

NEPN/NSBA Code: AC-R

M.S.A.D. #12 PROCEDURE
NONDISCRIMINATION/EQUAL OPPORTUNITY AND
AFFIRMATIVE ACTION COMPLAINT PROCEDURE

In order to provide a method for prompt and equitable resolution of employee or student complaints of discrimination or harassment because of race, color, sex, sexual orientation*, religion, ancestry or national origin, or disability within M.S.A.D. #12 schools, the following procedures will be adopted and followed:

Employee Complaints of Discrimination Based on Race, Color, Sex, Sexual Orientation*, Religion, Ancestry or National Origin, or Disability

- A. The goal of this procedure is to resolve the grievance at the lowest level. Therefore, no step of the procedure may be bypassed.
- B. The aggrieved person must file to the Affirmative Action Coordinator a written complaint of discrimination or harassment because of race, color, sex, sexual orientation*, religion, ancestry or national origin, or disability within one-hundred-eighty (180) working days of the occurrence, as outlined in D.1.a.
- C. Informal Procedure:
 - 1. An aggrieved person may first discuss the matter with his/her principal and/or the principal's designee, or other appropriate administrators in an effort to resolve the problem informally.
 - 2. If the aggrieved person is not satisfied with such disposition of the matter, he/she shall have the right to seek assistance in further efforts to resolve the problem informally with the principal and/or the principal's designee or other appropriate administrator.
- D. Formal Procedure:
 - 1. Level One - School Principal or Immediate Supervisor
 - a. If the complainant is not satisfied with the outcome of the informal procedure, he/she may present the claim as a formal grievance in writing to his/her principal or other appropriate administrator.
 - b. The administrator shall, within five (5) working days after receipt of the written grievance, render his/her decision and the reasons in writing to the complainant.
 - 2. Level Two - Affirmative Action Coordinator
 - a. If the complainant is not satisfied with the disposition of his/her grievance at Level One, he/she may, within three (3) working days after the decision or within eight (8) working days after his/her formal presentation, file his/her written grievance with the Affirmative Action Coordinator.
 - b. The Affirmative Action Coordinator shall, within ten (10) working days after receipt of the grievance, meet with the aggrieved person for the purpose of resolving the grievance.
 - c. The Affirmative Action Coordinator shall, within ten (10) working days after the hearing, render his/her decision and reasons in writing to the Superintendent of Schools.
 - d. The Superintendent shall, within ten (10) working days after the hearing, render his/her decision and the reasons therefore in writing to the aggrieved person.
 - 3. Level Three - Complaint Review Committee
 - There shall be established two Complaint Review Committees (CRC). The AAO will serve as chairman of both committees. Additionally, each CRC shall be composed of 3 teachers appointed by the Superintendent. The CRC shall be composed of the AAO (chairman) plus 2 men and 1 woman when the AAO is female. The CRC shall be composed of the AAO (chairman) plus 2 women and 1 man when the AAO is male. The Elementary CRC will be made up of 3 high school teachers plus the AAO. This committee, with the guidance of the AAO, will adjudicate complaints connected with the elementary schools. Likewise, the Secondary CRC will be made up of three elementary school teachers plus the AAO. This committee will, with the guidance of the AAO, adjudicate complaints connected with the secondary school.
 - a. If the complainant is not satisfied with the disposition of his/her grievance at Level Two, he/she may, within five (5) working days after the decision, or within ten (10) working days after the hearing, file his/her grievance with the CRC.

- b. The AAO will promptly notify the Superintendent and call a meeting of the appropriate CRC.
- c. The AAO will promptly meet with the appropriate CRC so that the group may review the situation, take testimony from the complainant and the accused person, and determine whether or not the facts indicate that the harassment actually took place. Furthermore, the CRC, acting with the guidance of the AAO, shall determine what recommendation they will make for action to be taken. Such recommendations may include, but not be limited to:
 - (a) dismissal of the charges; (b) verbal warning; (c) letter of reprimand; (d) referral to another agency; (e) dismissal of the employee/expulsion of the student; (f) other.
- d. These recommendations should be in writing to the Superintendent, signed by the AAO and the members of the CRC.
- e. The CRC, acting with the advice and guidance of the AAO, is also empowered (in egregious cases) to recommend to the Superintendent that the accused person be placed on administrative leave while the CRC and the AAO carry out an investigation.
- f. Should one of the above-mentioned officers be accused or the complainant, the Superintendent will appoint a replacement consistent with the above guidelines.

4 Level Four - School Committee

- a. If the aggrieved person is not satisfied with the disposition of his/her grievance at Level Three, he/she may, within five (5) working days after the decision, or within ten (10) working days after the hearing, appeal to the School Board.
- b. The hearing shall be held before the local school board at its next regular meeting or at a special Board meeting at the discretion of the Superintendent within ten (10) working days.
- c. The staff member shall have the right to rebut or offer evidence in mitigation of the reasons or charges, to confront and cross-examine any witness against him/her, present witnesses in his/her behalf, and be represented by counsel or other spokesperson.
- d. It will be private (Executive Session) unless the staff member requests otherwise.
- e. After hearing all available evidence, the School Board will meet to deliberate. The Superintendent of Schools will notify the party involved of its final action in writing within five (5) working days of the meeting considering the grievance. If the controversy has not been resolved by the final action taken by the School Board within thirty (30) working days of written notification of the final action of the School Board, the complaint may be submitted to the Director of the Office of Civil Rights, Department of Health, Education, and Welfare, Boston, Mass. And/or the Maine Human Rights Commission, Augusta, Maine.

Student Complaints of Discrimination Based on Race, Color, Sex, Sexual Orientation*, Religion, Ancestry or National Origin, or Disability

- A. The goal of this procedure is to resolve the alleged grievance at the lowest level, therefore, no step of the procedure may be eliminated.
- B. Step One:
 - If the student feels he/she has a grievance, he/she may first discuss the matter informally with the school principal or his/her designee. After the hearing, the principal or his/her designee shall render his/her decision and the reason(s) therefore in writing to the student.
- C. Step Two:
 - If the aggrieved is not satisfied with the decision of Step One, the student may within five (5) school days of the decision appeal the case to the Affirmative Action Coordinator.

The Affirmative Action Coordinator shall meet with he aggrieved and discuss the matter. The Affirmative Action Coordinator may call witnesses and shall allow the aggrieved to present witnesses.

The Affirmative Action Coordinator shall render a decision in writing, stating the reason or reasons to the Superintendent of Schools.

The Superintendent shall, within ten (10) school days after the hearing, render his/her decision and the reason(s) in writing to the aggrieved person.

D. Step Three:

There shall be established two Complaint Review Committees (CRC). The AAO will serve as chairman of both committees. Additionally, each CRC shall be composed of 3 teachers appointed by the Superintendent. The CRC shall be composed of the AAO (chairman) plus 2 men and 1 woman when the AAO is female. The CRC shall be composed of the AAO (chairman) plus 2 women and 1 man when the AAO is male. The Elementary CRC will be made up of 3 high school teachers plus the AAO. This committee, with the guidance of the AAO, will adjudicate complaints connected with the elementary schools. Likewise, the Secondary CRC will be made up of three elementary school teachers plus the AAO. This committee will, with the guidance of the AAO, adjudicate complaints connected with the secondary school.

1. If the complainant is not satisfied with the disposition of his/her grievance at Level Two, he/she may, within five (5) working days after the decision, or within ten (10) working days after the hearing, file his/her grievance with the CRC.
2. The AAO will promptly notify the Superintendent and call a meeting of the appropriate CRC.
3. The AAO will promptly meet with the appropriate CRC so that the group may review the situation, take testimony from the complainant and the accused person, and determine whether or not the facts indicate that the harassment actually took place. Furthermore, the CRC, acting with the guidance of the AAO, shall determine what recommendation they will make for action to be taken. Such recommendations may include, but not be limited to: (a) dismissal of the charges; (b) verbal warning; (c) letter of reprimand; (d) referral to another agency; (e) dismissal of the employee/expulsion of the student; (f) other.
4. These recommendations should be in writing to the Superintendent, signed by the AAO and the members of the CRC.
5. The CRC, acting with the advice and guidance of the AAO, is also empowered (in egregious cases) to recommend to the Superintendent that the accused person be placed on administrative leave while the CRC and the AAO carry out an investigation
6. Should one of the above-mentioned officers be accused or the complainant, the Superintendent will appoint a replacement consistent with the above guidelines.

E. Step Four:

1. If the aggrieved person is not satisfied with the disposition of his/her grievance at Step Three, he/she may, within five (5) working days after

- | |the decision, or within ten (10) working days after the hearing, appeal |
| |to the School Board. |
| 2. |The hearing shall be held before the local school board at its next |
| |regular meeting or at a special Board meeting at the discretion of the |
| |Superintendent within ten (10) working days. |
| 3. |The student shall have the right to rebut or offer evidence in |
| |mitigation of the reasons or charges, to confront and cross-examine any |
| |witness against him/her, present witnesses in his/her behalf, and be |
| |represented by counsel or other spokesperson. |
| 4. |It will be private (Executive Session). |
| 5. |After hearing all available evidence, the School Board will meet to |
| |deliberate. The Superintendent of Schools will notify the party involved |
| |of its final action in writing within five (5) working days of the |
| |meeting considering the grievance. If the controversy has not been |
| |resolved by the final action taken by the School Board within thirty |
| |(30) working days of written notification of the final action of the |
| |School Board, the complaint may be submitted to the Director of the |
| |Office of Civil Rights, Department of Health, Education, and Welfare, |
| |Boston, Mass. and/or the Maine Human Rights Commission, Augusta, Maine. |

| * There is no legal recourse to the Maine Human Rights Commission or |
| Federal Office of Civil Rights for complaints based upon |
| discrimination for sexual orientation. |

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| Adopted: August 13, 2002 |

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