

**RSU #16** (Mechanic Falls, Minot, Poland)

**Policy Code: ACAA-R**

**Adopted: March 2004**

**Revised: September 2010**

## **Student Discrimination and Harassment Complaint Procedure**

### **PHILOSOPHY:**

It is the philosophy of the RSU #16 School Board that discrimination and harassment are not acceptable in RSU #16's schools.

### **POLICY:**

The organizational structure of local school units varies widely, as do the personnel and resources available for investigating complaints. This sample complaint procedure is intended to provide general guidance for the local RSU #16 School Board in developing a procedure that meets local needs and conditions.

The RSU #16 School Board has adopted this procedure in order to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment as described in policies AC – Non-discrimination/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, sex, religion, ancestry, national origin, sexual orientation, or disability; and
- B. "Discrimination or harassment" means discrimination or harassment on the basis of race, color, sex, religion, ancestry, national origin, sexual orientation, or disability.

### **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 building principal. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the building principal.
- B. School staff is expected to report possible incidents of discrimination or harassment of students. Parents and other adults are also encouraged to report 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 school unit's complaint procedure. However, students are hereby notified that they also have the right to report complaints to the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the federal office for Civil Rights, Regional Director, U.S. Department of Education, SW McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9622).
- E. Formal complaints under this policy must be made in writing.

### **Complaint Handling and Investigation**

- A. The building principal shall, within 24 hours of receiving the complaint, promptly inform the Superintendent, the parents of the student filing the complaint and the person(s) who is the subject of the complaint that a complaint has been received.

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- B. The building principal 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 the school unit in light of the particular circumstances and applicable policies and laws.
- C. The complaint will be investigated by the building principal, 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 RSU #16 School 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 the school unit, 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 building principal shall keep a written record of the investigation process.
  - 5. The building principal may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
  - 6. The building principal 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 possible.
- D. If the building principal 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).
- 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. The Superintendent's decision shall be final.

**DELEGATION OF AUTHORITY:**

The RSU #16 School Board delegates authority to implement this policy to the Superintendent of Schools.

**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.

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20-A MRSA §§ 6001 et seq.

**CROSS REFERENCES:**

AC – Non-discrimination/Equal Opportunity and Affirmative Action

ACAA – Harassment and Sexual Harassment of Students

**SIGNATURE BLOCK:**

RSU #16 School Board

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Dave Griffiths, Chair

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Mary Ella Jones, Vice Chair

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