REGULAR MEETING OF RSU NO. 5 BOARD OF DIRECTORS
WEDNESDAY– DECEMBER 11, 2024
FREEPORT HIGH SCHOOL - LIBRARY
6:30 P.M. REGULAR SESSION
AGENDA

1. Call to Order:
   The meeting was called to order at _____p.m. by Chair Michelle Ritcheson

2. Attendance:
   ___Colin Cheney
   ___Candace deCsipkes
   ___Malik Farlow
   ___Cheyenne Farrell
   ___Danielle George
   ___Freeport Vacant
   ___Kara Kaikini
   ___Elisabeth Munsen
   ___Maura Pillsbury
   ___Michelle Ritcheson
   ___Kelly Sink
   ___Moon Tussing, Student Representative
   ___Phoebe Williamson, Student Representative

3. Pledge of Allegiance:

4. Consideration of Minutes:
   A. Consideration and approval of the Minutes of November 20, 2024 as presented barring any errors or omissions.

   Motion:_____2nd:_____Vote:_____

5. Adjustments to the Agenda:

6. Good News & Recognition:
   A. Report from Board's Student Representative (10 Minutes)

7. Public Comments: (10 Minutes)

8. Reports from Superintendent: (10 Minutes)
   A. Superintendent's Report
   B. Resignations: Wendy Cannon - MSS/PES STEM Teacher
      Ashley Dame - DCS Ed Tech
   C. Support Staff New Hires: Alyssa Herling - DCS Ed Tech
      Andrew Chasse - FMS Office Secretary
      Henock Apamato - FHS Custodian

9. Administrator Reports:
   A. Finance - Kelly Wentworth (5 Minutes)
   B. Update from Technology Department and Goal Review - Sam Rigby (20 Minutes)
   C. Update from Facilities Department and Goal Review - Glen Reynolds (20 Minutes)
   D. Update from Instructional Support Department and Goal Review - Elisha Morris (20 Minutes)

10. Board Comments and Committee Reports:
    A. Board Information Exchange and Agenda Requests (10 Minutes)
    B. Finance Committee (10 Minutes)

11. Policy Review: (10 Minutes)
    A. Consideration and approval of 2nd Read of the following policies:
        1. AC - Nondiscrimination/Equal Opportunity and Affirmative Action
        2. ACAB - Harassment and Sexual Harassment of Employees
        3. ACAB - R Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (Revised into two new procedures ACAB-R1 and ACAB-R2)

        Motion:_____2nd:_____Vote:_____

12. Unfinished Business:
    None

13. New Business:
    None

14. Personnel: (5 Minutes)
    A. Consideration and approval to employ an Interim Assistant Principal at Durham Community School from approximately February 3, 2025 until approximately April 4, 2025.

        Motion:_____2nd:_____Vote:_____

15. Public Comments: (10 Minutes)

16. Adjournment:

        Motion:_____2nd :_____Vote:_____Time:_____

Item # 4.A.

RSU No. 5 Board of Directors Meeting
Wednesday, November 20, 2024 – 6:30 p.m.
Durham Community School - Cafeteria
Meeting Minutes

(NOTE: These Minutes are not official until approved by the Board of Directors. Such action, either to approve or amend and approve, is anticipated at the December 11, 2024 meeting).

1. **CALLED TO ORDER:**
   Chair Michelle Ritcheson called the meeting to order at 6:31 p.m.

2. **MEMBERS PRESENT:** Colin Cheney, Candace deCsipkes, Malik Farlow, Cheyenne Farrell, Danielle George, Kara Kaikini, Elisabeth Munsen, Maura Pillsbury, Michelle Ritcheson, Kelly Sink and Moon Tussing, Student Representative
   MEMBERS ABSENT: There is a vacant Freeport seat

3. **PLEDGE OF ALLEGIANCE:**

4. **CONSIDERATION OF MINUTES:**
   A. **VOTED:** To approve the Minutes of November 6, 2024. (Kaikini – George) (10 – 0) The Student Representative voted with the majority.

5. **ADJUSTMENTS TO THE AGENDA:**
   None

6. **GOOD NEWS AND RECOGNITION:**
   A. Report from Board's Student Representative - Moon Tussing

7. **PUBLIC COMMENT:**
   None

8. **REPORTS FROM SUPERINTENDENT:**
   A. Superintendent's Report
   B. Resignations: Sally Sellers - FHS Ed Tech
   C. Support Staff New Hires: Conor Fox - FMS Ed Tech

9. **ADMINISTRATOR REPORTS:**
   A. Finance - Kelly Wentworth
   B. Update from Athletics Department and Goal Review - Eric Hall
   C. Update from Durham Community School and Goal Review - Will Pidden

10. **BOARD COMMENTS AND COMMITTEE REPORTS:**
    A. Board Information Exchange and Agenda Requests
       - Region Ten Cooperative Board
       - Diversity, Equity, and Inclusion Committee
    B. Facilities and Operations Committee
    C. Policy Committee

11. POLICY REVIEW:

A. **VOTED:** To approve 2nd Read of the following policies. (Munsen – Sink) (10 – 0) The Student Representative voted with the majority.

1. ACAA - Harassment and Sexual Harassment of Students
2. ACAA-R - Student Discrimination and Harassment Complaint Procedure (Revise into two new procedures ACAA-R1 and ACAA-R2)
3. JIE - Pregnant Students (New) - ***This policy was Tabled and will be brought back to the Policy Committee***

B. **VOTED:** To approve 1st Read of the following policies (Farrell – Farlow) (10 – 0) The Student Representative voted with the majority.

1. AC- Nondiscrimination/Equal Opportunity and Affirmative Action
2. ACAB- Harassment and Sexual Harassment of Employees
3. ACAB- R Employee Discrimination/Harassment and title IX Sexual Harassment Complaint Procedures (Revised into two new procedures ACAB-R1 and ACAB-R2)

12. UNFINISHED BUSINESS:
None

13. NEW BUSINESS:
None

14. PERSONNEL:
None

15. PUBLIC COMMENT:
None

16. ADJOURNMENT:
VOTED: To adjourn at 8:46 p.m. (Munsen – Sink) (10 – 0)

Jean M. Skorapa

Jean M. Skorapa, Superintendent of Schools

RSU No. 5

Warrant Articles For the Period 11/01/2024 through 11/30/2024

Fiscal Year: 2024-2025

☐ Include Pre Encumbrance

	Budget	Range To Date	Year To Date	Balance	Encumbrance	Budget Balance	
INCOME							
GENERAL FUND REVENUES							
REQUIRED LOCAL FUNDS (-)	$19,573,905.68	$1,631,158.82	$7,696,623.53	$11,877,282.15	$0.00	$11,877,282.15	60.7%
ADDITIONAL LOCAL FUNDS (-)	$13,087,078.17	$1,090,589.84	$5,075,263.97	$8,011,814.20	$0.00	$8,011,814.20	61.2%
ADDLN SHARED REVENUE (-)	$139,883.76	$0.00	$0.00	$139,883.76	$0.00	$139,883.76	100.0%
INTEREST REVENUE (-)	$209,000.00	$0.00	$154,130.40	$54,869.60	$0.00	$54,869.60	26.3%
STATE REVENUES (-)	$7,571,992.39	$20,318.60	$2,192,339.30	$5,379,653.09	$0.00	$5,379,653.09	71.0%
MISC REVENUES (-)	$18,600.00	$0.00	$36.00	$18,564.00	$0.00	$18,564.00	99.8%
FUND BALANCE (-)	$900,000.00	$0.00	$0.00	$900,000.00	$0.00	$900,000.00	100.0%
Sub-total : GENERAL FUND REVENUES	($41,500,460.00)	($2,742,067.26)	($15,118,393.20)	($26,382,066.80)	$0.00	($26,382,066.80)	63.6%
Total : INCOME	($41,500,460.00)	($2,742,067.26)	($15,118,393.20)	($26,382,066.80)	$0.00	($26,382,066.80)	63.6%
EXPENSES							
GENERAL FUND EXPENSES							
ARTICLE 1 REGULAR INSTRUCTION (+)	$18,384,052.00	$1,418,852.60	$5,068,713.13	$13,315,338.87	$10,739,760.79	$2,575,578.08	14.0%
ARTICLE 2 SPECIAL EDUCATION (+)	$5,870,507.00	$463,901.69	$1,622,911.05	$4,247,595.95	$3,463,916.10	$783,679.85	13.3%
ARTICLE 3 - CAREER & TECHNICAL CTR (+)	$289,668.00	$24,139.00	$144,834.00	$144,834.00	$144,834.00	$0.00	0.0%
ARTICLE 4 - OTHER INSTRUCTION (+)	$1,034,849.00	$126,340.73	$320,783.84	$714,065.16	$314,300.80	$399,764.36	38.6%
ARTICLE 5 - STUDENT & STAFF SUPPORT (+)	$4,371,246.00	$298,811.61	$1,579,510.41	$2,791,735.59	$2,153,333.12	$638,402.47	14.6%
ARTICLE 6 - SYSTEM ADMINISTRATION (+)	$1,179,440.00	$78,451.66	$507,607.40	$671,832.60	$446,351.32	$225,481.28	19.1%
ARTICLE 7 - SCHOOL ADMINISTRATION (+)	$2,348,210.00	$176,498.90	$899,397.05	$1,448,812.95	$1,241,209.10	$207,603.85	8.8%
ARTICLE 8 - TRANSPORTATION & BUSES (+)	$1,586,682.00	$143,203.29	$602,639.06	$984,042.94	$649,037.31	$335,005.63	21.1%
ARTICLE 9 - FACILITIES MAINTENANCE (+)	$5,139,408.00	$311,860.49	$2,620,379.15	$2,519,028.85	$1,233,927.42	$1,285,101.43	25.0%
ARTICLE 10 - DEBT SERVICE & OTHER COMMITMENTS (+)	$1,111,064.00	$0.00	$108,835.00	$1,002,229.00	$1,002,228.52	$0.48	0.0%
ARTICLE 11 - ALL OTHER EXPENDITURES (+)	$185,334.00	$0.00	$185,334.00	$0.00	$0.00	$0.00	0.0%

Warrant Articles For the Period 11/01/2024 through 11/30/2024

Fiscal Year: 2024-2025

☐ Include Pre Encumbrance

	Budget	Range To Date	Year To Date	Balance	Encumbrance	Budget Balance	
Sub-total : GENERAL FUND EXPENSES	$41,500,460.00	$3,042,059.97	$13,660,944.09	$27,839,515.91	$21,388,898.48	$6,450,617.43	15.5%
Total : EXPENSES	$41,500,460.00	$3,042,059.97	$13,660,944.09	$27,839,515.91	$21,388,898.48	$6,450,617.43	15.5%
NET ADDITION/(DEFICIT)	$0.00	$299,992.71	($1,457,449.11)	$1,457,449.11	$21,388,898.48	($19,931,449.37)	0.0%

End of Report

Item #9.B.

RSU 5 Technology Goals 2023-2024 Review

Department of Technology			
Technology Goal #1	**Strategies and Action Steps (Responsibility)**	**Timeline**	**Evidence of Effectiveness**
Engage in and complete district-wide technology needs assessment. Focus on projects that can be completed without additional funding, and identify educational, operational, and financial priorities in future years.	**Network and Infrastructure Assessment and Improvements**	August 2023 October 2023 December 2023 - January 2024 February 2024 March-June 2024	• Performance map across buildings Completed as planned. • Replace network switches from pre-existing E-Rate projects Completed as planned. • Begin transition of six independent networks to one cross-district network Process was delayed to summer 2024, but completed at that time. Would have been too disruptive to change in the middle of the year. •Prepare for security improvements Completed as planned. •Transition to new secure network Process was delayed to summer 2024, but completed at that time. Would have been too disruptive to change in the middle of the year. • Measure and monitor network performance across buildings Completed as planned.

	Devices and Classroom Equipment	Ongoing 2023-24 School Year	Assess classroom projectors and audio equipment across all buildings Completed as planned. • Assess computer, tablet, and Chromebook devices across all buildings Completed as planned. • Develop updated inventory of all equipment to the best of our abilities, ensuring accuracy as new devices are enrolled and deployed Completed as planned. • Plan for new inventory management software in FY25 Completed as planned. New ticketing and inventory management software was implemented in July 2024.

Department of Technology			
Technology Goal	**Strategies and Action Steps (Responsibility)**	**Timeline**	**Evidence of Effectiveness**
Engage in school technology and network safety and security evaluation and identify areas of need across all buildings.	**Safety, Security, and Access Control Assessment -** Security cameras, door access control, paging and intercom, phones and phone systems	July-August 2023 October - November 2023 December 2023 - January 2024 Spring 2024	• Take stock of existing equipment and performance Completed as planned. • Meet with school administrators, school resource officer, building administrative assistants to assist in assessing needs Completed as planned. • Assess availability of funding in FY24 Completed as planned. • Plan for FY25 budget process Completed as planned. • Apply for COPS SVPP grants as available Was not completed as planned after clerical issues with the grant issuing agency.
	Network and Cybersecurity	Ongoing 2023-24 School Year	•Take stock of existing equipment and security practices in place Completed as planned. • Evaluate previous work w/r/t cybersecurity Completed as planned.

			• Work with outside consultant on incident response plan and steps to be taken to ensure greater network security Was completed, though not as planned. Work stretched into summer 2024 after the hiring of our new Network and Systems Administrator. We put several new practices into place, including but not limited to installation of new filtering software, increased network segmentation, and limiting connections to our internal networks.

RSU 5 Technology Goals 2024-2025

Department of Technology			
Technology Goal #1	**Strategies and Action Steps (Responsibility)**	**Timeline**	**Evidence of Effectiveness**
Enhance the integration of technology into teaching and learning by fostering stronger collaboration between the technology team and educators, ensuring an active presence in classrooms, and supporting professional growth opportunities for staff to effectively leverage digital tools.	**Expanding Relationships Across Buildings and Departments** - Half of the technology team has been with RSU 5 for less than 15 months (as of the start of the school year), with an additional member	Ongoing 2024-2025 School Year	• Regularly attend grade-level or department meetings to understand teachers' needs and challenges. • Designate team members as liaisons for specific schools or departments to establish consistent communication and support. • Host informal "Tech Talks" as opportunities arise to discuss emerging tools and strategies. • Recognize and celebrate educators who innovate with technology. • Organize "Tech Drop-In" opportunities where team members visit buildings to provide real-time support and gather feedback.

	Facilitate Classroom Engagement	Ongoing 2024-2025 School Year	Partner with teachers to pilot new technology tools in their classrooms and gather feedback for refinement. • Develop quick, practical "Technology Spotlights" (1-5 minute demonstrations or presentations) that the technology team can share during staff meetings or PLCs.
	Develop Professional Development Opportunities	Ongoing 2024-2025 School Year	• Conduct surveys or focus groups to identify staff training needs and interests. • Plan a mix of professional development formats, such as workshops, on-demand tutorials, and one-on-one coaching sessions, aligned with curriculum goals. • Investigate feasibility of differentiated PD tracks (e.g., beginner, intermediate, advanced) to meet varying skill levels. • Develop an online repository of recorded sessions, guides, and resources for staff to access on demand.

Department of Technology			
Technology Goal #2	**Strategies and Action Steps (Responsibility)**	**Timeline**	**Evidence of Effectiveness**
Expand communication from the technology department for professional growth and to foster transparency with district stakeholders, staff, and the broader school community.	**Newsletter Creation and Contributions**	Ongoing 2024-2025 School Year	• Develop clear, engaging, and relevant write-ups for various newsletter editions, focusing on topics that align with district priorities. • Collaborate with colleagues, including instructional staff and administrators, to gather insights and identify valuable areas of focus. • Provide practical technology tips, resources, and strategies for educators, students, and families. • Solicit feedback from newsletter readers to continuously refine and improve the relevance and quality of the contributions. • Plan regular Technology-only newsletter for internal stakeholders.

Item #9.C.

Facilities Department Goals 2023-2024 Review

Goal Worksheet			
School/Department: Facilities			
Department Goal	**Strategies and Action Steps (Responsibility)**	**Timeline**	**Evidence of Effectiveness**
Ensure all facilities are operating efficiently and effectively.	1. Replace Pownal Septic/Leach field.	2023/2024	**Engineering firm completed the septic design.**
	2. Conduct a full district energy audit including water usage to identify needed improvements in RSU5 facilities.	2023/2024	**Energy audit completed and shared with Board Facilities and Operations Committee.**
	3. Conduct a comprehensive building assessment.	2023/2024	**Initial assessment completed. Updated regularly as needs arise.**
	4. Complete the following 22/23 carry-over items: • PES Security • PES Pave rear walkway	2023/2024	**Additional PES building security items identified. Plan being developed for completion.**

Facilities Department Goals 2024-2025

Goal Worksheet			
School/Department: Facilities			
Department Goal	**Strategies and Action Steps** **Responsibility**	**Timeline**	**Evidence of Effectiveness**
Ensure all facilities are operating efficiently and effectively.	1. Develop an articulated capital improvement plan that includes items identified through the energy audit and comprehensive building assessment.	2024/2025	Capital Improvement Plan
	2. Develop an articulated plan for vehicle and equipment replacement.	2024/2025	Vehicle Replacement Plan

Item # 9.D.

Instructional Support Goals 2023-2024 Review

School/Department: Instructional Support
District Goal: Goal 1: RSU5 students experience a joyful learning climate that is safe, nurturing, and fosters curiosity.
Objective 1.1F: Evaluate the effectiveness of improved or new practices/structures and adjust as necessary.

Goal	**Strategies and Action Steps**	**Responsibility**	**Timeline**	**Evidence of Effectiveness**
1. Develop special ed. scheduling guidelines and grades 7-12+ Transition continuum	1.Review current Elementary, Middle, and High School Course progression • academic core • specials, electives • expected instructional minutes	Director of Instructional Support, Instructional Strategists & Instructional Support Staff	Fall 2023 - Winter/Spring 2024	1.Completion & Roll-out of Scheduling Guidelines Winter/Spring 2024 • To include a transition continuum through which students with disabilities learn employability skills to prepare them for successful transition from high school to the workplace, to include: • transition continuum of programming ranging from high school career readiness to post high school vocational training at local businesses. • developing partnerships with businesses to open post-high school transition opportunities at work locations. 2.The RSU5 transition continuum would include programming at the high school such as community-based instruction: • involves career awareness and career exploration through career interest inventories, workplace tours, and

				business partner mentorship. CBI typically takes place in grades 9 and 10. 3. Community-based vocational education • students work at local businesses for approximately two hours per day where they learn job skills and gain stamina to remain focused on the job tasks. **Goal not completed due to other programming priorities in the special education department at the high school.**
2. Review the roles of the Instructional Strategists to ensure they are being utilized to the best of their abilities.	2a. Collaborate w/Principals to accurately identify role, scope of practice & responsibilities 2b. Collaborate on revision of job description	Director of Instructional Support & Principals	Fall 2023 - Winter/Spring 2024	• Completion & Publishing of Revised Instructional Strategist Job Description that is accurately aligned to scope of practice **Job description was revised and the job title changed to Special Education Coordinator.**

3. Review, Analyze and Optimize Day-to-Day Budget Flow & Processes for Planning and Forecasting	3a. Collaborate w/Director of Finance to identify opportunities for improving day-to-day budget flow 3b. Collaborate w/Director of Finance to establish a process for communicating and managing information and changes during the fiscal year that may result in adjustments to the budget	Director of Instructional Support & Director of Finance	Fall 2023 -Winter/Spring 2024	3. Creation of Schema for Day-to-Day Budget Flow & Processes for Planning and Forecasting • Effective budget cycle management • Improved ability to make strategic fiscal decisions • Save time, minimize errors & nurture a collaborative, disciplined work environment. **Budget flow and processes were developed. This will continue in 2024-2025.**

Instructional Support Goals 2024-2025 Review

School/Department: Instructional Support			
School Goal	**Strategies and Action Steps (Responsibility)**	**Timeline**	**Evidence of Effectiveness**
1) Build capacity district-wide by ensuring that all special education staff acquire the essential skills and knowledge to effectively support students with complex needs.	• Provide specialized support for Social Emotional Learning (SEL) and behavioral interventions. • Provide opportunities to staff for collaboration, consultation, and direct modeling of effective support strategies.	Fall 2024-Spring 2025	Through feedback, observational assessments, and student progress data to ensure its effectiveness and sustainability.

2) To ensure consistency in special education case management practices across the district by establishing protocols, procedures, and guidelines for all case managers.	• Create a shared Google Folder that outlines best practices, roles, and responsibilities, along with clear expectations for documentation and communication. • Implement regular professional development during staff meetings to foster a shared understanding of these practices and encourage open dialogue among case managers and service providers. • Create Professional Learning Communities for Social Workers and Related Service Providers.	Fall 2024-Spring 2025	All case management documentation Feedback from the Leadership Team.

Item# 10.B.

Regional School Unit 5

Durham · Freeport · Pownal

"To inspire and support every learner by challenging minds, building character, sparking creativity, and nurturing passions."

Jean Skorapa, Superintendent of Schools
Kelly Wentworth, Director of Finance & Human Resources
Cynthia Alexander, Assistant Superintendent of Schools
Elisha Morris, Director of Instructional Support

Finance Committee Minutes
November 20, 2024
Durham Community School Conference Room

In Attendance: Beth Munsen, Chair, Michelle Ritcheson, Kelly Sink, Jean Skorapa, Kelly Wentworth

Chair Munsen called the meeting to order at 5:02 P.M.

FY25 Warrant Signing Process

Kelly W. reviewed the process that Accounts Payable and Payroll warrants go through before the Finance Committee is asked to sign off on them for our newest Committee member. Once approved by the Director of Finance and the Superintendent, the warrants are scanned and sent to the Finance Committee for review and signoff via Adobe Sign. If any committee member has a question regarding any expenditure, they are encouraged to reach out to Kelly W. via phone or email.

FY24 Unaudited Undesignated Fund Balance Review:

Kelly W. reviewed the projected unaudited FY24 undesignated fund balance with the Committee. In addition, Kelly W. reminded the committee of the amount of use of the undesignated funds that were made during the FY25 budget process. The use of undesignated fund balance was to establish Article Reserve Funds as well as increase the amounts in the already established Capital, Tennis Court, and Track & Field Replacement Reserves.

Capital Planning Funding Discussion:

Kelly W. reminded the members that there will be a joint meeting with the Facilities Committee in December to discuss potential capital project needs and the proposed funding for such capital projects. There are three areas that the Administration has been identifying: (1) Life Safety, (2) Vehicle & Grounds Equipment Replacement, & (3) Building Capital Improvement Projects identified by EMC.

FY26 Budget Discussion:

Kelly W. reviewed the timeline for the upcoming FY26 Budget process. Superintendent Skorapa identified to the Committee the key drivers of this upcoming budget year. They are negotiated wage increases for all staff, health insurance increases, as well as substitute and stipend cost increases. The Administrative Team is currently working to prepare their budget requests for review by the Superintendent, Assistant Superintendent, and Director of Finance in the first week of December.

Other:

Cost Sharing Review is scheduled for the February 2025 meeting.
Next meeting, December 11, 2024 @ FHS.

Meeting adjourned at 6:10 P.M.

Item # II.A.

Regional School Unit 5

Durham · Freeport · Pownal

"To inspire and support every learner by challenging minds, building character, sparking creativity, and nurturing passions."

Jean Skorapa, Superintendent of Schools
Kelly Wentworth, Director of Finance & Human Resources
Cynthia Alexander, Assistant Superintendent of Schools
Elisha Morris, Director of Instructional Support

TO: Colin Cheney, Candy deCsipkes, Malik Farlow, Cheyenne Farrell, Danielle George, Elisabeth Munsen, Kara Kaikini, Maura Pillsbury, Michelle Ritcheson, Kelly Sink, Moon Tussing, Phoebe Williamson

CC: Julie Nickerson, Amanda Marsden, Holly Johnson, Kate Harrison, Amy St.Pierre, Erica Mullally, Will Pidden, Eric Hall, Peter Wagner, Jen Gulko, Elisha Morris, Jean Skorapa, Paige Fournier, Emily Grimm, Scott Emery, Charlie Mellon, Kelly Wentworth, Sam Rigby, Glen Reynolds, Jeremy Arsenault, Jen Winkler, Trevor Bean, Nancy Doherty, Grace Marley, Jill Hooper, Theresa Clark, Lisa Blier, Heidi Cook, Amanda Chisholm, Eliza Bowen, Heather Perry, Pam Gee, Caitlyn Hecox

FROM: Cynthia Alexander, Assistant Superintendent of Curriculum, Instruction, and Assessment
DATE: December 2, 2024
RE: Review/Update of Policies

At the December 11, 2024 Board of Directors Meeting, the following policies will be on the agenda:

2nd Read

1. AC- Nondiscrimination/Equal Opportunity and Affirmative Action
2. ACAB- Harassment and Sexual Harassment of Employees
3. ACAB- R Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (Revised into two new procedures ACAB-R1 and ACAB-R2)

NEPN/NSBA CODE: AC

NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

RSU No. 5 does not discriminate on the basis of sex and other protected categories in its education programs and activities, as required by federal and state laws and regulations.

RSU No. 5 prohibits discrimination, including harassment, of school employees on the basis of:

- Race (including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists, and locks);
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin;
- Age;
- Disability; and
- Genetic information.

RSU No. 5 prohibits discrimination, including harassment, of students on the basis of:

- Race (including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists, and locks);
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Age;
- Ancestry or national origin; and
- Disability.

The Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students, and other individuals having access rights to school premises, programs, and activities.

RSU No. 5 has designated and authorized an Affirmative Action Officer/Title IX Coordinator who is responsible for ensuring compliance with all federal and state requirements prohibiting discrimination, including sexual/sex-based harassment. The Affirmative Action Officer/Title IX Coordinator is a person with direct access to the Superintendent.

The school unit has implemented complaint procedures for resolving complaints of discrimination and harassment under this policy. The school unit provides required notices of non-discrimination policies and complaint procedures, how they can be accessed, and the school unit's compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents, and other interested parties.

Legal References:
Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1965, 42 U.S.C. §§ 2000e to 2000e-17.
Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, as amended by 34 C.F.R. § 106.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7.
Age Discrimination in Employment Act, 29 U.S.C. §§ 623-634.
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 to 6107.
Equal Pay Act of 1963, 29 U.S.C. § 206.
Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as amended by 34 C.F.R. § 104.7.
Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107.
Genetic Information Nondiscrimination Act of 2008, 29 U.S.C. §§ 2000ff to 2000ff-11.
Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg to 2000gg-6.
Maine Human Rights Act, 5 M.R.S.A. §§ 4551-4634 (2023).

Cross References:
RSU No. 5 Affirmative Action Plan
ACAA- Harassment of Students
ACAA-R1 – Student Discrimination and Harassment Complaint Procedure
ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure
ACAB – Harassment of Employees
ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure
ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
GBGB – Workplace Bullying
JICK – Bullying
JIE – Pregnant Students

NEPN/NSBA CODE: ACAB

HARASSMENT OF EMPLOYEES

RSU No. 5 prohibits harassment of employees on the basis of:

- Race (including traits associated with race involving hair texture, Afro hairstyles, and protective hairstyles such as braids, twists, and locks);
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin;
- Age;
- Disability; and
- Genetic information.

Such conduct is a violation of Board policy and may constitute illegal discrimination under state and/or federal laws.

A. Harassment

Harassment includes, but is not limited to, verbal abuse, threats, physical assault/battery, and other unwelcome, offensive conduct based on the protected categories listed above. Harassment that rises to the level of physical assault, battery, and/or abuse is also addressed in Board Policy JICIA – Weapons, Violence and School Safety, and bullying conduct is also addressed in Board Policy GBGB – Workplace Bullying. Under the Maine Civil Rights Act, violence or threats of violence against a person or their property based on their sexual orientation is also illegal.

B. Sexual/Sex-Based Harassment

Sexual Harassment and other forms of Sex-Based Harassment are addressed under federal and state laws/regulations. The scope and definitions of sexual/sex-based harassment under these laws differ, as described below.

1. Sex-Based Harassment Under Title IX

Under the federal Title IX law and its accompanying regulations, sexual/sex-based harassment includes harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that is:

a. "Quid pro quo" harassment by a school employee, agent, or other person authorized by the school unit to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service (such as a promotion or favorable evaluation) on the individual's participation in unwelcome sexual conduct.
b. "Hostile environment" harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the school unit's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors (identified in *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*).
c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined in applicable federal laws/regulations.

2. Sexual Harassment Under Maine Law

Under Maine law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
c. Such conduct has the purpose and effect of substantially interfering with an employee's work performance, or creates an intimidating, hostile, or offensive environment.

C. Reports and Complaints of Harassment

Any employee who believes they have been harassed or sexually harassed is strongly encouraged to make a report to the Affirmative Action Officer/Title IX Coordinator. The Affirmative Action Officer/Title IX Coordinator is also available to answer questions and provide assistance to any individual who is unsure whether harassment has occurred.

All reports and complaints of discrimination/harassment of employees shall be addressed through *ACAB-R1 – Discrimination and Harassment of Employees Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure.*

Legal References: Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, as amended by 28 C.F.R. § 35.107.
Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, as amended by 34 C.F.R. § 104.7.
Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, as amended by 34 C.F.R. § 106.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7.
Title VII of the Civil Rights Act of 1965, 42 U.S.C. §§ 2000e to 2000e-17, as amended by 29 C.F.R. § 1604.11.
Age Discrimination in Employment Act, 29 U.S.C. §§ 623-634.
Genetic Information Nondiscrimination Act of 2008, 29 U.S.C. §§ 2000ff to 2000ff-11.
Pregnant Workers Fairness Act, 42 U.S.C. §§ 2000gg to 2000gg-6.
Maine Human Rights Act, 5 M.R.S.A. §§ 4551-4634 (2023).
MHRC Rule Chapter 94-348, ch. 3.
20-A M.R.S.A. § 1001(22) (2023).
26 M.R.S.A. §§ 806-807 (2017).

Cross Reference: ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure
ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAA – Harassment of Students
ACAA-R1 – Student Discrimination and Harassment Complaint Procedure
ACAA-R2 – Student Sex Discrimination/Harassment Complaint Procedure
GBGB – Workplace Bullying
ACAD – Hazing
JICIA – Weapons, Violence and School Safety
JIE – Pregnant Students

NEPN/NSBA CODE: ACAB-R1

EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

The RSU No. 5 Board has adopted this employee procedure in order to provide prompt and equitable resolution of complaints of unlawful discrimination and harassment based on race; color; religion; ancestry or national origin; age; disability; and genetic information. Complaints of sex discrimination, including sexual/sex-based harassment, are addressed in *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*. In cases where allegations include sex discrimination or sexual/sex-based harassment and one or more other protected categories, *ACAB-R2* will be used.

Complaints alleging unlawful discrimination and harassment of an employee are addressed under *ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure.*

Any individual who is unsure about whether unlawful discrimination or harassment has occurred, and/or which complaint procedure applies, is encouraged to contact the Affirmative Action Officer/Title IX Coordinator.

AAO/TITLE IX COORDINATORS' INFORMATION:

Cynthia Alexander, ***Assistant Superintendent*** ***17 West Street*** ***Freeport, ME 04032*** ***207-865-0928*** *alexanderc@rsu5.org*	***Charlie Mellon,*** ***Assistant Principal, FHS*** ***30 Holbrook Rd.*** ***Freeport, ME 04032*** ***207-865-4706*** ***mellonc@rsu5.org***

Section 1. Definitions

For purposes of this complaint procedure, the following definitions will be used.

A. "Discrimination or harassment": Discrimination or harassment on the basis of an individual's membership in a protected category.

B. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.

C. "Harassment": Oral, written, graphic, electronic, or physical conduct relating to an individual's actual or perceived membership in a protected category that is sufficiently severe or pervasive so as to interfere with or limit that individual's ability to participate

in the school unit's education program or activities by creating a hostile, intimidating, or offensive environment.

D. "Complaint" is defined as an allegation that an employee has been discriminated against or harassed on the basis of race, color, religion, ancestry, national origin, age, disability, or genetic information.

Section 2. Complaint Procedure

This procedure should be used to address any report or complaint of unlawful discrimination or harassment based on a protected category which does not involve sex discrimination or sexual/sex-based harassment.

A. How to Make a Complaint

1. An employee who believes they have been unlawfully discriminated against or harassed is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive, and requesting that the behavior stop. This will not prevent the employee from making an immediate complaint to the Affirmative Action Officer/Title IX Coordinator.

2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the Affirmative Action Officer/Title IX Coordinator.

3. The individual making the report must provide basic information concerning the allegation of discrimination or harassment (i.e., date, time, location, individuals involved, nature of the allegation(s)) to the Affirmative Action Officer/Title IX Coordinator. If the report is made orally, the Affirmative Action Officer/Title IX Coordinator will document it.

4. If the individual is unsure as to whether unlawful discrimination or harassment has occurred or needs assistance in preparing a complaint, they are encouraged to discuss the matter with the Affirmative Action Officer/Title IX Coordinator.

5. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary action, up to and including termination.

6. Employees are encouraged to utilize the school unit's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:

- Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333; telephone: 207-624-6290; website: https:///www.mhrc.gov/mhrc/; and/or
- Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111; website: https://ocrcas.ed.gov/contact-ocr?field_state_value=688.

B. **Complaint Handling and Investigation**

1. The Affirmative Action Officer/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.

    a. If the allegations include sex discrimination or sexual/sex-based harassment, *ACAB-R2* will be followed instead of this procedure.

2. The Affirmative Action Officer/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. Any informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the resolution is in the best interest of the school unit and the parties in light of the particular circumstances and applicable policies and laws.

3. The Affirmative Action Officer/Title IX Coordinator may implement supportive measures for an employee to reduce the risk of further discrimination or harassment of the employee while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals, temporarily moving work locations or changing schedules, etc.

4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Affirmative Action Officer/Title IX Coordinator. 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.

5. Any complaint about the Superintendent should be submitted to the Board Chair, who should consult with legal counsel concerning the handling and investigation of the complaint.

6. The investigator shall consult with the Affirmative Action Officer/Title IX Coordinator as appropriate during the investigation process.

7. The respondent will be provided with an opportunity to be heard as part of the investigation.

8. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.

9. If the complaint is against an employee of the school unit, any rights conferred under an applicable collective bargaining agreement will be applied.

10. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

11. The investigation will be completed within forty (40) school days of receiving the complaint, if practicable.

12. The investigator will provide a written report and findings to the Affirmative Action Officer/Title IX Coordinator.

C. Findings and Subsequent Actions

1. The Affirmative Action Officer/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.

2. If there is a finding that discrimination or harassment occurred, the Affirmative Action Officer/Title IX Coordinator, in consultation with the Superintendent, shall:

    a. Determine what remedial action(s), if any, are required to end the discrimination or harassment, remedy its effects, and prevent recurrence; and
    b. Determine what disciplinary action(s) should be taken against the individual(s) who engaged in discrimination or harassment, if any.

3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either:

    a. Prejudicial procedural error; or
    b. The discovery of previously unavailable relevant evidence that could significantly impact the outcome.

2. Appeals must be submitted in writing to the Superintendent within five (5) school days after receiving notice of the resolution.

3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five (5) school days.

4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.

5. The Superintendent's decision on the appeal will be provided to the parties within ten (10) school days, if practicable. The Superintendent's decision is final.

E. Records

The Affirmative Action Officer/Title IX Coordinator will keep a written record of the complaint process and actions taken.

Cross References: AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAB – Harassment of Employees
ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
JIE - Pregnant Employees

NEPN/NSBA CODE: ACAB-R2

EMPLOYEE SEX DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

The RSU No. 5 Board has adopted this employee procedure in order to provide prompt and equitable resolution of reports and complaints of unlawful sex discrimination, including allegations of sexual harassment and other forms of sex-based harassment, as described in Policies *AC – Nondiscrimination/Equal Opportunity* and *Affirmative Action and ACAB – Harassment of Employees.*

Although the specific provisions under Title IX and Maine law differ somewhat in regard to sex discrimination and sexual/sex-based harassment, the Board has chosen to address all such complaints under this procedure, which meets all Title IX and Maine law requirements.

Complaints alleging unlawful discrimination or harassment of an employee (or other non-student or non-employee victim) on the basis of other protected categories (race; color; religion; ancestry or national origin; age; disability; and genetic information) are addressed under *ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure.*

Complaints alleging unlawful discrimination and harassment of an employee are addressed under *ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination and Sexual/Sex-Based Harassment Complaint Procedure.*

Any individual who is unsure about whether unlawful discrimination or harassment has occurred and/or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator.

AAO/TITLE IX COORDINATORS' INFORMATION:

Cynthia Alexander, ***Assistant Superintendent*** ***17 West Street*** ***Freeport, ME 04032*** ***207-865-0928*** ***alexanderc@rsu5.org***	***Charlie Mellon,*** ***Assistant Principal, FHS*** ***30 Holbrook Rd.*** ***Freeport, ME 04032*** ***207-865-4706*** ***mellonc@rsu5.org***

INFORMATION FOR ONE CONFIDENTIAL EMPLOYEE PER SCHOOL:

Lexi Triggiani, DCS ***School Counselor*** ***654 Hallowell Rd.*** ***Durham, ME 04222***	***Kelley Ryder-Herzog, MSS*** ***School Counselor*** ***21 Morse St.*** ***Freeport, ME 04032***	***Susan Albertini, MLS*** ***School Counselor*** ***20 Mollyhauk Lane*** ***Freeport, ME 04032***

207-353-9333 ***triggianil@rsu5.org***	***207-865-6361*** ***herzogk@rsu5.org***	***207-865-4561*** ***albertinis@rsu5.org***
Phyllis Latham, FMS ***School Counselor*** ***19 Kendall Lane*** ***Freeport, ME 04032*** ***207-865-6051*** ***lathamp@rsu5.org***	***Rachel Lira, FHS*** ***Social Worker*** ***30 Holbrook Rd.*** ***Freeport, ME 04032*** ***207-865-4706*** ***lirar@rsu5.org***	***Cathryn Bigley, PES*** ***School Counselor*** ***587 Elmwood Rd.*** ***Pownal, ME 04069*** ***207-688-4832*** ***bigleyc@rsu5.org***

Section 1. Definitions

For purposes of this complaint procedure, the following definitions will be used.

A. "Complainant" means: (1) the employee victim of alleged sex discrimination (including sexual/sex-based harassment); or (2) other victim of alleged sex discrimination (including sexual/sex-based harassment) who was participating or attempting to participate in the school unit's education programs or activities at the time of the alleged sex discrimination.

B. "Complaint" under the Title IX regulations: An oral or written request to the [school unit] to investigate and make a determination about alleged discrimination under Title IX." An oral request for investigation should be documented by the Affirmative Action Officer/Title IX Coordinator.

C. "Confidential employee" means: (1) an employee of the school unit whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of Title IX, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) an employee of the school unit designated as confidential for the purpose of providing services to persons related to sex discrimination (in which case the employee's confidential status applies only to information received about sex discrimination in connection with providing those services).

D. "Discrimination": Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.

E. "Gender identity": The gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."

F. "Parental status": The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: (1) a biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person."

G. "Party": A complainant or respondent.

H. "Pregnancy and related conditions" includes "(1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions."

I. "Respondent": A person who is alleged to have violated the school unit's prohibition on sex discrimination.

J. "Retaliation" under Title IX: Intimidation, threats, coercion, or discrimination against any person by the school unit, an employee, or other person authorized by the recipient to provide aid, benefit, or services under the [school unit's] education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participating or refused to participate in any manner in an investigation, proceeding, or other action taken by a school unit in regard to allegations of sex discrimination."

K. "Sex-based harassment" under Title IX: Harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that meets one of the following:

   a. "Quid pro quo" harassment by a school employee, agent, or other person authorized by the school unit to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such aid, benefit, or service on the individual's participation in unwelcome sexual conduct.

   b. "Hostile environment" harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the school unit's education program or activity (i.e., creates a hostile environment). A school unit is obligated to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be

contributing to the hostile environment occurred outside the recipient's education program or activity. Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors.

i. Factors to consider in regard to the creation of a "hostile environment": "(i) the degree to which the conduct affected the complainant's ability to access the [school unit's] education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the parties' ages, roles within the [school unit's] education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other sex-based harassment in the school unit's education program or activity."

c. Sexual assault, dating violence, domestic violence, and stalking, as these terms are defined below.

i. "Sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform reporting system of the Federal Bureau of Investigation. Such offenses include but are not limited to, rape, sodomy, sexual assault with an object, and fondling.

ii. "Dating violence" is violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship."

iii. "Domestic violence" is defined in the Title IX regulations as "Felony or misdemeanor crimes committed by a person who: (a) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situation to a spouse of the victim; (b) is cohabitating, or has cohabitated with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult who is protected from those acts under the family or domestic violence laws of the jurisdiction."

iv. "Stalking": Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress."

L. "Sexual harassment" under Maine law: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's educational benefits;
b. Submission to or rejection of such conduct by an employee is used as the basis for decisions on educational benefits; or
c. Such conduct has the purpose and effect of substantially interfering with an employee's academic performance or creates an intimidating, hostile, or offensive environment.

M. "Sexual orientation": Under Maine law: A person's "actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression." Sexual orientation is also covered by Title IX.

Section 2. Complaint Procedure

This procedure should be used to address any report or complaint of sex discrimination or sexual/sex-based harassment of an employee.

A. Reports of Alleged Sex Discrimination or Sexual/Sex-Based Harassment

1. Any school unit employee (except for designated confidential employees) who receives a report or has reason to believe that an employee may have been discriminated against or harassed on the basis of sex is required to make a report to the Affirmative Action Officer/Title IX Coordinator.

2. Confidential employees who receive a report that an employee may have experienced sex discrimination or sexual/sex-based harassment must inform the person making the report that the employee is designated "confidential" and inform them of the circumstances in which the employee is not required to make a report to the Affirmative Action Officer/Title IX Coordinator. The confidential employee will provide the reporter with the Affirmative Action Officer/Title IX Coordinator's contact information and explain that the Affirmative Action Officer/Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process, or initiate an investigation under this complaint procedure.

3. Employees who believe that they have been discriminated against or harassed on the basis of sex should report their concern promptly to the Affirmative Action Officer/Title IX Coordinator. The report will be documented by the Affirmative Action Officer/Title IX Coordinator.

4. The individual making the report should provide basic, available information orally or in writing concerning the allegation (i.e., individuals involved, date, time, location,

and type of allegation). If the information is conveyed orally, the Affirmative Action Officer/Title IX Coordinator will document it.

5. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, they are encouraged to discuss the matter with the Affirmative Action Officer/Title IX Coordinator.

6. Individuals will not be retaliated against for reporting suspected discrimination or harassment or for participating in an investigation. Retaliation is illegal under federal/state nondiscrimination laws and Board policies, and any retaliation will result in disciplinary action, up to and including termination.

7. The Superintendent will be promptly notified of all reports of alleged discrimination or harassment of an employee.

8. An employee who believes they have been discriminated against or harassed on the basis of sex is encouraged to utilize this complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to:

    - Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333; telephone: 207-624-6290; website: https://www.maine.gov/mhrc/); and/or
    - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111; website: https://ocrcas.ed.gov/contact-ocr?field_state_value=688).

B. Processing of Complaints

1. The Affirmative Action Officer/Title IX Coordinator will treat complainants and respondents equitably through the complaint procedure.

2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the Affirmative Action Officer/Title IX Coordinator will meet with the alleged victim to discuss the allegations and supportive measures that may be appropriate in the particular circumstances and to explain the complaint procedure.

    If the alleged victim is unknown to the Affirmative Action Officer/Title IX Coordinator, the person who made the report will be notified of the availability of the complaint procedure.

3. Supportive Measures

a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (including but not limited to: requiring no contact between individuals, temporarily moving work locations, and changing schedules).
b. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the school unit's educational environment or to provide support during the complaint procedure or an informal resolution process. The school unit may not impose such measures for punitive or disciplinary reasons.
c. Supportive measures may be continued even if a complaint or informal resolution process is not initiated, or after the conclusion of such processes, if appropriate under the circumstances.
d. Complainants and respondents must be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee must not be the Affirmative Action Officer/Title IX Coordinator and must have the authority to modify or reverse the decision.
e. Complainants and respondents also have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change.
f. The school unit will not disclose information about supportive measures to persons other than the person to whom they apply unless it is necessary to provide a supportive measure or to restore or preserve a party's access to education programs and activities.

4. If the Affirmative Action Officer/Title IX Coordinator reasonably determines that the conduct alleged does not involve illegal discrimination or harassment, the school unit is not obligated to initiate the complaint process and may dismiss the complaint (See Subsection C.1. below). If the alleged conduct potentially violates other laws, Board policies/procedures, or professional expectations (in the case of employees), the matter may be referred to the Superintendent and/or other appropriate administrator(s) to address as deemed appropriate.

5. In response to a complaint alleging prohibited sex discrimination or sexual/sex-based harassment, the Affirmative Action Officer/Title IX Coordinator will initiate the complaint process or the informal resolution process (if available and appropriate) according to this procedure. When feasible, the decision to initiate an investigation or informal resolution process or dismiss the complaint will be made within ten (10) school days of receipt of the complaint.

6. In certain circumstances, the Affirmative Action Officer/Title IX Coordinator may initiate the investigation process, even when the alleged victim chooses not to, after any or all allegations are withdrawn by the alleged victim, or when an informal

resolution process is not initiated or is terminated. To make this fact-specific determination, the Affirmative Action Officer/Title IX Coordinator will consider, at a minimum:

a. The complainant's request not to proceed with initiating a complaint;
b. The complainant's reasonable safety concerns regarding initiating a complaint;
c. The risk that additional acts of discrimination or harassment would occur if a complaint is not initiated;
d. The severity of the alleged discrimination or harassment, including whether the discrimination, if established, would require the removal of a respondent from school or imposition of another disciplinary sanction to end the discrimination or harassment and prevent its recurrence;
e. The age and relationship of the parties, including whether the respondent is an employee of the school unit;
f. The scope of the alleged discrimination or harassment, including information suggesting a pattern, ongoing discrimination/harassment, or discrimination/harassment alleged to have impacted multiple individuals;
g. The availability of evidence to assist a decisionmaker in determining whether discrimination or harassment occurred; and
h. Whether the school unit could end the alleged discrimination or harassment and prevent its recurrence without initiating the complaint procedure.

If, after considering these and any other factors that may be relevant, the Affirmative Action Officer/Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant or other individuals, or that the alleged conduct prevents the school unit from ensuring equal access to its education programs and activities, the Affirmative Action Officer/Title IX Coordinator may initiate a complaint.

7. If the Affirmative Action Officer/Title IX Coordinator initiates a complaint, the complainant will receive prior notice, and any reasonable safety concerns will be addressed.

8. The Affirmative Action Officer/Title IX Coordinator will confirm the initiation of an investigation or informal resolution process in writing to both parties. The communication will include: a) a copy of the complaint procedure; b) sufficient information available at the time to allow the parties to respond to the allegations (including the identities of the parties involved, the conduct alleged to constitute sex discrimination or sexual/sex-based harassment, and the date(s) and location(s) of the alleged incident(s); c) notice that retaliation is prohibited; and d) notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

9. Regardless of whether an investigation is initiated, the Affirmative Action Officer/Title IX Coordinator will take appropriate, prompt, and effective steps to ensure that discrimination or harassment does not continue or recur. The Affirmative Action Officer/Title IX Coordinator will also coordinate supportive measures, as appropriate.

10. If the Affirmative Action Officer/Title IX Coordinator decides to investigate additional allegations of discrimination or harassment made by the complainant against the respondent after the parties received notice of the complaint, the Affirmative Action Officer/Title IX Coordinator will notify the parties of the additional allegations in writing.

11. The Affirmative Action Officer/Title IX Coordinator may consolidate complaints of discrimination or harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.

12. The school unit will presume that the respondent is not responsible for alleged discrimination or harassment until a determination is made at the conclusion of the investigation.

13. The school unit will take reasonable steps to protect the privacy of the parties and witnesses during the complaint procedure and will comply with applicable state and federal privacy laws. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; confidential employees/resources; or otherwise prepare for and participate in the complaint procedure.

C. Dismissal of Complaints

1. The Affirmative Action Officer/Title IX Coordinator may dismiss a complaint in the following circumstances:

    a. The school unit is unable to identify a respondent after taking reasonable steps to do so;
    b. The respondent is not participating in the school unit's education programs and activities, or is not employed by the school unit;
    c. The complainant voluntarily withdraws any or all allegations in the complaint, the Affirmative Action Officer/Title IX Coordinator declines to initiate a complaint and determines that, without the complainant's withdrawn allegations, the alleged conduct remaining, if any, would not constitute discrimination or harassment even if proven; or

d. The Affirmative Action Officer/Title IX Coordinator determines that the conduct alleged in the complaint, even if proven, would not constitute discrimination or harassment under state/federal laws and regulations.

2. Upon dismissal, the Affirmative Action Officer/Title IX Coordinator will promptly notify the complainant (and the respondent, if they had received notice of the complaint allegations) of the basis for the dismissal, and provide the opportunity to appeal the dismissal.

3. Dismissals may be appealed on the following bases:

   a. Procedural irregularity that would change the outcome;
   b. New evidence that would change the outcome and that was not reasonably available when the dismissal [or determination in the case] was made; and
   c. The Affirmative Action Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

4. An appeal of a complaint dismissal must be made in writing to the Affirmative Action Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.

5. If the dismissal is appealed, the Affirmative Action Officer/Title IX Coordinator shall:

   a. Notify the respondent of the appeal if they had received notice of the complaint allegations;
   b. Implement the appeal procedure equally for the parties;
   c. Ensure that the trained decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
   d. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
   e. Notify the parties in writing of the result of the appeal and the rationale for it within five (5) school days, if feasible.

6. When a complaint is dismissed, the Affirmative Action Officer/Title IX Coordinator will, at a minimum:

   a. Offer supportive measures to the complainant and respondent if appropriate; and
   b. Take other prompt and effective steps, as appropriate, to ensure that discrimination or harassment does not continue or recur within the school unit's program or activity.

7. The Affirmative Action Officer/Title IX Coordinator will document actions taken during the appeal process.

D. **Administrative Leave**

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable state laws, school policies, and collective bargaining unit provisions.

2. Any decision to place an employee respondent on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

3. The Affirmative Action Officer/Title IX Coordinator will document actions taken during the administrative leave process.

[Note: The Superintendent may remove a student from education programs and activities on an emergency basis during the complaint procedure in accordance with the procedures set forth in ACAA-R2, Section 2.D]

E. Informal Resolution Process

1. Informal resolution is not permitted in cases where a student is the complainant and an employee is the respondent to alleged sex discrimination or harassment [such cases should be addressed under Procedure *ACAA-R2*].

2. The Action Officer/Title IX Coordinator may, if appropriate, offer the parties the opportunity to resolve the complaint through an informal resolution process at any point prior to an investigation or determination of responsibility. Engaging in an informal resolution process is voluntary on the part of each party. The Affirmative Action Officer/Title IX Coordinator also may decline to pursue an informal resolution despite a party's request (for example, if the alleged conduct presents a future risk of harm to the complainant or others).

3. Both (or all) parties must voluntarily agree in writing to participate in an informal resolution process, and a party may withdraw from the process at any time. The parties will not be required to attend meetings together unless they voluntarily agree to do so.

4. Before initiating an informal resolution process, the Affirmative Action Officer/Title IX Coordinator will ensure that the parties receive notice of: i.) the allegations; ii.) the requirements of the informal resolution process; ii.) the right of any party to withdraw from the process and initiate or resume the investigation process; iv.) that the parties' agreement to an informal resolution would preclude them from initiating

or resuming the investigation; v.) potential terms that may be requested or offered in an informal resolution agreement, including notice that an agreement is binding on the parties; and vi.) what information the school unit will maintain regarding the informal resolution process.

[Note: Informal resolutions can take many forms, depending on the particular case, including but not limited to: restrictions on contact between the parties; facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or requirements to engage in specific services; or supportive measures.]

5. The facilitator for the informal resolution process must be trained, cannot be the same person as the investigator or decisionmaker in the matter, and must not have a conflict of interest or bias regarding parties to such matters generally or to an individual complainant or respondent.

6. The Superintendent must agree to the terms of any informal resolution reached between the parties, considering whether the resolution is in the best interest of the parties and the school unit in light of the particular circumstances, applicable laws/regulations, and Board policies.

7. If an informal resolution agreement is reached, it will be agreed to in writing by both parties and the Affirmative Action Office/Title IX Coordinator. Any such agreement is final and binding on the parties.

F. Investigation Process

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Affirmative Action Officer/Title IX Coordinator. The investigator shall not have a conflict of interest or bias against complainants or respondents generally, or an individual complainant or respondent, and will consult with the Affirmative Action Officer/Title IX Coordinator during the investigation process.

2. Any complaint about an employee who holds a supervisory position will be investigated by a person not subject to that supervisor's authority. Any complaint about the Superintendent will be submitted to the Board Chair, who will consult with legal counsel concerning the handling and investigation of the complaint.

3. If the complaint is against an employee of the school unit, any rights conferred under an applicable bargaining agreement will be applied to the extent they do not conflict with the requirements of Title IX and accompanying regulations.

4. The burden is on the school unit, and not the parties, to gather sufficient evidence (through the investigation) in order to determine whether illegal discrimination or harassment occurred.

5. The investigator shall provide an opportunity for the complainant and respondent to be heard as part of the investigation. The parties will not be required to attend meetings together.

6. The parties may suggest witnesses to be interviewed and/or submit materials that they believe are relevant to the allegations and complaint.

7. The investigator will evaluate evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

    a. The Title IX regulations define "relevant" as "related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred."

8. The following types of evidence, and questions seeking that evidence, are impermissible:

    a. Evidence that is protected under a privilege recognized by federal or state law, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing.
    b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment to the party or witness, unless the school unit obtains that party's or witness's voluntary, written consent for use in the complaint procedure; and
    a. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed alleged sexual/sex-based harassment or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sexual/sex-based harassment. The fact of prior sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

9. The investigator will provide each party with the opportunity to review the evidence that is relevant to the allegations of discrimination or harassment (and not otherwise impermissible), and to respond to it.

10. The Affirmative Action Officer/Title IX Coordinator and investigator will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the complaint procedure. Disclosure of such information and evidence for the purposes of administering administrative proceedings or litigation related to the complaint are authorized.

11. The investigator will conclude the investigation and issue a written report to the Affirmative Action Officer/Title IX Coordinator within forty (40) school days, if feasible.

    a. If the investigator has been charged with making a determination of responsibility/non-responsibility with respect to each allegation, such determination(s) and the reasons, therefore, shall be included in the report.

12. Extensions of time may be granted to complete the investigation if approved by the Affirmative Action Officer/Title IX Coordinator for reasonable cause. Notice of any extension and the reasons, therefore, will be provided to the parties.

G. Determinations of Responsibility

1. The standard used to determine whether illegal discrimination or harassment occurred is the preponderance of the evidence standard ("more likely than not").

2. The decisionmaker will review the investigation report, the evidence gathered (as appropriate), and will have the discretion to conduct additional interviews of parties and/or witnesses if needed to assess credibility.

3. The decisionmaker will make a written determination of responsibility/non-responsibility in regard to each allegation and the reasons, which shall be shared with the Affirmative Action Officer/Title IX Coordinator and the parties.

4. In general, the Affirmative Action Officer/Title IX Coordinator will notify the parties of the determination decision(s) within five (5) school days of the determination being reached. Reasonable extensions of time may be approved by the Affirmative Action Officer/Title IX Coordinator for good reason. The notification will include the permissible bases for appeal and the deadline for receipt of appeals.

5. If there is a determination that the respondent is responsible for violations, the appropriate administrator will make decisions as to appropriate disciplinary action and remedies.

6. The Affirmative Action Officer/Title IX Coordinator shall, as appropriate:

    a. Coordinate the provision and implementation of remedies to a complainant and any other persons if necessary to provide equal access to the school unit's educational programs and activities that had been limited or denied by discrimination or harassment;
    b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
    c. Take other appropriate prompt and effective steps if necessary to ensure discrimination and harassment does not continue or recur.

7. A determination of responsibility becomes final on the date that the Affirmative Action Officer/Title IX Coordinator provides the parties with the written determination of the results of the appeal if an appeal is filed. If an appeal is not filed, the determination of responsibility becomes final on the date on which the appeal would no longer be considered timely.

8. The school unit will not discipline a party, witness, or others participating in the complaint procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination that sex discrimination or sexual/sex-based harassment occurred.

H. Remedies, Discipline, and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school unit's education programs and activities following the decisionmaker's determination(s). Such remedies may include supportive measures and may include other appropriate measures, depending on the determination(s) and the needs of the complainant. The Affirmative Action Officer/Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the complainant.

2. Discipline and Other Actions

Examples of disciplinary and other actions that may be imposed on a student when there is a determination that they are responsible for one or more violations of sexual/sex-based harassment include suspension, expulsion, restorative justice, required education or counseling, and other measures.

Examples of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations of sexual/sex-based harassment include: written warning, probation, counseling, demotion, suspension without pay, termination.

I. Appeals

1. After the conclusion of the investigation and decisionmaker determination(s), the complainant or respondent may seek an appeal of the findings based on the following factors:

    a. Procedural irregularity that would change the outcome;
    b. New evidence that would change the outcome and that was not reasonably available when the determination was made; and
    c. The Affirmative Action Officer/Title IX Coordinator, investigator, or decisionmaker had a conflict or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

2. The appeal must be made in writing to the Affirmative Action Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.

3. The Superintendent is responsible for making a determination on the appeal. The Superintendent will conduct an impartial review of the appeal, including consideration of the written record in the case, and may consult with legal counsel or other school unit officials in making their decision.

4. The Superintendent will issue the appeal determination in writing within ten (10) school days of receipt of the appeal, if feasible.

5. The Superintendent's decision is final.

Section 3. Recordkeeping

The Affirmative Action Officer/Title IX Coordinator shall maintain a record of documents and action in each case, and records of trainings provided, for a period of seven (7) years.

Cross References: AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAB – Harassment of Employees
ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure
ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure
JIE - Pregnant Students