

**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. “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 school administrators. If the employee is uncomfortable reporting concerns to school administrators, he/she may report the concern to the building Affirmative Action representative or the Affirmative Action Officer. The report shall be made in writing.

Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with school administrators, the building Affirmative Action representative or the Affirmative Action Officer. Employees will not be retaliated against for reporting suspected discrimination or harassment.

- C. School administrators will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.

The school administrator may pursue an informal resolution of the complaint with the agreement of the complainant and the person against whom the complaint is made. 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 law.

- D. The complaint handling and investigation will be done by the school administrator in consultation with the Affirmative Action Officer, unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf.

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 school administrator and/or Affirmative Action Officer shall keep a written record of the investigation process.
  5. The school administrator 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 school administrator and/or Affirmative Action Officer shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
  7. The investigation shall be completed within 30 calendar days of receiving the complaint, if applicable.
  8. Any complaint about the Superintendent should be submitted to the Chair of the Board of Directors, who should consult with legal counsel concerning the handling and investigation of the complaint.
- E. If the school administrator and/or the Affirmative Action Officer 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).
- F. If the employee who made the complaint is dissatisfied with the resolution, he/she may appeal in writing to the Superintendent within 14 calendar 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 Superintendent, he/she may appeal in writing to the Board of Directors within 14 calendar days. The Board's decision shall be final.

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, State

House Station 51, Augusta, ME 04333 (207-624-6050) and/or the Federal Office for Civil Rights, Regional Director, U.S. Department of Education, 33 Arch Street, Suite 900, Boston MA 02110-1491 (617-289-0111).

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 M.R.S.A. § 4571 et seq., 4681 et seq.)

Cross Reference: AC – Non-discrimination/Equal Opportunity and Affirmative Action  
ACAB – Harassment and Sexual Harassment of School Employees

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