

POLICY: STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

NEPN/NSBA CODE: ACAA-R

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of employee complaints of discrimination or harassment as describe in policies AC (Affirmative Action Policy) and ACAA (Harassment and Sexual Harassment of Students).

Definitions

A. A “complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, religion, ancestry, national origin, or disability.

How to Make a Complaint

A. Any student who believes he/she has been harassed should inform the individual that his/her behavior is unwelcome, offensive or inappropriate, but only if it is safe to do so. If the student feels uncomfortable expressing concerns to the individual, then this is not necessary.

B. Any student who believes he/she has been harassed should report his concern promptly to the Building Principal. If the student is uncomfortable reporting concerns to the Building Principal, he/she may report the concern to any school administrator.

Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the Building Principal.

C. School staff are expected to report possible incidents of discrimination or harassment of students. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.

D. Students and others will not be retaliated against for making a complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.

E. Students are encouraged to utilize the school unit’s complaint procedure. However, students are hereby notified that they also have the right to report complaints to the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the federal office for Civil Rights, Regional Director, U.S. Department of Education, SW McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9622).

Complaint Handling and Investigation

- A. The Building Principal shall promptly inform the Superintendent and the person(s) who is the subject of the complaint that a complaint has been received.
- B. The Building Principal may pursue an informal resolution of the complaint
- C. The complaint will be investigated by the Principal unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the School Committee, who should consult with legal counsel concerning the handling and investigation of the complaint.
1. The person who is subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
 2. If the complaint is against an employee of the school unit, any applicable individual or collective bargaining provisions shall be followed.
 3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
 4. The Principal shall keep a written record of the investigation process.
 5. The Principal may take interim remedial measures to reduce the risk of further harassment while the investigation is pending.
 6. The Principal shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
 7. The investigation shall be completed within 21 business days of receiving the complaint, if practical.
- D. If the Principal determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent will:
1. Determine what remedial action is required, if any;
 2. Determine what disciplinary action should be taken against the person(s) who engaged in harassment, if any; and
 3. Inform the employee who made the complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws)
- E. If the student's parents/legal guardians are dissatisfied with the resolution, an appeal may be made in writing to the Superintendent within 14 business days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.

Legal Reference: Americans with Disabilities Act (28 CFR 35.07)
Section 504 of the Vocational Rehabilitation Act (34 CFR 104.7)
Title IX of the Educational Amendments of 1972 (34 CFR

106.8(b)

Title VI of the Civil Rights Act of 1964 (PL 88-352)
20 USC 1232g; 34 CFR Part 99
5 MRSA 4571; 4602; 4881 et seq.
20-! MRSA 6001 et seq.

Cross Reference : AC – Nondiscrimination Equal/Opportunity and Affirmative
Action

Adopted: 08-26-96
Amended: 12-11-96
Revised: 05-07-02
Revised: 07-19-04

DISCRIMINATION/SEXUAL HARASSMENT REPORT FORM

Complainant _____
Home Address _____
Work Address _____
Home Phone: _____ Work Phone: _____

Name of the person that you believe sexually harassed you or discriminated against you:

Date of alleged incident(s)

List any witnesses

Where did the incident(s) occur?

Describe the incident(s) as clearly as possible, include if threats were made, any verbal statements made, if force was used, if demands were made, if physical contact was involved, how you reacted. (Attach additional pages if necessary)

What outcome or resolution would satisfy you?

This complaint is filed based on my honest belief that

_____ has sexually harassed me, or has discriminated against me. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Complainant _____ Date _____

Received by _____ Date _____

Please return to Superintendent's Office