

STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

The following procedure has been adopted by the Ellsworth School Committee (ESC) to provide a method of prompt and equitable resolution of student complaints of discrimination and/or harassment as described in the Ellsworth School Department (ESD) Policies cross referenced below.

How to Make a Complaint

- A. Any ESD student who believes he/she has been discriminated against or harassed should report his/her concern in writing promptly to any (ESD) employee or the ESD's Affirmative Action Officer (AAO).
- B. As soon as possible, ESD employees will report to the AAO all possible incidents of discrimination and/or harassment of students. Parents and other adults are also encouraged to report to the Building Administrator (BA) or AAO any concerns about possible discrimination or harassment of students.
- C. Retaliation for making a complaint will not be tolerated, and will result in disciplinary measures, up to and including expulsion or dismissal.
- D. ESD students are encouraged to utilize the ESD's 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, Region 1 Regional Director, U.S. Department of Education, John W. McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9622).

Complaint Handling and Investigation

- A. The BA or the AAO shall promptly inform the Superintendent and the person(s) who is the subject of the complaint that a complaint has been received.
- B. The AAO 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 the particular circumstances and applicable policies and laws.
- C. The complaint will be investigated by AAO unless the Superintendent designates another person to investigate it on his/her behalf. Any complaint about an ESD employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. In the case of a discrimination or harassment complaint against the Superintendent, the ESC Chair, or his/her designee, in consultation with Legal Counsel will act in place of the Superintendent in this policy.
 - 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 ESD employee, any rights conferred under any 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 AAO shall keep a written record of the investigation process.
 5. The BA(s) and/or AAO may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination/harassment while the investigation is ongoing.
 6. The AAO shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions he/she recommends.
 7. The investigation shall be completed within 15 school days of receiving the complaint, if practical.
- D. If the AAO 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. In writing, inform the student who made the complaint of the results of the investigation and its resolution (in accordance with applicable State and Federal privacy laws).
- E. 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. If the student's parents/guardians are not satisfied with the Superintendent's findings/resolution, the matter will be presented to the ESC. The ESC's decision 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 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: AC – Nondiscrimination/Equal Opportunity and Affirmative Action
 ACAA – Student Discrimination and Harassment

Adopted: **December 14, 2004**

Revised: **October 2, 2006** (formatting, grammar only)