

**STUDENT DISCRIMINATION AND PROTECTED CLASS HARASSMENT PROCEDURE
(Excluding sex discrimination and sexual harassment)**

The M.S.A.D No. 75 School Board has authorized the Superintendent to adopt and publish this procedure in order to provide prompt and equitable resolution of reports and complaints by students of unlawful discrimination and harassment based on race; color; religion; ancestry or national origin; and disability. Reports or complaints of sex discrimination, including sexual/sex-based harassment, are addressed under the Student Sex Discrimination/Harassment Procedures. In cases where allegations include sex discrimination or sexual/sex-based harassment and one or more other protected categories, those procedures will be used.

Complaints alleging unlawful discrimination and harassment of an employee are addressed under Board Policy ACAB-2020 or ACAB-2024 and associated procedures.

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.

MSAD No. 75 AFFIRMATIVE ACTION OFFICER/TITLE IX COORDINATOR:

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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. “Report” or “Complaint” may both be defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, religion, ancestry, national origin, or disability.

Section 2. 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 Report or Complaint

1. School employees are required to promptly report to the Affirmative Action Officer/Title IX Coordinator if they have reason to believe that a student has been discriminated against or harassed.
2. Students (and others) who believe that they, or another student has been harassed or discriminated against should report their concern promptly to the Affirmative Action Officer/Title IX Coordinator.
3. The individual making the report or complaint must provide basic information concerning the allegation of discrimination or harassment (i.e., date, time, location, individuals involved, nature of allegation(s)) to the Affirmative Action Officer/Title IX Coordinator. If the report/complaint is conveyed 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 report or 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 for employees, and expulsion for students.
6. Individuals are encouraged to utilize this procedure. However, individuals 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 report/complaint (respondent) that a report/complaint has been received.

- a. If the allegations include sex discrimination or sexual/sex-based harassment, *Student Sex Discrimination/Harassment Procedures* will be followed instead of this procedure.
2. The Affirmative Action Officer/Title IX Coordinator may pursue an informal resolution of the report/complaint with the agreement of the parties involved. Any party to the report/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 M.S.A.D. No. 75 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 a student to reduce the risk of further discrimination or harassment of the student while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved, changing class schedules, or other steps.
4. The report/complaint will be investigated by a trained internal or external individual designated by the Superintendent and the Affirmative Action Officer/Title IX Coordinator. Any report/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 report/complaint about the Superintendent should be submitted to the Board Chair, who should consult with legal counsel concerning the handling and investigation of the report/complaint.
5. The investigator shall consult with the Affirmative Action Officer/Title IX Coordinator as appropriate during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation.
7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.
8. If the report/complaint is against an employee of M.S.A.D. No. 75, any rights conferred under an applicable collective bargaining agreement will be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation will be completed within forty (40) school days of receiving the report/complaint, if practicable.
11. 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 effect, 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.