without bias, relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant MPA policies, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.
- 4. The investigator shall provide the investigative report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator with a written response to the investigative report.
- 5. It serves all parties when investigations proceed diligently and conclude within a reasonable time, which may vary case by case. In most cases, it is expected that the investigator will conclude the initial investigation and provide the parties with the evidence and other information required under Sec. III.E.2. Not more frequently than every other week, any party may request the Title IX Coordinator to obtain and provide the parties with a basic status report on the investigator's progress toward completion (the status report may be given orally or in writing). In most cases, the investigator should conclude the investigation within 10-20 days after receiving a Formal Complaint.

C. **Determination of Responsibility and Initial Decision Maker.**

1. The determination of responsibility of the respondent shall be made by the initial decision maker as appointed pursuant to Section III.B.5.
2. Prior to making a determination of responsibility, the initial decision maker will afford each party 10 days to submit written, relevant questions to the initial decision maker that the party wants asked of any party or witness.
3. The initial decision-maker must explain to the party proposing the questions of any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent. The initial decision maker may not make any credibility determinations based on the person's status as a complainant, respondent, or witness.
4. The initial decision maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days for written responses, likewise, to be provided to each party.
5. The initial decision maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
6. The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. The initial decision maker may impose disciplinary sanctions and remedies as described in Section III.C7, above.
8. The standard to be used for formal complaints in determining whether a violation has occurred and/or that the respondent is responsible is the preponderance of the evidence standard, which is only met when the party with the burden convinces the fact finder (the initial decision maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not).
9. The initial decision-maker must issue a written determination/decision within 10 days after the close of the period for responses to the last round of follow-up questions. The written "Initial Determination of Responsibility" must include:

- i. Identification of the allegations potentially constituting sexual harassment;
- ii. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination of Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- iii. Findings of fact supporting the determination;
- iv. Conclusions regarding the application of MPA's applicable codes of conduct, policies, administrative regulations or rules to the facts;
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether the respondent is responsible for sexual harassment), and any disciplinary sanctions or remedies; and
- vi. MPA's procedures and permissible basis for the complainant and respondent to appeal (as set forth in Section III.H, below).

10. The decision maker shall provide the Initial Determination of Responsibility to the Title IX Coordinator, the Superintendent/Head of Schools and the parties simultaneously.

**D. Dismissal of a Formal Complaint.**

- 1. MPA must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
  - i. Would not constitute sexual harassment, even if proved;
  - ii. Did not occur in MPA's education program or MPA sponsored activity; or
  - iii. Did not occur against a person in the United States.
- 2. MPA may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
  - i. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - ii. The respondent is no longer enrolled or employed by MPA; or
  - iii. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

3. Prior to dismissal of a complaint, the person responsible at that stage shall consult with the Superintendent/Head of Schools.
4. Upon dismissal of a formal complaint, MPA must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.
5. The dismissal of a formal complaint under Title IX does not preclude MPA from continuing any investigation or taking action under other District policies, code of conduct or administrative rules/regulations. In some cases, MPA may have an obligation to continue an investigation and proceed under a different policy or mandated process.

**E. Appeals Process.**

1. Either party may appeal the Initial Determination of Responsibility or the dismissal of a formal complaint or any allegation in a formal complaint by notifying the Superintendent/Head of Schools in writing (“written appeal”), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal. The written appeal must be received by the Superintendent/Head of Schools within 10 days of the Initial Determination of Responsibility or written notice of dismissal being communicated to the parties.
2. An appeal under this Policy may only be based upon one or more of the following basis, which must be stated specifically in the party’s written appeal:
  - i. Procedural irregularity that affected the outcome of the matter;
  - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
  - iii. The Title IX Coordinator, investigator(s), or decision-maker(s) 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.
3. Appeals for any other reason or upon any determination of responsibility not included in the written appeal will not be heard.
4. Appeals pertain only to the determination of responsibility and non-disciplinary remedies. Once a determination of responsibility is final per Sec. III.I, below, appeals of disciplinary sanctions may be made pursuant to MPA’s ordinary review



process for discipline, or, to the extent applicable, any statutory or other processes provided under collective bargaining agreements or individual contracts.

5. Within 3 days of receipt of the written appeal, the Superintendent/Head of Schools shall appoint a decision maker for appeal (“appeals decision maker who must have adequate training as provided in Section II.D, be free from conflict of interest as provided in Section II.G, and may not be the same person as the initial decision maker, the person who ordered dismissal, the investigator(s), or the Title IX Coordinator. Upon the appointment of the appeals decision maker, the Superintendent/Head of Schools shall provide a Notice of Appeal to each party and to the Title IX Coordinator, with a copy of the written appeal. The Notice of Appeal must include information about all deadlines and timeframes in the appeal stage.
6. Each party shall have 10 days from the date the Notice of Appeal is delivered to the parties to submit to the appeals decision maker a written statement, with copies to the Superintendent/Head of Schools, Title IX Coordinator, and other party a statement (“appeal statement”) in support of, or challenging, the determination of responsibility or dismissal.
7. Each party shall provide copies of the appeal statement to the other party, the Superintendent/Head of Schools, and the Title IX Coordinator at the same time the appeal statement is given to the appeals decision maker. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party’s appeal statement.
8. The appeals decision maker may refer an appealed issue back to a prior point in the grievance process, with written notice to the parties, the Superintendent/Head of Schools and the Title IX Coordinator.
9. The appeals decision maker shall provide a written appeals decision after considering the record and the parties’ appeal statements. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the basis for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence, or refer it back to the appropriate stage of the Title IX Grievance Process. The written appeals decision will describe the result(s) of the appeal and the rationale, with copies provided to the parties, Superintendent/Head of Schools and Title IX

10. Coordinator, no more than 10 days after receiving the last of the parties' written statements per Section III.H.5.

F. **Finality of Determination of Responsibility.** The determination regarding responsibility becomes final either on the date that the recipient, through the Superintendent/Head of Schools, provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal of the Initial Determination of Responsibility would no longer be considered timely. The final determination shall be identified as the Title IX Decision.

Once the Title IX Decision is final, MPA may implement remedies and disciplinary sanctions. The Title IX Coordinator is responsible for effective implementation of any non-disciplinary remedies, with the assistance of building and MPA administrative personnel, while disciplinary sanctions will be imposed by persons charged with such responsibilities under other Board policies, regulations or administrative procedures. MPA may also proceed against the respondent or complainant pursuant to the MPA's applicable code of conduct or other Board policies, collective bargaining agreement, individual contract or administrative rules/regulations/procedures. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within MPA

G. **Informal Resolution.**

1. At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), MPA may offer an optional informal resolution process (e.g., mediation, arbitration), provided that MPA:
2. Provides written notice to the parties the parties disclosing:
  - i. The allegations of the formal complaint;
  - ii. The requirements of the information resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
  - iii. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

3. And MPA must obtain the parties' voluntary written consent to the informal resolution process.

#### 4. **The Informal Resolution Process**

- i. **Initial Screening:** The Title IX Coordinator reviews the complaint and any available information to determine if the case is suitable for IR. Safety, both emotional and physical, is a primary consideration.
- ii. **Facilitator and Advisor Selection:** A trained facilitator, neutral to all parties, is chosen to guide the IR process. Parties also have the option to be accompanied by advisors (friends, family, faculty, or attorneys) for support.
- iii. **Pre-Informal Resolution Meetings:** The facilitator meets separately with each party and their advisors to explain the IR process, its goals, and ground rules. The facilitator also assesses the suitability of the case for IR.
- iv. **Agreement to Participate:** Parties sign an agreement indicating their voluntary participation in the IR process.
- v. **Informal Resolution Meeting:** Parties have the opportunity to discuss with the facilitator and/or the other party the incident, its impact, and sometimes numerous options and conditions for potential resolutions. This meeting can be structured in various ways, including using tools like breakout rooms in virtual settings, to ensure comfort and safety.
- vi. **Agreement Drafting and Implementation:** The IR Facilitator creates a written agreement, based on significant input from the parties, outlining the agreed upon resolution. The Title IX Coordinator reviews the agreement to ensure it is practical and enforceable.
- vii. **Monitoring and Enforcement:** The Title IX Coordinator is responsible for monitoring and enforcing the written agreement.

**In no event may MPA offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.**

#### **Legal References:**

*Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq 20 U.S.C. §1232g, Family Educational Rights and Privacy Act*

*34 CFR. Part 99, Family Educational Rights and Privacy Act Regulations*

*34 CFR 106.8, Designation of responsible employee and adoption of grievance procedures.*

*34 CFR 106.30, Definitions*

*34 CFR 106.44, Recipient's response to sexual harassment*

*34 CFR 106.4, Grievance process for formal complaints of sexual harassment 34 CFR 106.71, Retaliation*

*RSA 193:38, Discrimination in Public Schools*

*NH Dept of Ed. Rules Ed 303.01 (i), School Board Substantive Duties*

*Ed 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy*

*Policy Reference: Memorandum of Understanding: Safe School Zones*

***Legal References Disclaimer:*** *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

Action	Changes Made	Doc Version	Date Approved
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