

<b>STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE</b>		<b>File: ACAA-R</b>
<b>Section A:</b> Foundations and Basic Commitments	<b>Adopted:</b> 6/12/1997	<b>Last Revised:</b> 02/06/2020

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. As defined in Maine law and for the purpose of Board policy and this procedure, “sexual orientation” means a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. “Gender identity” means gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.

**How to Make a Complaint**

- A. Any student who believes they have been discriminated against or harassed should report their concern promptly to the Director of Mainstream and Deaf Education Programs. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the Director of Mainstream and Deaf Education Programs.
- B. School staff are expected to report possible incidents of discrimination or harassment of students to the Director of Mainstream and Deaf Education Programs. 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 Regional Director, Office for Civil Rights U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

**Complaint Handling and Investigation**

- A. The Director of Mainstream and Deaf Education Programs shall promptly inform the Executive Director and the person(s) who is the subject of the complaint that a complaint has been received.
- B. The Director of Mainstream and Deaf Education Programs 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 Executive 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 the Director of Mainstream and Deaf Education Programs unless the Executive Director chooses to investigate the complaint or designates another person to investigate it on

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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 Executive 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. The Director of Mainstream and Deaf Education Programs shall keep a written record of the investigation process.
  5. The Director of Mainstream and Deaf Education Programs may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
  6. The Director of Mainstream and Deaf Education Programs shall consult with the Executive 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 the Director of Mainstream and Deaf Education Programs determines that discrimination or harassment occurred, they shall, in consultation with the Executive 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 Executive Director within 14 calendar days after receiving notice of the resolution. The Executive Director shall review the investigation report and may conduct further investigation if deemed appropriate. The Executive Director's decision shall be final.
- F. If the student's parents/legal guardians are dissatisfied with the decision of the Executive Director, an appeal may be submitted in writing within 14 calendar days after receiving notice of the decision. The Board will consider the appeal in executive session, to the extent permitted by law, at its next regular meeting or a special meeting. The Executive Director shall submit the investigation report and any other witnesses or documents that they believes will be helpful to the Board. The student, his/her parents/legal guardians and his/her representative shall be allowed to be heard. The person(s) against whom the complaint was made shall be invited and allowed to be heard. The Board's decision shall be final.

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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 USC § 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

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