

## **STUDENT 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 student complaints of discrimination or discriminatory harassment as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAA – Harassment and Sexual Harassment of Students.

### **Definitions**

For purposes of this procedure:

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

### **How to Make a Complaint**

- A. Any student who believes he/she has been discriminated against or harassed should report his/her concern promptly to the Affirmative Action Officer. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the Affirmative Action Officer.
- B. 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.
- C. 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.
- D. 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 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. Affirmative Action Officer shall promptly inform the Director and the person(s) who is the subject of the complaint that a complaint has been received.
- B. Affirmative Action Officer may pursue an informal resolution of the complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the Director, who shall consider whether the informal resolution is in the best interest of the school unit in light of the particular circumstances and applicable policies and laws.
- C. The complaint will be investigated by Affirmative Action Officer, unless the Director 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 Director 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 the 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 contract 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. Affirmative Action Officer shall keep a written record of the investigation process.
  - 5. Affirmative Action Officer may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
  - 6. Affirmative Action Officer shall consult with the Director concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
  - 7. The investigation shall be completed within 21 calendar days of receiving the complaint, if practicable.
- D. If Affirmative Action Officer determines that discrimination or harassment occurred, he/she shall, in consultation with the Director:

1. Determine what remedial action is required, if any;
  2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
  3. Inform the student 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 Director within 14 calendar days after receiving notice of the resolution. The Director shall review the investigation report and may conduct further investigation if deemed appropriate. The Director'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 Education Amendments of 1972 (20 SC § 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (PL 88-352)  
20 USC § 1232g;  
34 CFR Part 99  
5 MRSA §§ 4571; 4602; 4681 et seq.  
20-A MRSA §§ 6001 et seq.

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action  
ACAA - Harassment and Sexual Harassment of Students

First reading: 12/15/2011

Second reading: 1/19/2012