

Hermon School Department

**Employee 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 ACAB: Harassment and Sexual Harassment of School Employees.

**How to Make A Complaint**

- A. 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 shall not prevent the employee, however, from making an immediate formal complaint.
- B. Any employee who believes he/she has been harassed or discriminated against should report their concern in writing promptly to the Affirmative Action Officer (Director of Special Services). If the person is uncomfortable reporting concerns to the Affirmative Action Officer (Director of Special Services), he/she may report the concern, in writing, directly to the Superintendent. Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the Director of Special Services (Affirmative Action Officer). Employees will not be retaliated against for reporting suspected discrimination or harassment.
- C. The Affirmative Action Officer (Director of Special Services) will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.
- D. The Affirmative Action Officer (Director of Special Services) may pursue an informal resolution of the complaint with the agreement of the complainant and the person against whom the complaint is made. 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 department in light of applicable policies and law.
- E. The complaint will be investigated by the Affirmative Action Officer (Director of Special Services) unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf.

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 complete 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 is 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.

Any employee who believes he/she has been discriminated against or harassed is encouraged to use this 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, State House Station 51, Augusta, ME 04430 (phone 207-624-6050) and/or to the federal Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02110-1491 (phone 617-289-0111).

Legal Reference: American with Disabilities Act  
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 § 110.25)