

<b>Regional School Unit 73</b>	<b>CODE: AC-R</b> Page 1
<b>SUBJECT: Harassment and Complaint Procedures</b>	
<b>DATE OF ORIGINAL POLICY:</b>	2011
<b>DATE OF NEXT REVIEW:</b>	2021
<b>CANCELS POLICY CODE:</b>	None
<b>REVISION DATE:</b>	None
<b>JURISDICTION:</b>	RSU 73

**POLICY:**

The Building/Site administrator is the designated Complaint Investigator in his/her building and is responsible for receiving and processing complaints concerning harassment and explaining the policy and procedures to those who register a complaint. The Affirmative Action Officer shall be the Complaint Investigator if the Building/Site administrator is the alleged harasser. It is understood that guidelines regarding mandatory reporting shall be followed. The complainant normally is the victim, but may be an advocate for the victim. If the complaint is brought forth by an advocate for the victim, the Complaint Investigator will still need to talk to the victim to officially begin the complaint procedure. The complaint shall be submitted in oral or written form within 40 working days of the occurrence of the incident being reported. The enforcement of this policy shall be processed according to the following procedure:

STEP I INFORMAL PROCEDURE

1. Before a complaint is submitted, the victim should make every effort to inform the offender that his/her behavior is offensive. If they have sufficient comfort level to do so.
2. Any person with a harassment complaint is encouraged to first discuss the matter with the Building/Site administrator, with the intention of resolving the matter informally. Should the Building/Site administrator be the alleged offender, the complaint shall be filed directly with the Affirmative Action Officer who becomes the Complaint Investigator. Should the Affirmative Action Officer be the harasser, the complaint should be filed with the Superintendent. The Affirmative Action Officer and/or the complainant's representative may accompany the complainant during the discussion. It is the intention of the district that all complaints initially be handled confidentially, in an informal manner. If the resolution is not acceptable to the complainant, s/he may initiate formal procedures according to the steps listed.

STEP II FORMAL PROCEDURE

The complainant shall fill out the Harassment Complaint Form (form ACC-R shall be used) and give it to the Building Administrator and/or Affirmative Action Officer. Should the Building/Site administrator be

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the alleged offender, then the complaint may be filed directly with the Affirmative Action Officer who becomes the Complaint Investigator.

1. The Affirmative Action Officer investigates the circumstances of the complaint within ten (10) working days of receiving the dated written complaint.
2. Within fifteen (15) working days of having received the written complaint, the Affirmative Action Officer shall provide written notification to all parties named in the grievance of a decision on the complaint with suggestion for resolution.
3. If either party named in the complaint does not agree with the decision, s/he may submit a written appeal to the Superintendent of Schools indicating the nature of disagreement with the report and reason(s) underlying such disagreement. Such an appeal must be filed within ten (10) working days after receipt of the Affirmative Action Officer's decision. The Superintendent of Schools shall follow the procedures under Step III – Formal Appeal Process.
- 4a. If the Superintendent agrees with the Complaint Investigator, the issue is resolved, unless either party named in the complaint wishes to appeal the decision. A written appeal must be made to the Superintendent within ten (10) working days. See Step III.
- 4b. At this point, the Affirmative Action Officer shall put the history of the complaint into writing and attach it to the original complaint form for the Superintendents review.

**STEP III FORMAL APPEAL PROCESS**

1. The Superintendent of Schools shall hold a meeting at which both parties of the complaint, the Affirmative Action Officer and a building Administrator shall be present. A representative of the employee's union and the parent(s)/guardian(s) of a student may be present.
2. All appeals to the Superintendent of Schools will result in a decision, which shall be put into writing within five (5) working days of the meeting and given to all parties that attended the meeting.
3. The issue is resolved unless either party named in the complaint makes a final written appeal to the RSU 73 School Board. See Step IV.

**STEP IV APPEAL TO THE RSU 73 SCHOOL BOARD**

A written appeal may be made by either of the aggrieved parties. This written appeal shall be made to the RSU 73 School Board within twenty (20) working days. The appeal shall be mailed or brought to: RSU 73 District's Superintendent's Office. An executive session may be requested.

Within five (5) working days after the hearing of the appeal, the RSU 73 School Board shall communicate its decision, in writing, together with its supporting reason to all parties present at the hearing. The RSU 73 School Board's decision shall be the final step in the school district's appeal process.

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EXTERNAL COMPLAINTS

- A. An employee (including coaches and substitutes)/student may file a complaint with the Maine Human Rights Commission at any time within six months of the occurrence of alleged discriminatory action:  
Maine Human Rights Commission  
House Station #51  
Augusta, ME 04333.
- B. An employee/student may file a complaint with the United States Office of Civil Rights at the U.S. Department of Education at any time within six months of the alleged discriminatory action. Contact can be made with the United States Office of Civil Right by calling (617)289-0111 or by writing to:  
Office for Civil Rights/ED  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921

SANCTIONS

- A. A substantiated charge against an employee (including coaches and substitutes) or volunteer in the school district will subject the employee or volunteer to appropriate disciplinary action, including possible discharge. The charge and subsequent disciplinary action shall be placed in an employee's file.
- B. A substantiated charge against a student in the school district will subject that student to disciplinary action, including suspension and/or expulsion, consistent with the student disciplinary code and state statute. The charge and subsequent disciplinary action shall be placed in the student's cumulative folder.

OTHER REMEDIATIONS

- A. A substantiated charge against a visitor in the school will result in a referral to law enforcement and/or human service officials.
- B. Employees, volunteers, students or visitors are encouraged to file a bona fide complaint of conduct prohibited by this policy. Individuals who allegedly retaliate against an employee, volunteer or student who files a bona fide complaint under this policy, or who allegedly impedes an investigation under this policy may be subject to immediate, appropriate disciplinary action for such conduct, including discharge, after being provided due process.
- C. No district employee, student, volunteer or visitor shall attempt to restrain, interfere with, coerce,

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discriminate or take reprisal action against the complainant(s) and witness(es) during or after the presentation, processing and resolution of the complaint. If a violation occurs, disciplinary action will be taken in accordance with student and employee policies.

**NOTIFICATIONS**

Notice of this policy shall be published annually in student/parent/staff handbooks. Complete policies and procedures will be available on the RSU 73 District website.

**MAINTENANCE OF COMPLAINT RECORDS**

The Building/Site Administrator shall keep a log of all informal harassment complaints received and the actions taken.

The Affirmative Action Officer shall keep records of all formal harassment complaints for the purpose of documenting compliance and past practices. The records will be kept in accordance and compliance with federal and state laws, rule and/or agency requirements, and at the discretion of the responsible coordinators. The records shall include information on all levels of the complaint and any appeals. The records should include:

1. The name of the complainant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action requested by complainant.
4. The name(s) of the respondents.
5. The levels of processing followed, and the resolution, date and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A statement of the final resolution and the nature and date(s) of any corrective or remedial action taken.

**CROSS REF:** Harassment/Sexual Harassment Policy (ACAA)  
Harassment Complaint Form (ACC-R)  
Non Discrimination/Equal Opportunity and Affirmative Action Policy (AC)

**Reviewed by Policy Committee 1/28/16**

**Adopted: 2/25/16**