

Student Discrimination and Harassment Complaint Procedure

This procedure has been adopted by the MSAD 52 Board in order to provide a method of prompt, 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, gender, religion, ancestry, national origin, disability or sexual orientation.
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, gender, religion, ancestry, national origin, disability or sexual orientation.

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 guidance counselor, assistant principal or principal. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with their guidance counselor, assistant principal or principal.
- B. School staff are expected to report possible incidents of discrimination or harassment of students. Parents/guardians and other adults are also encouraged to report to guidance counselor, assistant principal or principal 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 MSAD 52 Affirmative Action Plan Complaint Procedure. However, students are hereby notified that they also have the right to report complaints to the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, 33 Arch Street, Suite 900, Boston, MA 02110-1491 (telephone: 617-289-0111; TDD: 877-521-2172).

## Complaint Handling and Investigation

- A. Once a formal complaint has been made, the building principal or 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.
- B. The school principal or designee 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 MSAD 52 in light of the particular circumstances and applicable policies and laws.
- C. The complaint will be investigated by the principal, assistant principal or 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 chairperson of the 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 MSAD 52, 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 principal, assistant principal and/or Affirmative Action Officer shall keep a written record of the investigation process.
  - 5. The principal, assistant principal and/or Affirmative Action Officer may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
  - 6. The principal, assistant principal 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 21 calendar days of receiving the complaint, if practicable.
  - 8. A copy of the complaint form including the investigation and resolution will be kept on file in the Superintendent's Office.

- D. If the principal or 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 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.
- A. If the student's parents/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. The Superintendent's decision shall be final.

A copy of the complaint form including the investigation and resolution will be kept on file in the Superintendent's Office.

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07), as amended  
Rehabilitation Act of 1973 (Section 504) (34 CFR § 104.7), as amended  
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (P.L. 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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