



EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

This procedure has been adopted by the Regional School Unit-24 (RSU) Board (RSUB) in order to provide a method of prompt and equitable resolution of RSU employee's 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 RSU 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 RSU 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 RSU employee who believes he/she has been discriminated against or harassed should report their concern promptly to their Building Administrator (BA). If the employee is uncomfortable reporting concerns to their BA, he/she may report their concern to any RSU Administrator that he/she feels comfortable with. All initial reports MUST be in writing, signed and dated by the employee.
- C. Any RSU employee who is unsure as to whether unlawful discrimination or harassment has occurred is encouraged to discuss their concern(s) with any RSU Administrator. Employees will not be retaliated against for reporting suspected discrimination or harassment.
- D. Any RSU employee who believes he/she has been discriminated against or harassed is encouraged to utilize the RSU'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

**The Federal Office for Civil Rights, Regional Director,
U.S. Department of Education,
S.W. McCormack POCH Room 222,
Boston, MA 02109-4557
(Telephone: 617-223-9622)**

Complaint Handling and Investigation

- A. Any RSU BA/Administrator receiving a complaint covered by this policy will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.
- B. The BA/Administrator that receives a complaint may pursue an informal resolution of the complaint with the agreement of the parties involved. All informal resolutions are subject to the approval of the Superintendent, who must consider whether the informal resolution is in the best interest of the RSU in light of applicable policies and laws.
- C. The complaint will be investigated by the BA/Administrator receiving the complaint, unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an RSU 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 will be submitted to the RSUB Chair, who will 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 the RSU that is covered by a collective bargaining agreement, any rights conferred under that collective bargaining agreement must be applied.
 3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
 4. All BA/Administrators dealing with a complaint shall keep a written record of the entire investigation process.
 5. All RSU BA's have the authority to 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. All BA/Administrators shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
 7. The investigation shall be completed within 15 school days of receiving the complaint, if practicable.

- D. If any RSU BA/Administrator determines that discrimination or harassment has 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 RSU 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 RSU employee who made the complaint is dissatisfied with the resolution, he/she may appeal to the Superintendent within ten (10) school days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. If the RSU employee is dissatisfied with the decision of the Superintendent, he/she may appeal to the RSUB within ten (10) school days after receiving notice of the Superintendent's decision.

The RSUB will consider the appeal in executive session, at its next regular meeting or at a special meeting. The Superintendent shall submit to the RSUB his/her decision, the complaint, any responses, the investigation report and related documents. The complainant shall be allowed to be heard. The person(s) against whom the complaint was made shall be invited and allowed to be heard. If present, the complainant's representative and the representative of the person(s) against whom the complaint was made will also be given the opportunity to be heard. After reviewing the Superintendent's submissions and hearing from the parties, the RSUB shall make a decision as to whether to affirm or modify the Superintendent's conclusions. The decision of the RSUB 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 Educational 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 – RSU Policies:

AC - Nondiscrimination/Equal Opportunity and Affirmative Action
ACAB - Harassment and Sexual Harassment of School Employees

First Reading: August 18, 2009

Adopted: September 22, 2009