

## **EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT REGULATIONS**

This procedure has been adopted by the Maine Indian Education Joint School Committee in order to provide a method of prompt resolution of employee complaints of discrimination and harassment as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAB –Harassment and Sexual Harassment of School Employees.

Definitions: For purposes of this procedure the following definitions will apply:

A. "Complaint" is defined as an allegation that an employee has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin, appearance, family and/or marital status, or disability.

B. "Discrimination or harassment" means discrimination or harassment on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin, appearance, family and/or marital status, or disability.

Any employee 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. This will not prevent the employee, however, from making an immediate formal complaint.

Any employee who believes he/she has been discriminated against or harassed should report his/her concern promptly in writing to the Affirmative Action Officer(s).

There will be a male and female designated as Affirmative Action Officers.

Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the Affirmative Action Officer(s). Employees will not be retaliated against for reporting suspected discrimination or harassment.

Any employee who believes he/she has been discriminated against or harassed is encouraged to utilize the school department's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 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 (telephone: 617-223-9622)

### Complaint Handling and Investigation

A. The Affirmative Action Officer(s) will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.

B. The Affirmative Action Officer(s) may pursue an informal resolution of the complaint with the agreement of the parties involved. This informal resolution is subject to the approval of the Superintendent who shall consider whether the resolution is in the best interest of the school system in light of the particular circumstances and applicable policies and law.

C. The complaint will be investigated by the Affirmative Action Officer(s), 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 Joint School Committee, 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. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
3. The Affirmative Action Officer(s) shall keep a written record of the investigation process.
4. The Affirmative Action Officer(s) may take interim remedial measures to reduce the risk of further harassment while the investigation is pending.
5. The Affirmative Action Officer(s) shall consult the Superintendent concerning the investigation, conclusions and any remedial and/or disciplinary actions.
6. The investigation shall be completed within twenty-one (21) business days of receiving the complaint, if practicable.

D. If the Affirmative Action Officer(s) determines that discrimination or harassment occurred, s/he 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 harassment, if any; and

3. Inform the employee 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 employee who made the complaint is dissatisfied with the resolution, s/he may appeal to the Superintendent within fourteen (14) business days after receiving notice of the resolution. The Superintendent shall review the investigation report, may conduct further investigation if deemed appropriate, and make a decision.

1. If the employee is dissatisfied with the decision of the Superintendent, s/he may appeal to the appropriate school committee within fourteen (14) business days after receiving notice of the Superintendent's decision.

2. The appropriate school committee will consider the appeal in executive session, at its next regular meeting or a special meeting. The Superintendent shall submit to the school committee his/her decision, the complaint, any responses, the investigation report and related documents. The complainant shall be allowed to be heard. If present, the complainant's representative and the representative of the person(s) against whom the complaint was made will also be given the opportunity to be heard.

3. After reviewing the Superintendent's submissions and hearing from the parties, the appropriate school committee shall make a decision as to whether to affirm or modify the Superintendent's conclusions. The school committee's decision shall be final.

Time extensions: All time limits herein, may be extended by mutual agreement of the parties.

Legal Reference:

Americans with Disabilities Act (28 CFR § 35.07)

Section 504 of the Vocational Rehabilitation Act (34 CFR § 35.07)

Title IX of the Educational Amendments of 1972 (34 CFR § 106.8(b))

Age Discrimination in Employment Act (34 CFR § 110.25)

Maine Human Rights Act (5 M.R.S.A. § 4571 et seq., 4681 et seq.)

Cross Reference:

AC - Nondiscrimination/Equal Opportunity and Affirmative Action

ACAB - Harassment and Sexual Harassment of School Employees

IISC Adopted: 12/17/10

ITSC Adopted: 12/17/10

PPSC Adopted: 12/17/10

Page 3 of 3