

## **STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT/GRIEVANCE PROCEDURE**

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment.

### **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, sexual orientation, religion, ancestry, national origin, or disability.
- B. "Discrimination or harassment" means discrimination or harassment on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, or disability.

### **How to Make a Complaint**

- A. Any student who believes he/she has been discriminated against or harassed should report their concern promptly to Affirmative Action Officer. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with Affirmative Action Officer.
- 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, State House Station 51, Augusta, ME 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: 617-223-9662).

### **Complaint Handling and Investigation**

- A. Affirmative Action Officer shall promptly inform the Superintendent and the person(s) who is the subject of the Complaint that a Complaint has been received.
- B. Affirmative Action Officer 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 Affirmative Action Officer, 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 chairperson of the 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. Affirmative Action Officer shall keep a written record of the investigation process.
  5. Affirmative Action Officer may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
  6. Affirmative Action Officer shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
  7. The investigation shall be completed within 21 business days of receiving the Complaint, if practicable.
- D. If Affirmative Action Officer 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 business 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.
- F. If the student's parents/legal guardians are dissatisfied with the decision of the Superintendent, an appeal may be submitted in writing within 14 business days after receiving notice of the decision. The Board will consider the appeal in executive session, to the extent permitted by law, at its next regular meeting or a special meeting. The Superintendent shall submit the investigation report and any other witnesses or documents that he/she believes will be helpful to the Board. The student, his/her parents/legal guardians and his/her representative shall be allowed to be heard. The person(s) against whom the Complaint was made shall be invited and allowed to be heard. The Board's decision shall be final.

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 U.S.C. § 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (P.L. 88-352)  
20 USC § 1232g; 34 CFR Part 99  
5 MRSA §§ 4571; 4602; 4681 et seq.  
20-A MRSA §§ 6001 et seq.

**NOTICE OF NONDISCRIMINATION &  
SECTION 504/ADA COORDINATOR**

Maine School Administrative District No. 70 does not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, age or disability in its programs and activities.

It is the policy of Maine School Administrative District No. 70 to offer programming that is reasonably calculated to provide a free and appropriate public education to teach each student with a disability within its jurisdiction, regardless of the nature or severity of the disability.

It is the intent of the district to ensure that students, who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disability Act (ADA) of 1990, are identified, evaluated and provided with appropriate educational services. Students may be handicapped under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

The following person has been designated to handle inquires regarding the nondiscrimination policies:

Mary C. Harbison  
Mill Pond School Section 504/ADA Coordinator  
147 Hodgdon Mills Road  
Hodgdon, ME 04730-4278  
(207)532-9228

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Mary C. Harbison  
Hodgdon High School Section 504/ADA Coordinator  
174 Hodgdon Mills Road  
Hodgdon, ME 04730-4278  
(207)532-2413

To make an inquiry or file a complaint concerning the above statement, an individual may contact the individuals listed above and/or:

Office for Civil Rights  
Regional Director  
U.S. Department of Education  
S.W. McCormack Post Office & Courthouse, Rm. 222  
Boston, MA 02109-4557  
Telephone: (617) 223-9662

Maine Human Rights Commission  
State House Station 51  
Augusta, ME 04333  
Telephone: (207) 624-6050

MSAD #70  
175 Hodgdon Mills Road  
Hodgdon, ME 04730

## ANNUAL NOTIFICATION TO BUILDING OCCUPANTS

TO: School Employees, Building Occupants, Parents, Guardians, and MSAD #70 residents  
FROM: Office of the Superintendent of Schools  
DATE: August 21, 2013

The federal Asbestos Hazard Emergency Response Act (AHERA) requires that local education agencies inform all school employees and students of asbestos-related activities, such as asbestos inspections and removal projects that have been undertaken in MSAD #70 at least once a year. This information is recorded in MSAD #70 Asbestos Management Plan. The Asbestos Management Plan for MSAD #70 school is located in the Superintendent's Office at 175 Hodgdon Mills Road, Hodgdon, Maine. The asbestos Management Plan is available for review during regular office hours; copies are available on request at the cost of 50 cents per page.