



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
Michael Sullivan, Principal, Plymouth Campus, michael.sullivan@mpa.us
354 Main Street, Plymouth, NH 03264
603-536-1102

Carl Chambers, Principal, Pike Campus, 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, 3rd 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. ¹34 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:
 - ☐ 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
 - ☐ 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:
 - ☐ Any determination regarding responsibility, including dismissals;
 - ☐ Any disciplinary sanctions imposed on the respondent;
 - ☐ Any remedies provided to the complainant designed to restore or preserve equal access to MPA's education program or activity;
 - ☐ Any appeal and the result therefrom;
 - ☐ 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 creditability 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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