

## MAINE SCHOOL OF SCIENCE AND MATHEMATICS

(MSSM)

### STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

This procedure has been adopted by the Board of Trustees in order to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment as described in policies AC — Nondiscrimination/Equal Opportunity and Affirmative Action and ACAA — Harassment and Sexual Harassment of Students.

#### Definitions

For purposes of this procedure:

- 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; and
- 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 his/her concern promptly to the Executive Director, the Title IX Coordinator, Academic Dean, Advisor, Dean of Students, Instructor, or School Nurse. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the Executive Director, Academic Dean, Advisor, Dean of Students, Instructor, or School Nurse.
- B. School staff members must report possible incidents of discrimination or harassment of students to the Executive Director. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.
- C. Any complainant shall not be retaliated against for making a complaint. Any retaliation against complainants by other students or School staff will result in disciplinary measures, up to and including expulsion or dismissal.
- D. Students are encouraged to utilize MSSM's complaint procedure. However, students are hereby notified that they also have the right to report complaints to the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333 (telephone: 207-624-6290) and/or to the U.S. Department of Education, Office for Civil Rights/ED, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (telephone: 617289-0111; TDD: 800-877-8339; fax: 617-289-0150).

#### Complaint Handling and Investigation

- A. The Academic Dean, Dean of Students, or School Nurse shall promptly inform the Executive Director and the Title IX Coordinator. The Executive Director and Title IX Coordinator shall notify the person(s) who is/are the subject of the complaint that a complaint has been received.
- B. Upon receipt of the complaint, the Executive Director will appoint a person to investigate the complaint to be known as the "Complaint Investigator." 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 Executive Director shall be submitted to the Chair of the Board of Trustees, who may consult with legal counsel concerning the handling and investigation of the complaint.
  - 1. The person who is the subject of the complaint shall be provided with an opportunity to be heard as part of the investigation.
  - 2. If the complaint is against an employee of MSSM, any applicable 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. The Complaint Investigator shall keep a written record of the investigation process.
  5. The Executive Director may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
  6. The Complaint Investigator shall consult with the Executive Director concerning the investigation, conclusions, and any remedial and/or disciplinary actions. The investigator shall fully document the conclusions and remedial action plan. The results of the investigation, conclusions, and remedial action shall be filed in the students' files and other locations as necessary.
  7. The investigation shall be completed within 21 calendar days of receiving the complaint, if practicable.
- C. The investigator 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 Executive Director, who shall consider whether the informal resolution is in the best interest of MSSM in light of the particular circumstances and applicable policies and laws.
- D. If the Complaint Investigator determines that discrimination or harassment occurred, he/she shall, in consultation with the Executive Director:
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. An appeal against the resolution of the complaint can be made to the Executive Director by the student's parents/legal guardians or a student that is 18 years or older consequent upon prejudicial procedural errors or discovery of new evidence. The Executive Director shall review the investigation report and may conduct further investigation if deemed appropriate. The Executive Director'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 SC § 1681 et seq.)
- Title VI of the Civil Rights Act of 1964 (PL 88-352)
- 20 USC § 1232g;
- 34 CFR Part 99
- 5 MRSA §§ 4571; 4602; 4681 et seq.
- 20-A MRSA §§ 6001 et seq.

Cross Reference:

- AC - Nondiscrimination/Equal Opportunity and Affirmative Action
- ACAA - Harassment and Sexual Harassment of Students

- **Implementation: September 26, 2013**
- **1st 133 Reading: September 11, 2010**
- **Adopted:**