

NEPN/NSBA Code: ACAB-R

M.S.A.D. #12 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--Non-discrimination/Equal Opportunity and Affirmative Action and ACAB--Harassment and Sexual Harassment of School Employees.

#### Definitions

For purposes of this procedure:

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

B. "Discrimination or harassment" means discrimination or harassment on the basis of race, color, sex, 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 Principal. If the employee is uncomfortable reporting concerns to the Principal, he/she may report the concern to the M.S.A.D. #12 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 Principal. Employees shall not be retaliated against for reporting suspected discrimination or harassment.

C. 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 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 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 Principal 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 Superintendent, who shall consider whether the informal resolution is in the best interest of the school unit in light of applicable policies and laws.

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 Board, who should consult with legal counsel regarding 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 rights 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 Principal shall keep a written record of the investigation process.

5. The Principal 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 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 practicable.

| D. If the Principal determines that discrimination or harassment occurred, he/she  
| shall, in consultation with the Superintendent:

- | 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 employee who made the complaint is dissatisfied with the resolution, he/she  
| may appeal to the Superintendent within 14 business days after receiving the 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 Education 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.)

| Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action

| ACAB - Harassment and Sexual Harassment of School Employees

| Adopted: August 13, 2002