

Student Grievance Procedure (Discrimination and Harassment)

This procedure has been adopted by the Board to provide a method of prompt and equitable resolution of student complaints of discrimination and harassment as described in Policies AC - Non Discrimination Policy and Compliance Plan and ACAA - Harassment and Sexual Harassment of Students.

How to Make a Complaint

- A. *Informal Resolution by Students.* A student 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. Students who are unsure whether prohibited discrimination or harassment has occurred are encouraged to discuss their concerns with the principal or an alternate member of the District's administration. Similarly, any student who witnesses or has knowledge of discriminatory or harassing behavior is encouraged to discuss the matter with the building principal or other member of the administration. No student is required to attempt informal resolution before seeking formal resolution.
- B. *Informal Resolution by Staff; Mandatory Reporting.* Any District employee who witnesses or becomes aware of behavior or actions which appears to be discriminatory or unwelcome or offensive harassment of any kind is encouraged to try to resolve the problem (directly or with the assistance of other staff) by informing the individual(s) involved that the behavior appears discriminatory, unwelcome or offensive and by requesting that the behavior stop. If informal resolution fails, the employee **shall** immediately submit the matter for formal resolution in accordance with this policy and, in all cases, if the behavior has adversely affected, or may adversely affect, a student's education or educational environment the employee **shall** immediately submit the matter for formal resolution. No District employee is required to attempt informal resolution before seeking formal resolution.
- C. *Formal Complaint.* A student, parent, guardian or staff member who believes there has been discrimination or harassment in violation of the District's policies may begin a formal complaint process by reporting the concern to the building principal, assistant principal or their designee. Written complaints are encouraged, but not mandated. A sample complaint form shall be made available by the District. If a student is uncomfortable making a complaint to a principal or designee, the student may report the concerns to the Superintendent or any other member of the District's senior administration who must in turn inform the building principal. Students will not be retaliated against for reporting suspected discrimination or harassment.

D. *Notice to the Superintendent and Others.* The principal (or alternative member of the administration) receiving the formal complaint shall immediately begin an investigation and as appropriate inform the Superintendent, the complaining student's parents/guardians and the person who is subject of the complaint that a complaint has been received. Copies of all written complaints shall be submitted to the Superintendent.

E. *Other Reporting.* Under certain circumstances, alleged harassment or discrimination may also be possible abuse under Maine law. If so, duties of mandatory reporting under Maine statutes may be applicable.

F. *Investigation.* The complaint shall be investigated by the principal, assistant principal or their designee unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. The investigator shall consult with the District's Compliance Office throughout the investigation process. The investigation may consist of personal interviews with the complaining student, the complaining student's parents/guardians, the individuals against whom the report is filed and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint.

G. *Rights Protected.* The following rights will be respected at all times during the grievance process:

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 District, any right conferred under an applicable collective bargaining agreement shall apply.
3. The privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
4. The investigator shall keep a written record of the complaint and the investigation process.
5. The investigator may take interim remedial measures (consistent with applicable collective bargaining agreements) to reduce the risk of further harassment or discrimination while the investigation is pending.
6. The investigation shall be completed within 21 calendar days of receiving the complaint, if possible.

H. *Determining Factors:* Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and circumstances. In determining whether alleged conduct constitutes a violation of this policy the District will consider a variety of factors including the following:

- the nature of the behavior
- how often the conduct occurred

- whether there were past incidents or past continuing patterns of behavior
- the relationship between the parties involved, including whether the alleged offender was in a position of power over the complaining student
- the context in which the alleged incident(s) occurred
- the number of alleged offenders
- the age of the alleged offender
- where the harassment or discrimination occurred
- whether the conduct adversely affected the complainant's education or educational environment.

I. *Disciplinary Action.* If the investigator determines that discrimination or harassment has occurred he/she shall, in consultation with the Superintendent:

- determine what remedial action is required, if any
- determine what disciplinary action should be taken against the person(s) who engage in the harassment or discrimination; and
- inform the student who made the complaint and the student's parents/guardian, in writing, of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- Specify any necessary follow-up measures

J. *Appeals.* If the student who made the complaint (or his or her parents or guardians) 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 notify the Board that an appeal has been filed, shall review the investigation report and may conduct such further investigation the Superintendent deems appropriate. The Superintendent's decision shall be final and the nature of the decision shall be reported to the Board.

K. *Complaints Involving the Administration.* If the complaint involves the Superintendent, the investigation shall be conducted by persons independent of the District and reports and recommendations from the investigator shall be made to the Board and appeals handled by the Board.

Notices

This policy shall be conspicuously posted throughout each school building in areas accessible to students and District personnel. This policy shall appear in the student handbook. The District shall develop age appropriate methods of discussing this policy with students.

General

A student who believes he/she has been discriminated against or harassed is encouraged to use the District's complaint procedures. However, students may also report incidents to the the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333 (tele: 207-624-6050) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, S.W. McCormack POCH Room 222, Boston, MA 02109-4557 (tele: 617-223-9622), or may seek redress under applicable state and federal law.

Adopted: January 24, 2000

Legal References: 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))

Cross References: AC **Nondiscrimination and Compliance**
ACAA **Harassment and Sexual Harassment of Students**
JICIA **Weapons, Violence, Theft and School Safety**