

meeting. The Superintendent shall submit the investigation report and any other witnesses or documents that he/she 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.

**Maintenance of Records**

Written records of all complaints, investigations and resolutions shall be maintained in the Office of the Superintendent.

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: ACAA - Harassment and Sexual Harassment of Students: School Harassment and Discrimination Policy

Adopted: April 7, 2004  
Revised: June 21, 2006

Any complaint involving both an adult and student(s) shall be handled in accordance with Paragraph B of this section; Formal Resolution.

**B. FORMAL RESOLUTION:**

1. If informal resolution is not warranted or is not successful, the Affirmative Action Officer shall promptly inform the Superintendent and the person(s) who is the subject of the complaint that a complaint has been received.

2. The complaint will be investigated the Affirmative Action Officer, 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 Committee, who should consult with legal counsel concerning the handling and investigation of the complaint.

- a. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
- b. If the complaint is against an employee of the school unit, any applicable individual or collective bargaining contract provisions shall be followed.
- c. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
- d. The Affirmative Action Officer shall keep a written record of the investigation process.
- e. The Superintendent may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
- f. The Affirmative Action Officer shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
- g. The investigation shall be completed within 21 calendar days of receiving the complaint, if practicable.

3. If the investigator(s) determine that discrimination or harassment occurred, they shall, in consultation with the Superintendent:

- a. Determine what remedial action is required, if any;
- b. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
- c. Inform the complainant in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

4. If the student's parents/legal guardians are dissatisfied with the resolution, an appeal may be made 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.

5. If the student's parents/legal guardians are dissatisfied with the decision of the Superintendent, 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

**STUDENT DISCRIMINATION AND HARASSMENT**  
**COMPLAINT PROCEDURE**

This procedure has been adopted by the School Committee to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment as described in policy ACCA – Harassment and Sexual Harassment of Students: School Harassment and Discrimination Policy.

#### 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, age, or disability; and
- B. "Discrimination or harassment" means discrimination or harassment on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, age, 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 a staff member authorized to receive and investigate student discrimination and harassment complaints. Staff authorized to receive and investigate student discrimination and harassment complaints are the Affirmative Action Officer, building principal, guidance counselor or, if none of those listed are practicable, a teacher. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with a staff member listed above.
- 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'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 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. **INFORMAL RESOLUTION:** A staff member receiving a complaint of student discrimination or harassment shall report such complaint to the Affirmative Action Officer within two business days of such receipt. The Affirmative Action Officer or building principal may pursue an informal resolution of a complaint involving only students. A written record of all complaints and resolutions shall be maintained.