

**MILLINOCKET SCHOOL BOARD POLICY  
EMPLOYEE DISCRIMINATION AND HARASSMENT  
COMPLAINT PROCEDURE**

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of employee complaints of discrimination and harassment as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and GBAA – Harassment and Sexual Harassment of School Employees.

**Definitions**

For purposes of this procedure:

- A. “Complaint” is defined as an allegation that an employee has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin or disability; and
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin or disability.

**How to Make a Complaint**

- A. Any employee who believes he/she has been harassed or discriminated against is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate formal complaint.
- B. Any employee who believes he/she has been discriminated against or harassed should report their concern promptly to the assistant principal, principal or superintendent’s designee. If the employee is uncomfortable reporting concerns to the assistant principal, principal or superintendent’s designee he/she may report the concern to the Affirmative Action Officer. The report should be made in writing.

Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the assistant principal, principal or superintendent’s designee or Affirmative Action Officer. Employees will not be retaliated against for reporting suspected discrimination or harassment.

- C. The assistant principal, principal or superintendent’s designee will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received. The assistant principal, principal or superintendent’s designee or Affirmative Action Officer may pursue an informal resolution of the complaint with the agreement of this complainant and the person against whom the complaint is made. The assistant principal, principal or superintendent’s designee shall consider whether the informal resolution is in the best interest of the school unit in light of applicable policies and law.

- D. Any employee who believes he/she has been discriminated against or harassed is encouraged to utilize the school unit's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the U.S. Department of Education, Office for Civil Rights/ED, 5 Post Office Square, Suite 900, Boston, MA 02109-3921 (telephone: 617-223-9622; TDD: 877-521-2172; fax: 617-289-0150).

### **Complaint Handling and Investigation**

- A. The complaint will be investigated by the assistant principal, principal or superintendent's designee unless he/she chooses to designate the Affirmative Action Officer or another person to investigate it on his/her behalf. Any complaint about the assistant principal, principal or superintendent's designee should be submitted to the Chair of the School Board, 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 right conferred under an applicable collective bargaining agreement shall be applied.
  3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
  4. The assistant principal, principal or superintendent's designee, Affirmative Action Officer shall keep a written record of the investigation process.
  5. The assistant principal, principal or superintendent's designee may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further harassment while the investigation is pending.
  6. The assistant principal, principal or superintendent's designee 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.
- B. If the assistant principal, principal or superintendent's designee 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).

- C. If the employee who made the complaint is dissatisfied with the resolution, he/she may appeal 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.

If the employee is dissatisfied with the decision of the principal/superintendent, he/she may appeal to the Board within 14 business days after receiving notice of the decision.

The Board will consider the appeal in executive session, at its next Board meeting or a special meeting. The superintendent shall submit to the Board his/her decision, the complaint, any responses, the investigation report and related documents. The complainant shall be allowed to be heard. The person(s) against whom the Complaint was made shall be invited and allowed to be heard. If present, the complainant's representative and the representative of the person(s) against whom the complaint was made will also be given the opportunity to be heard.

After reviewing the superintendent's submissions and hearing from the parties, the Board shall make a decision as to whether to affirm or modify the principal/superintendent's conclusions. The Board'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))  
Age Discrimination in Employment Act (34 CFR § 110.25)  
Maine Human Rights Act (5 MRSA § 4571 et seq., 4681 et seq.)

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**DISCRIMINATION/SEXUAL HARASSMENT REPORT FORM**  
**(CONFIDENTIAL)**

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 the Superintendent's Office**