

## Employee 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 employee complaints of discrimination and harassment as described in policies AC – Nondiscrimination/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, gender, age, religion, ancestry, national origin, disability or sexual orientation.
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, gender, age, religion, ancestry, national origin, disability or sexual orientation.

### 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 from making an immediate formal complaint.
- B. Any employee who believes he/she has been harassed or discriminated against should report their concern promptly to his/her Supervisor or Affirmative Action Officer. Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with an Affirmative Action committee member or Supervisor for guidance. Employees will 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 MSAD 52 Affirmative Action 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, Maine 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. The Supervisor or Affirmative Action Officer will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.

- B. The Supervisor or Affirmative Action Officer 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 resolution is in the best interest of MSAD 52 in light of the particular circumstances and applicable policies and law.
- C. The complaint will be investigated by 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 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 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 Superintendent shall keep a written record of the investigation process.
  5. The Superintendent may take interim remedial measures consistent with any applicable collective bargaining agreement provisions to reduce the risk of further discrimination or harassment while the investigation is pending.
  6. The 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.
- D. If 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 discrimination or 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 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.

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07), as amended  
Rehabilitation Act of 1973 (Section 504) (34 CFR § 35.07), as amended  
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.), as amended

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

Adopted: April 2006

Revised: September 2009

Reviewed: January 2015