

EMPLOYEE DISCRIMINATION and HARASSMENT COMPLAINT PROCEDURES

The Board has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints of discrimination and harassment based on race, color, religion, ancestry or national origin, age, disability, and genetic information. Complaints of sex discrimination, including sexual/sex-based harassment are addressed in - ACAB – R2 Sex Discrimination/Harassment Complaint Procedure. In cases where allegations include sex discrimination or sexual/sex-based harassment and one or more other protected categories, ACAA-R2 will be used.

Complaints alleging unlawful discrimination or harassment against employees are addressed under *ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure* or *ACAB – R2 Employee Sex Discrimination /Harassment Complaint Procedure*.

Any individual who is unsure about whether discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator.

Katie Duchesne Affirmative Action Officer/Title IX Coordinator

Mt. Blue Middle School

269 Middle Street

Farmington, ME 04938

207-778-3511 kduchesne@mtbluersd.org

Section 1. Definitions

For purposes of these complaint procedures, the following definitions will be used.

1. “Discrimination or harassment”: Discrimination or harassment on the basis of an individual’s membership in a protected category.
2. “Discrimination”: Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.
3. “Harassment”: Oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual’s ability to participate in the school unit’s programs or activities by creating a hostile, intimidating or offensive environment.
4. “Complaint” is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of actual or perceived race, religion, ancestry, national origin, genetic information or disability.

Section 2. Discrimination/Harassment Complaint Procedure

This procedure should be used for any complaint of unlawful harassment or discrimination based on a protected category which does not involve discrimination or sexual/sex-based harassment.

A. How to Make A Complaint

1. An employee who believes they have been unlawfully 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 requesting that the behavior stop. This shall not prevent the employee from making an immediate complaint to the AAO/Title IX Coordinator.
2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the AAO/Title IX Coordinator.
3. The person making the report must include basic information concerning the allegation of discrimination or harassment (i.e., date, time, location, individual(s) involved-nature of allegation(s) to the Affirmative Action Officer/Title IX Coordinator. If the report is made orally the Affirmative Action Officer/Title IX Coordinator will document it.
4. If the individual is unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, they are encouraged to discuss the matter with the AAO/Title IX Coordinator.
5. Individuals will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary measures, up to and including termination.
6. Any employee who believes they have been discriminated against or harassed is encouraged to utilize the school unit's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:
 - Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or
 - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-2890111).

B. Complaint Handling and Investigation

1. The AAO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
 - a. If the allegations include sex discrimination or sexual/sex-based harassment, *ACAB-R2* will be followed instead of this procedure.
2. The AAO/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school unit and the parties in light of the particular circumstances and applicable policies and laws.
3. The AAO/Title IX Coordinator may implement supportive measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved; changing a work location or changing a work schedule.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the AAO/Title IX Coordinator. 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.
5. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
6. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.
7. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.
8. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.
9. If the complaint is against an employee of the school unit, any rights conferred under an applicable collective bargaining agreement shall be applied.

10. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
11. The investigation shall be completed within 40 school days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
12. The investigator shall provide a written report and findings to the AAO/Title IX Coordinator.

C. Findings and Subsequent Actions

1. The AAO/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the AAO/Title IX Coordinator, in consultation with the Superintendent:
 - a. Shall determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
 - b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either:
 - a. Prejudicial procedural error or
 - b. The discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 school days, if practicable. The Superintendent's decision shall be final.

E. Records

The AAO/Title IX Coordinator shall keep a written record of the complaint process.

Cross References: AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAB – Harassment of Employees
ACAB – R2 Employee Sex Discrimination/Harassment Complaint Procedure

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