

Hermon School Department

**Student Discrimination and Harassment Complaint Procedure**

This procedure has been adopted by the Hermon School Committee in order to provide a method of prompt and equitable resolution of complaints of discrimination and harassment as described in policies AC: Nondiscrimination/Equal Opportunity and Affirmative Action and ACAA: Harassment and Sexual Harassment of Students.

**How To Make A Complaint**

- A. Any student 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 shall not prevent the student, however, from making an immediate formal complaint.
- B. Any student who believes he/she has been harassed or discriminated against should report his/her concern promptly to a teacher, Assistant Principal or Principal. If the person reports to a teacher, he/she will immediately be referred to the Assistant Principal or Principal. If the person is uncomfortable reporting concerns to the Assistant Principal or Principal, he/she may report the concern in writing directly to the Affirmative Action Officer (Director of Special Services). Students who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the Principal, Assistant Principal or Affirmative Action Officer. Students will not be retaliated against for reporting suspected discrimination or harassment.
- C. Once a formal (written) complaint has been received, parents or guardians of any minor student (either complainant or student against whom a complaint is lodged) shall be notified of the situation. The Principal or Assistant Principal may pursue an informal resolution of the complaint with the agreement of the complainant and the person against whom the complaint is made. Any informal resolution is subject to the approval of the parents or guardians of any minors named in the complaint as well as all parties involved in the complaint and the Affirmative Action Officer, who shall consider whether the informal resolution is in the best interest of the school department in light of applicable policies and law.
- C. If the parties are in agreement and resolution is reached, the Affirmative Action Officer shall keep a written record of the complaint and the agreed upon resolution.

If the parties are unable to reach informal resolution, the complaint shall be turned over to the Affirmative Action Officer for investigation and proposed resolution.

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 department, any rights conferred under an applicable collective bargaining agreement shall be applied.
  3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
  4. The Affirmative Action Officer shall keep a written record of the investigation process.
  5. The Affirmative Action Officer may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further harassment while the investigation is pending.
  6. The 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 20 business days of receiving the complaint, if practicable.
- F. If the Affirmative Action Officer determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
1. Determine what remedial action if necessary, 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).
- G. If the employee who made the complaint is dissatisfied with the resolution, he/she may appeal to the Superintendent within 14 calendar 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.

- H. If the student who made the complaint is dissatisfied with the resolution, he/she may appeal to the Superintendent within 14 calendar 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.

Any person who believes he/she has been discriminated against or harassed is encouraged to use this complaint procedure. However, students are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, State House Station 51, Augusta, ME 04330 (phone 207-624-6050) and/or to the federal Office for Civil Rights, Regional Director, US Department of Education, S.W. McCormick POCH Room 222, Boston, MA 02109-4557 (phone 617-223-9622).

Legal Reference: American with Disabilities Act (28 CFR § 35.07)  
Section 504 of the Vocational Rehabilitation Act  
(34 CFR § 104.7)  
Title IX of the Educational Amendments of 1972  
(34 CFR § 106.8b)  
Age Discrimination in Employment Act (34 CFR § 110.25)