

RSU #63

- a. NEPN/NSBA Code: EBCC
- b. Title: Bomb Threats/**Threats of Violence**
- c. Author: Superintendent
- d. Replaces Policy:
- e. Date Approved: ~~11/16/2020~~ RSU #63
- f. Date Previously Approved: **11/16/2020** ~~10/28/2019~~
- g. Policy Expiration: Annual Review in Conjunction with Annual Review of Comprehensive Emergency Management Plan
- h. Responsible for Review: Superintendent, Administrators, & Policy Committee
- i. Date Reviewed: **10/13/2021** ~~10/20/2020~~ Superintendent
11/30/2021 ~~10/28/2020~~ Policy Committee
10/13/2021 ~~10/20/2020~~ Administrators
- j. References:
- Legal Reference: 18 USC §§ pg. 921; 8921
17-A M.R.S.A. § 210
20-A M.R.S.A. §§ pg. 263; 1001(9); 1001 (9-A);
1001 (17); 1001 (18)
Ch. 125 § 10.06 (Me. Dept. of Ed. Rules)
- Cross Referenced Policies: EBCA-Comprehensive Emergency Management Plan
JKD-Suspension of Students
JKE-Expulsion of Students
JKF-Suspension/Expulsion of Students with Disabilities
JICIA-Weapons, Violence, and School Safety
JIC-Student Code of Conduct

k. Narrative:

The RSU #63 Board of Directors (the Board) recognizes that bomb threats **and threats of violence** are a significant concern to the school unit. Whether real and implemented, intended as a prank, or for some other purpose, a bomb threat/**threat of violence** represents a potential threat to the safety and welfare to students, staff, and the integrity of school property. Bomb threats/**threats of violence** disrupt the instructional program and learning environment as well as placing significant demands on school financial resources and public safety services. These effects occur even when such threats prove to be false.

~~Any bomb~~ **Threats** will be regarded as an extremely serious matter and treated accordingly. The Board directs the Superintendent to react promptly and appropriately to information concerning ~~bomb~~ threats and to initiate or recommend suitable disciplinary action up to and including suspension and/or expulsion.

I. Definitions:

- A. “Bomb” means an explosive, incendiary, or poison gas bomb, grenade, rocket, missile, mine, “Molotov cocktail”, or other destructive devices.
- B. “Look-alike bomb” means any apparatus or object that conveys the appearance of a bomb or other destructive device.
- C. “Bomb threat” is the communication, by any means, that a bomb has been or will be placed on school premises, including possession or placement of a bomb or “look-alike” bomb on school premises.
- D. “School premises” means any school property, vehicle, or location where any school activities may take place.
- E. “Threats of Violence” is the communication, by any means, that violence will take place on school premises.

II. Conduct Prohibited:

- A. No person will make or communicate, by any means, a threat that a bomb has been or will be placed on school premises. Because of the potential for evacuation of the school(s) and other disruption of school operations, placement of a bomb or “look-alike” bomb or device on school premises will be considered a threat for the purpose of this policy.
- B. No person will make or communicate, by any means, a threat that violence will take place on school premises.

III. Procedures:

The Superintendent or his/her designee will be responsible for developing and implementing procedures specific to bomb threats as part of the RSU #63 (the District) “Comprehensive Emergency Management Plan” (policy EBCA). These procedures are intended to inform administrators and staff of appropriate protocols to follow in the event a bomb threat/threat of violence is received and should include provisions to address:

- A. Assessment of the threat so a response in proportion to the given threat is taken to ensure safety of those concerned;
- B. Selection of evacuation routes, sites, alternate sites, and control measures in place to ensure proper and safe movement;
- C. Designation of primary and alternate individuals to be in charge of the evacuation, re-entry, and informing proper officials both within the District and law enforcement;
- D. Designation of primary and alternate individuals who will make the necessary

notification calls and when those calls will be made. Development and posting of a list of those to be contacted with alternate individuals or offices as necessary;

- E. Development of a plan and designation of who will contact parents if it becomes necessary;
- F. Dissemination of the procedures to be followed and by whom to all staff members with responsibility to ensure the safety of all students and staff; and
- G. Provision of support services for students and staff during and after any bomb threat or event.

The Superintendent and his/her designee ~~will be~~ **are responsible for overseeing a review or evaluation of bomb threat/**threat of violence** procedures prior to the annual approval of “RSU #63’s Comprehensive Emergency Management Plan” or following implementation of the procedure in response to a specific threat.**

IV. Reporting of Bomb Threats/Threats of Violence** will be as follows:**

- A. A student who learns of a bomb threat, **threat of violence**, or the existence of a bomb on school premises must immediately report such information to the building Principal, teacher, staff, or other adult in a position of authority;
- B. A District employee who learns of a ~~bomb~~ threat will immediately take appropriate steps to protect the safety of students and staff in accordance with the District’s ~~bomb~~ threat procedures as developed under Section III above, and inform the Principal who will notify the Superintendent of the threat;
- C. All bomb threats/**threats of violence** will be reported immediately to the local law enforcement authority by calling 911 at the Regional Communication Center.
- D. The Superintendent ~~will be~~ **is** responsible for reporting any bomb threat to the Department of Education within two (2) calendar school days of the incident. Reports will include the school within the District, the date and time of the threat, the medium used to communicate the threat, and whether or not the perpetrator(s) has/have been apprehended.

V. Student Disciplinary Consequences for making a bomb threat:

- A. Making a bomb threat is a crime under Maine law. Any student suspected of making a bomb threat will be reported to law enforcement authorities for investigation and possible prosecution. Apart from any penalty imposed by law, and without regard to the existence or status of criminal charges, a student who makes a bomb threat will be subject to the District disciplinary action.
- B. The administration may suspend and/or recommend for expulsion any student who makes a bomb threat. A student who has been identified through the Individualized Education Plan (IEP) process as having a disability and whose conduct in violation of this policy is related to the disability will be disciplined as

provided by state law.

- C. The making of a bomb threat will be considered deliberately disobedient and deliberately disorderly within the meaning of 20-A MRSA p. 1001(9-A) and will be grounds for expulsion if found necessary for the peace and usefulness of the school.
- D. In addition, after a hearing by the Board, a student who is found to have brought a bomb to school will be expelled from the school for at least one year in accordance with 20-A MRSA p. 1001(9-A) and Policy JICIA, except that the Superintendent may modify the requirement based on individual circumstances after discussion with the Board.

VI. Student Disciplinary Consequences for making a threat of violence:

- A. Making a threat of violence is a crime under Maine law. Any student suspected of making a threat of violence will be reported to law enforcement authorities for investigation and possible prosecution. Apart from any penalty imposed by law, and without regard to the existence or status of criminal charges, a student who makes a threat of violence will be subject to the District disciplinary action.
- B. The administration may suspend and/or recommend for expulsion any student who makes a threat of violence. A student who has been identified through the Individualized Education Plan (IEP) process as having a disability and whose conduct in violation of this policy is related to the disability will be disciplined as provided by state law.
- C. Conduct which violates this policy is deliberately disobedient and deliberately disorderly within the meaning of 20-A MRSA § 1001(9) and will be grounds for expulsion if found necessary for the peace and usefulness of the school. Such conduct may also be grounds for expulsion under other provisions of 20-A MRSA § 1001(9 and 9-A) that specifically prohibit the use and possession of weapons, infractions of violence, and possession, furnishing, and trafficking of scheduled drugs.

VII. A student, who knowingly encourages, causes, aids, or assists another student in making or communicating a bomb threat/~~threat of violence~~, will be subject to the disciplinary consequences described in Section V and VI above.

VIII. A student, who fails to report information or knowledge of a bomb threat/~~threat of violence~~, or the existence of a bomb or other destructive device in a school building, vehicle, or on school property, may be subject to disciplinary consequences, which may include suspension and/or expulsion.

IX. Staff Disciplinary Consequences for Inappropriate Action:

- A. A District employee who makes or communicates a bomb threat/~~threat of violence~~ will be reported to the appropriate law enforcement authorities and will be subject to disciplinary action up to and including termination of employment.

Disciplinary action will be consistent with the appropriate collective bargaining agreement, other employment agreements, and Board policies.

- B.** A District employee who fails to report information or knowledge of a bomb threat, **threat of violence**, or the existence of a bomb on District property will be subject to discipline up to and including termination of employment as specified in Section ~~VII~~ **IX** (A) above.
- X.** The District reserves the right to bring a civil liability suit against any individual responsible for a violation of this policy and to seek restitution and other damages as permitted by law.
- XI.** Instructional time lost because of a bomb threat/**threat of violence** will be rescheduled at the earliest practicable opportunity, as determined by the Superintendent within parameters set by the Board. Time lost may be rescheduled on a weekend or vacation day, or after what would normally be the last day of the school year, except on days when school must be closed as required by law. It would be best to schedule the date as soon as practicable after the event, and not wait until the end of the school year. The Superintendent should take into consideration the terms of collective bargaining agreements, potential conflicts with holiday or vacation periods, or with planned school events and school bus schedules in determining an appropriate make-up date.
- XII.** All student handbooks will address the District's bomb threat/**threat of violence** policy and procedures and explain the educational consequences of bomb threats. In addition, student handbooks will notify students and parents that bomb threats/**threats of violence** violate civil and criminal law and Board policy, and violators will be reported to the appropriate law enforcement agency.

RSU #63

- a. NEPN/NSBA Code: DIE
- b. Title: Fund Balance
- c. Author: Budget & Finance Committee
- d. Replaces Policy:
- e. Date Approved: ~~08/28/2017~~ RSU #63
- f. Previously Approved: ~~08/28/2017~~ ~~12/16/2017~~
- g. Policy Expiration: Review as Needed
- h. Responsible for Review: Superintendent/Budget & Finance Committee/Policy Committee
- i. Date Reviewed: ~~11/22/2021~~ ~~07/26/2017~~ Superintendent
~~12/08/2021~~ ~~07/26/2017~~ Budget & Finance Committee
~~11/30/2021~~ ~~08/07/2017~~ Policy Committee
- j. References: DI – Fiscal Accounting & Reporting
DIF - Investments
- k. Narrative:

I. **PURPOSE:** The purpose of this policy is to establish guidelines and provide for the sound financial management of an unassigned Fund Balance.

II. EXPENDABLE FUND BALANCE

- A. **Definition:** RSU 63's (the District) unassigned Fund Balance, as reported in the annual Financial Report and as prepared by the contracted school auditor, represents all potential financial resources which are available for future appropriation. These funds are generally comprised of revenues in excess of those anticipated within the fiscal year plus unexpected operating budgets.
- B. **Purpose:** An unassigned Fund Balance represents the accumulation of excess revenues over expenditures and can be used as a savings account for unanticipated fluctuations or emergencies in the budget in future years. It also may create a balance of cash that prevents the need for borrowing in anticipation of revenues. Finally, it may assist the Regional School Unit (RSU) the District in securing the optimal bond rating based on financial stability.
- C. **Balances:** It is the intent of the RSU #63 School Board (the Board) to maintain a minimum balance of one month, 8.33%, of annual operating expenditures, as calculated by the annual audit. The target balance is 12% of the annual operating expenditures.
- ~~D. Any amount in excess of 12% is to be appropriated to the designated reserve(s) account(s) as outlined in Section III of this policy.~~
- E. **Calculating Fund Balance:** At the completion of the annual audit, the Business Manager ~~shall~~ will submit to the Budget & Finance Committee the percentage of

fund balance as compared to the annual operating expenditures for that fiscal year. ~~The calculation shall will be as follows: Audited Fund Balance/Audited Operating Expenditures=Percentage.~~

- F. Transferring Expendable Fund Balance: The district may present a recommendation to the voters at the annual district Public Meeting, or special Public Meeting (when necessary), for a transfer of the excess **unallocated** fund balance, **as allowed by state law**. The priority of transfers ~~shall will~~ be as follows:
1. **Transfer into an impending budget as a balance brought forward to offset local tax commitments.**
 2. Increase the designated Capital Reserve Fund.
 3. ~~Transfer into an impending budget as a balance brought forward to offset local tax commitments.~~

III. GENERAL PROVISIONS

- A. The Board, by recommendation of the Budget & Finance committee, has the authority to create reserve accounts, in accordance with guidelines found in the Maine Education & School Statutes.
- B. District-wide Public Meetings, or Special district-wide Public Meetings, are required to appropriate funds to a reserve account in accordance with guidelines provided in the Maine Education & School Statutes.
- C. Elimination of Reserve accounts with a zero balance is at the discretion of the Board by recommendation from the Budget and Finance Committee.
- D. Interest earned from reserves will be distributed on a pro-rated basis among the active reserves and will not be used as operating revenue.

RSU #63

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|-----------------------------------|--|
| a. NEPN/NSBA Code: | KDB |
| b. Title: | Public's Right to Know (FOAA) |
| c. Author: | Superintendent |
| d. Replace Policy: | |
| e. Date Approved: | 01/22/2018 RSU #63 |
| f. Previously Approved: | 01/22/2018 08-26-2013 |
| g. Policy Expiration: | Review as Needed |
| h. Responsible for Review: | Superintendent/Board Chair/Policy Committee |
| i. Date Reviewed: | 11/22/2021 11/07/2017 Superintendent
11/30/2021 01/02/2018 Policy Committee |
| j. References: | 20-A MRSA 1256 (5); 1252 (2)
1 M.R.S.A § 401
Policy BEC-Executive Sessions
Policy JRA-Student Educational Records |
| k. Narrative: | |

It is the intent of RSU #63 School District (the District) to comply with the Maine Freedom of Access Act (**FOAA**). The District recognizes the benefits of an informed, knowledgeable public and its awareness and understanding of school district operations. Except as otherwise provided by statute, **RSU #63 School Board (the Board)** proceedings will be open to members of the public. All records, including those defined as Public Documents under the law, and minutes of such proceedings required by law will be provided and open to public inspection.

- I.** Board agendas, minutes, and submitted or proposed reports, that are approved by the ~~respective Board of Directors~~, as well as district policies, annual budget and audit reports, and student handbooks will be available for inspection and/or copying in the Superintendent's Office. Requests must be submitted in writing to the Superintendent, specifying the records desired for inspection/copying and the name, address, telephone number, and email address (if available) of the requestor.
 - II.** The Superintendent/designee will acknowledge receipt of a request for inspection and/or copying within three (3) working days of receipt of the request. Any requested documents available online will be conveyed electronically. Inspection and/or copying will occur within ten (10) working days following acknowledgement of receipt. Requests will be fulfilled during regular office hours. If the request is denied, the denial will be made in writing and the reason so stated.
- III. Fees:**
- A.** There will be no charge to search for or retrieve education records of a student. RSU #63 will provide copies of education records to parents/guardians upon request.

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- B. ~~There will be no charge for documents that are transmitted electronically.~~ For documents requested that are not the educational record of a student, there will be a \$25.00 per hour charge after the first two hours of staff time associated with responding to the FOAA request.
- C. The cost of producing printed copies of documents will be ten cents (\$.10) per page copied, plus postage. Parents/guardians who are unable to pay such fees will not be denied access to educational records. ~~There will not be a charge per page for documents transmitted electronically.~~
- D. Members of the Board of Directors will not be charged for requested copies. Electronic transmittal of requested documents will be the preferred manner.

IV. Records and Documents at Board of Director Public Meetings:

- A. It will be the District's ordinary practice to make at least two (2) copies of documents to be reviewed by the presiding Board members at any public meeting. These copies will be available to the public on a "first come, first served" basis. Document copies will be limited to those that come under the Maine Freedom of Access Act. It will also be the District's ordinary practice to post Board Reports and Meeting Minutes marked as "DRAFT" on the RSU #63 website one week prior to the meeting.

V. Public Documents Available on the RSU #63 Website:

- A. It will be the ordinary practice to make agendas, minutes, finance reports, audit reports, and approved annual budgets available on the RSU #63 Website.
- B. It will be the ordinary practice to make the District's pending and approved policies available on the RSU #63 Website.

RSU #63

- a. **NEPN/NSBA Code:** AC
- b. **Title:** Nondiscrimination/Equal Opportunity and Affirmative Action
- c. **Author:** Superintendent/Board of Directors
- d. **Replaces Policy:**
- e. **Date Approved:** ~~02/22/2021~~ RSU #63
- f. **Previously Approved:** ~~02/22/2021~~ ~~02/25/2019~~
- g. **Policy Expiration:** Review as Needed
- h. **Responsible for Review:** Superintendent/Board of Directors
- i. **Date Reviewed:** ~~11/30/2021~~ ~~02/01/2021~~ Policy Committee
~~11/22/2021~~ ~~02/01/2021~~ Superintendent
- j. **References:** EEO Act of 1972 (P.L. 92-261) amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e) et seq.) Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106 (Title IX Regulations) Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.) 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 et seq.), as amended Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as amended Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.) Maine Human Rights Act (5 MRSA § 4551 et seq.), as amended
- Cross Reference:** RSU 63 Affirmative Action Plan
ACAA-Harassment and Sexual Harassment of Students
ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Compliant Procedures
ACAB – Harassment and Sexual Harassment of School Employees
ACAB-R – Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures

k. Narrative:

The RSU #63 Board of Directors (the Board) is committed to maintaining a workplace and learning environment that is free from illegal discrimination and harassment. RSU #63 (the District) does not discriminate on the basis of sex or other protected categories in its education programs and activities, as required by federal and state laws/regulation.

- I.** In accordance with applicable Federal and/or State civil rights laws and regulations, the District prohibits discrimination and harassment of employees, candidates for employment, students, and others on the basis of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, **familial status**, disability, or genetic information. For the purpose of this policy, “sexual orientation” means a person’s actual or perceived bisexuality, homosexuality, gender identity, or expression.
- II.** The Board directs the Superintendent to implement a continuing program designed to prevent discrimination against all applicants, employees, students, and other individuals having access rights to school premises and activities.
- III.** It is the responsibility of the Superintendent to implement this policy. The District’s Affirmative Action Plan will include designation of an Affirmative Action Officer/Title IX Coordinator who will be responsible for ensuring compliance with all Federal and State requirements related to nondiscrimination including sexual harassment. The Affirmative Action Officer/Title IX Coordinator will be appointed by the Superintendent, identified on the District website, and be a person with direct access to the Superintendent.
- IV.** The District implements complaint procedures for resolving complaints of discrimination/harassment and sexual harassment under this policy. The District provides required notices of these complaint procedures and how they can be accessed as well as the District’s compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents, and other interested parties.
- V.** The Superintendent/Affirmative Action Officer/Title IX Coordinator is responsible for ensuring notice of compliance with applicable Federal and/or State civil rights laws and regulations is provided to all applicants for employment, employees, students, parents, and other interested persons, as appropriate.
- VI.** The Board urges all staff members to be especially alert to and avoid the use of sexist or other discriminatory language in all communications, both oral and written.

RSU #63

- a. **NEPN/NSBA CODE:** ACAA
- b. **Title:** Harassment and Sexual Harassment of Students
- c. **Author:** Superintendent
- d. **Replaces Policy:**
- e. **Date Approved:** ~~02/22/2021~~ RSU #63
- f. **Previously Approved:** ~~02/22/2021~~ ~~01/27/2020~~
- g. **Policy Expiration:** Review as Needed
- h. **Responsible for Review:** Policy Committee
- i. **Date Reviewed:** ~~11/30/2021~~ ~~02/01/2021~~ Policy Committee
- j. **References:** Americans with Disabilities Act (42 U.S.C. § 12101 et seq., as amended; 28 C.F.R. § 35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.) 34 C.F.R. Part 106
Clery Act (20 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. § 12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
Maine Human Rights Act, 5 MRSA §§ 4551 et seq.
20-A MRSA § 6553
MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4

Cross Reference:

ACAA-R - Student Discrimination/Harassment and Title IX Sexual Harassment Complaints and Procedures;
AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD – Hazing
GBEBB – Staff Conduct with Students
JFCK – Student Use of Cellular Telephones and Other Electronic Devices
JICIA – Weapons, Violence, and School Safety
JICK - Bullying

k. Narrative:

Harassment of students because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, **familial status**, disability, or genetic information is prohibited. Such conduct is a violation of the RSU #63 Board of Directors (the Board) policy and may constitute illegal discrimination under Federal and State laws. School employees, fellow students, volunteers, visitors to the schools, and other persons with whom

students may interact in order to pursue or engage in education programs and activities are required to refrain from such conduct.

- I. Harassment and sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment and sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

A. Harassment includes, but is not limited to, verbal abuse based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, **familial status**, disability, or genetic information. Harassment that rises to the level of physical assault, battery, mental or physical abuse is also addressed in the Board policy JICIA – Weapons, Violence, and School Safety.

B. Sexual Harassment is addressed under federal and state laws/regulations. The scope and definition of sexual harassment under these laws differ, as described below.

1. Title IX Sexual Harassment

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit's education programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual's participation is unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or
- c. Sexual assault, dating violence, domestic violence, and stalking as these terms are defined in federal laws.

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

II. Reports and Complaints of Harassment or Sexual Harassment

All school employees are required to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator. Failure to report such incidents may result in disciplinary action. Students, parents/legal guardians, and other individuals are strongly encouraged to report possible incidents of harassment or sexual harassment involving students 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 or sexual harassment has occurred.

All reports and complaints of harassment or sexual harassment against students shall be addressed through the Student Discrimination/Harassment and Title IX Sexual Harassment Procedures (ACAA-R).

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RSU #63

- a. **NEPN/NSBA Code:** ACAA-R
- b. **Title:** Student Discrimination/Harassment and Title IX Sexual Harassment Complaint & Administrative Procedures
- c. **Author:** Maine School Management Association/Brann & Isaacson
- d. **Replaces Policy:**
- e. **Date Approved:** ~~03/22/2021~~
- f. **Previously Approved:** ~~03/22/2021~~ 01/27/2020
- g. **Policy Expiration:** Review as Needed
- h. **Responsible for Review:** Policy Committee/Superintendent
- i. **Date Reviewed:** ~~11/30/2021~~ 03/03/2021 Policy Committee
~~11/22/2021~~ 03/03/2021 Superintendent
- j. **References:** Americans with Disabilities Act (42 USC § 12101 et seq., as amended; 28 CFR § 35.107); Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 USC § 794 et seq., as amended; 34 CFR § 104.7); Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.); 34 CFR Part 106; Clery Act (20 USC § 1092(f)(6)(A)(v) – definition of sexual assault); Violence Against Women Act (34 USC § 1092(f)(6)(A)(v) - definition of sexual assault; 34 USC § 12291(a)(10) – dating violence; 34 USC § 12291(a)(3) – definition of stalking; 34 USC § 12291(a)(8) – definition of domestic violence); Title VI of the Civil Rights Act of 1964 (42 USC § 2000d); Maine Human Rights Act, 5 MRSA § 4551 et seq.; 20-A MRSA § 6553; MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4
- k. **Narrative:**

This procedure has been adopted by the RSU #63 Board of Directors (the Board) in order to provide a method of prompt and equitable resolution of reports and complaints of unlawful discrimination or harassment of students, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action, and ACAA – Harassment and Sexual Harassment of Students.

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Complaints alleging unlawful harassment or discrimination against employees based on a protected category should be addressed through the Board's Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

Any individual who is unsure about whether unlawful discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator: Jesse Gauthier, RSU #63, 202 Kidder Hill Road, Holden, Maine 04429; telephone: 2017- 843-0702; email: jgauthier@rsu63.org.

I. DEFINITIONS

For purposes of these complaint procedures, the following definitions will be used. The Affirmative Action Officer/Title IX Coordinator will assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

A. Discrimination/Harassment Complaint Procedure Definitions

1. "Discrimination or harassment": Discrimination or harassment on the basis of an individual's membership in a protected category, which, for students, includes race, color, sex, sexual orientation, gender identity, religion, ancestry, ~~or~~ national origin, ~~age~~, ~~familial status~~, ~~or~~ disability, ~~or~~ genetic information.
2. "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.
3. "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, pervasive or persistent so as to interfere with or limit that individual's ability to participate in RSU #63 programs or activities by creating a hostile, intimidating or offensive environment.
4. "Sexual harassment": Under Maine law, this means 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 a student's educational benefits;
 - b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
 - c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.

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5. “Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”
6. “Gender identity”: Under Maine law, this means “the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”
7. “Complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, religion, ancestry, **or national origin, age, familial status, or disability, or genetic information** (and not otherwise addressed in the Title IX regulations and Section III of ACAA-R).
8. Complaints of bullying not involving the protected categories or definitions described above may be addressed under Board Policy JICK – Bullying and Cyberbullying.

B. Title IX Sexual Harassment Complaint Procedure Definitions

1. “Sexual Harassment”: Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of RSU #63’s education programs and activities:
 - a. “Quid pro quo” sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a better grade or a college recommendation) on an individual’s participation in unwelcome sexual conduct;
 - b. “Hostile environment” sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual’s equal access to RSU #63’s education programs and activities; or
 - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. “Report”: Under the Title IX regulations, any individual may make a report of sexual harassment involving a student, whether the individual is the alleged victim or not. School employees are required to report possible incidents of sexual harassment involving a student. A report must be made to the Affirmative Action Officer/Title IX Coordinator. A report triggers certain actions by the AAO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a “Formal Complaint” is filed.

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3. “Formal Complaint”: Under the Title IX regulations, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section III of ACAA-R. Only a student and/or their parent/legal guardian (and in certain circumstances, the AAO/Title IX Coordinator) may file a formal complaint.
4. “Student”: For the purposes of this procedure, a student is an individual who is enrolled or participating in RSU #63’s education programs and activities, or is attempting to enroll or participate.

II. DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

This procedure should be used for any complaint of unlawful harassment or discrimination complaint based on a protected category which does not involve Title IX sexual harassment (which is addressed in Section III).

A. How to Make A Complaint

1. School employees are required to promptly make a report to the AAO/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 AAO/Title IX Coordinator.
3. The individual making the report must provide basic information in writing concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who allegedly engaged in harassment or discrimination, description of allegation) to the AAO/Title IX Coordinator.
4. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, they are encouraged to discuss the matter with the AAO/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 discharge for employees, and expulsion for students.
6. Individuals are encouraged to utilize RSU #63’s complaint procedure. However, individuals are hereby notified that they also have the right to

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report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Complaint Handling and Investigation

1. The AAO/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.
2. The AAO/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 will consider whether the resolution is in the best interest of RSU #63 and the parties in light of the particular circumstances and applicable policies and laws.
3. The AAO/Title IX Coordinator may implement supportive measures to a student to reduce the risk of further discrimination or harassment to a student while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved or changing classes.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the AAO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position will be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator will consult with the AAO/Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant will not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses to be interviewed and/or submit materials they believe are relevant to the complaint.

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- 8.** If the complaint is against an employee of RSU #63, any rights conferred under an applicable collective bargaining agreement will be applied.
- 9.** Privacy rights of all parties to the complaint will be maintained in accordance with applicable state and federal laws.
- 10.** The investigation will be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason will be allowed.
- 11.** The investigator will provide a written report and findings to the AAO/Title IX Coordinator.

C. Findings and Subsequent Actions

- 1.** The AAO/Title IX Coordinator will consult with the Superintendent concerning the investigation and findings.
- 2.** If there is a finding that discrimination or harassment occurred, the AAO/Title IX Coordinator, in consultation with the Superintendent will:
 - a.** Determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
 - b.** Determine what disciplinary action 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 from the Board 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 Chair of the Board within 14 business days after receiving notice of the resolution.
- 3.** Upon receipt of a valid appeal, the Chair of the Board will provide notice to the other party, along with an opportunity to provide a written statement to the Board within 10 business days of the Chair providing such notice.

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4. The Board will review the available documentation and may conduct further investigation if deemed appropriate.
5. The Board's decision on the appeal will be provided to the parties within 30 business
6. days of the Board Chair's original receipt of the appeal, if practicable. The Board's decision will be final.

E. Records

The AAO/Title IX Coordinator will keep a written record of the complaint process.

III. TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURE

This section should be used only for complaints of Title IX sexual harassment as defined in Section I.B.1.

A. How to Make A Report

1. School employees who have reason to believe that a student has been subjected to sexual harassment is required to promptly make a report to the AAO/Title IX Coordinator.
2. Students, parents/legal guardians or other individuals who believe a student has been sexually harassed are encouraged to make a report to the AAO/Title IX Coordinator.
3. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the AAO/Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
 - a. Supportive measures are individualized measures designed to ensure the student can continue to access educational programs and activities (such as requiring no contact between individuals or changing classes).
 - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
4. RSU #63 cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.

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5. Individuals will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge for employees, or expulsion for students.
6. Any student (or their parent/legal guardian) who believes they have been the victim of sexual harassment is encouraged to utilize RSU #63's complaint procedure. However, students (and their parents/legal guardians) are hereby notified that they also have the right to report sexual harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).
7. The Superintendent will be informed of all reports and formal complaints of sexual harassment.

B. How to Make A Formal Complaint

1. An alleged student victim and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation).

Students who need assistance in preparing a formal written complaint, are encouraged to consult with the AAO/Title IX Coordinator.

2. In certain circumstances, the AAO/Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within RSU #63). In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.
3. In accordance with the Title IX regulations, the AAO/Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; or b) if the conduct alleged did not occur within the scope of RSU #63's education programs and activities, or c) did not occur in the United States.

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4. In accordance with the Title IX regulations, the AAO/Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by or enrolled in the school unit; or c) there are specific circumstances that prevent the school unit from gathering evidence sufficient to reach a determination regarding the formal complaint. However, if the conduct potentially violates other policies or laws, it may be addressed through the applicable Board policy/procedure.
5. If a formal complaint is dismissed under this Title IX procedure, the AAO/Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.
6. If the conduct alleged in a formal complaint potentially violates other laws, Board policies and/or professional expectations, RSU #63 may address the conduct under Section II or another applicable Board policy/procedure.

C. Emergency Removal or Administrative Leave

The Superintendent may remove a student from education programs and activities on an emergency basis, or place an employee on administrative leave during the complaint procedure:

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
2. The respondent (and in the case of a student, their parent/legal guardian will be provided notice of the emergency removal or administrative leave, and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency removal or administrative leave was unreasonable.
3. Any such decision will be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

D. Notice to Parties of Formal Complaint

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1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:
 - Notice regarding the complaint procedure and the availability of an informal resolution process;
 - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days);
 - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
 - Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
 - Notice that knowingly making false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action;
 - Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The AAO/Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

E. Informal Resolution Process

After a formal complaint has been filed, and if the AAO/Title IX Coordinator believes the circumstances are appropriate, the AAO/Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in

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writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the school unit. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

F. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and AAO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position will be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
2. The investigator will consult with the AAO/Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of RSU #63, rights conferred under an applicable collective bargaining agreement will be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint will be maintained in accordance with applicable state and federal laws.
5. The investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the

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allegations in the formal complaint (including evidence which the school unit does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.

- g.** Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
 - h.** Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i.** Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
 - j.** After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.
- 6.** The investigation will be concluded within 40 business days if practicable. Reasonable extension of time for good reason will be allowed.

G. Determination of Responsibility

1. The decision maker will provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.
 - a. The decision maker will explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party will be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The decision maker will review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").
5. The decision maker will issue a written determination, which will include the following:

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- a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
 - b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
 - c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
 - d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school unit imposes on the respondent, and whether remedies designed to restore or preserve equal access to RSU #63's programs and activities will be provided to the complainant;
 - e. RSU #63's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination will be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that RSU #63 provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

H. Remedies, Discipline and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to RSU #63's education programs and activities following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

- #### 2. Discipline and Other Actions - Students
- The following are examples of the types of discipline and other actions that may be imposed on a student when there is a determination that they are responsible for one or more violations involving sexual harassment:
- In or out of school suspension.
 - Expulsion.
 - Restorative justice.
 - Requirement to engage in education or counseling program.

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3. Discipline and Other Actions – Employees

The following are examples of types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.
- Loss of leadership/stipend position.

I. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

All appeals will be decided by the Board. An appeal must be filed in writing within 14 business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and will not be considered.

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1. Appeals must be filed with the Chair of the Board, and the Board will consider the appeal.
2. The Chair of the Board will notify the other party in writing of the appeal and will allow both parties to submit a written statement in support of, or challenging, the determination of the decision maker.
3. The Board will conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school unit officials in making their decision.
4. The Board will issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary or other action(s).

J. Records

Records in connection with sexual harassment reports and the complaint process will be maintained for a minimum of seven years.

RSU #63

- a. **NEPN/NSBA Code:** ACAB
- b. **Title:** Harassment and Sexual
Harassment of School Employees
- c. **Author:** Superintendent
- d. **Replaces Policy:**
- e. **Date Approved:** ~~02/01/2021~~ RSU #63
- f. **Previously Approved:** ~~02/01/2021~~ ~~02/25/2019~~
- g. **Policy Expiration:** Review as Needed
- h. **Responsible for Review:** Policy Committee/Superintendent
- i. **Date Reviewed:** ~~11/30/2021~~ ~~02/01/2021~~ Policy Committee
~~11/22/2021~~ ~~02/01/2021~~ Superintendent
- j. **References:** Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. § 1092 (f)(6)(A)(v) – definition of sexual assault)
Violence Against Women Act (34 USC § 1092 (f)(6)(A)(v) – definition of sexual assault; 34 USC § 12291 (a)(10) – dating violence; 34 U.S.C. § 12291 (a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d), Americans with Disabilities Act (42 USC § 12101 et seq.), as amended
Section 504 of the Vocational Rehabilitation Act of 1973 (Section 504) (29 USC § 794 et seq.), as amended
Title VII of the Civil Rights Act of 1964 (42 USC § 2000e, et seq.; 29 CFR § 1604.11)
Age Discrimination in Employment Act 29 USC § 623 et seq
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
5 MRSA § 4551 et seq.
MHRC Rule Chapter 94-348, ch. 3
26 MRSA § 806-807
- Cross Reference:** ACAB-R – Employee
Discrimination/Harassment and Title IX Sexual Harassment
Complaint Procedure
AC – Nondiscrimination/Equal Opportunity and Affirmative
Action
ACAD - Hazing
- k. **Narrative:**

Harassment of any school employee on account of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, **familial status**, ~~genetic information~~, or disability, **or genetic information** is prohibited. Such conduct is a violation of RSU #63 Board of Directors (the Board) policy and may constitute illegal discrimination under state and federal laws.

Any employee who engages in harassment or sexual harassment will be subject to disciplinary action, up to and including discharge.

I. Definitions:

A. Harassment

Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, **familial status**, ~~genetic information~~, or disability, **or genetic information**. Under the Maine Civil Rights Act, violence or threats of violence against a person or their property based on their sexual orientation are also illegal.

B. Sexual Harassment

Sexual Harassment is addressed under federal and state laws and regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

1. Title IX Sexual Harassment

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit's education programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or
- c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

2. Sexual Harassment Under Title VII and Maine Law

Under another federal law, Title VII, and under Maine law/regulations, sexual harassment is defined differently. Maine Human Rights Commission regulations define sexual harassment as conduct on the basis of sex which satisfies one or more of the following:

- 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 or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

II. Reports and Complaints of Harassment or Sexual Harassment

Any employee who believes they have been harassed or sexually harassed is encouraged to make a report to the Affirmative Action/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 or sexual harassment has occurred.

All reports and complaints regarding harassment or sexual harassment of employees will be addressed through the Employee & Third-Party Unlawful Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

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RSU #63

- a. **NEPN/NSBA Code:** ACAB-R
- b. **Title:** Employee and Third-Party Discrimination/
Harassment and Title IX Sexual Harassment
Complaint Procedures
- c. **Author:** Maine School Management Association/Brann &
Isaacson
- d. **Replaces Policy:**
- e. **Date Approved:** ~~03/22/2021~~
- f. **Previously Approved:** ~~03/22/2021~~ 01/27/2020
- g. **Policy Expiration:** Review as Needed
- h. **Responsible for Review:** Policy Committee/Superintendent
- i. **Date Reviewed:** ~~11/30/2021~~ 03/03/2021 Policy Committee
~~11/22/2021~~ 03/03/2021 Superintendent
- j. **References:** Title IX of the Education Amendments of 1972
(20 USC § 1681 et seq.); 34 CFR Part 106;
Clery Act (20 USC § 1092(f)(6)(A)(v) – definition
of sexual assault);
Violence Against Women Act (34 USC §
1092(f)(6)(A)(v) - definition of sexual assault; 34
USC § 12291(a)(10) – dating violence; 34 USC §
12291(a)(3) – definition of stalking; 34 USC §
12291(a)(8) – definition of domestic violence);
Title VI of the Civil Rights Act of 1964 (42 USC
§ 2000d);
Americans with Disabilities Act (42 USC § 12101
et seq.), as amended;
Section 504 of the Rehabilitation Act of 1973
(Section 504) (29 USC § 794 et seq.), as amended;
Title VII of the Civil Rights Act of 1964 (42 USC
§ 2000e, et seq.; 29 CFR § 1604.11)
Age Discrimination in Employment Act (29 USC
§ 623 et seq.);
Genetic Information Nondiscrimination Act of
2008 (42 USC § 2000ff et seq.)
- k. **Narrative:**

This procedure has been adopted by the RSU #63 Board of Directors (the Board) in order to provide prompt and equitable resolution of employee complaints of discrimination or harassment, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action, and ACAB – Harassment and Sexual Harassment of School Employees.

The complaint procedure in Section II may also be used, to the extent applicable, by visitors, including parents, volunteers and others having lawful access to the schools who wish to make a complaint of discrimination or harassment.

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Complaints alleging harassment or discrimination against students based on a protected category should be addressed through the Board's Student Discrimination/ Harassment and Title IX Sexual Harassment Complaint & Administrative Procedures (ACAA-R).

Any individual who is unsure about whether discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator: Jesse Gauthier, RSU #63, 202 Kidder Hill Road, Holden, Maine 04429; telephone: 2017- 843-0702; email: jgauthier@rsu63.org.

I. DEFINITIONS

For purposes of these complaint procedures, the following definitions will be used. The Affirmative Action Officer/Title IX Coordinator will assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

A. Discrimination/Harassment Complaint Procedure Definitions

1. "Discrimination or harassment": Discrimination or harassment on the basis of an individual's membership in a protected category, which, for employees, includes race, color, sex, sexual orientation, gender identity, **religion, ancestry or national origin**, age, **familial status**, ~~religion, ancestry, national origin, genetic information or disability~~, **or genetic information**.
2. "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.
3. "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, pervasive or persistent so as to interfere with or limit that individual's ability to participate in RSU #63's programs or activities by creating a hostile, intimidating or offensive environment.
4. Under Title VII and under Maine law/regulations, sexual harassment is defined differently than under Title IX. Maine Human Rights Commission regulations define sexual harassment as conduct on the basis of sex which satisfies one or more of the following:
 - 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

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- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- 5. "Sexual orientation": Under Maine law, this means a person's "actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression."
- 6. "Gender identity": Under Maine law, this means "the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."
- 7. "Complaint" is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, ~~religion, age, religion,~~ ancestry, ~~or~~ national origin, ~~age, familial status, disability, or~~ genetic information ~~or disability~~ (and in regard to sex, conduct not otherwise addressed in the Title IX regulations and Section III of ACAB-R).
- 8. "Employee": Whenever the term "employee" is used in Section II, it includes visitors or others who have a lawful basis to make a complaint of discrimination or harassment.

B. Title IX Sexual Harassment Complaint Procedure Definitions

- 1. "Title IX sexual harassment": Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of RSU #63's education programs and activities:
 - a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
 - b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to RSU #63's education programs and activities; or
 - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
- 2. "Report": Under the Title IX regulations, any individual may make a report of sexual harassment involving an employee, whether the individual is the alleged victim or not. A report must be made to the Affirmative

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Action Officer/Title IX Coordinator. A report triggers certain actions by the AAO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a “Formal Complaint” is filed.

3. “Formal Complaint”: Under Title IX, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section III of ACAB-R. Only a school employee (and in certain circumstances, the AAO/Title IX Coordinator) may file a formal complaint.
4. “Employee”: For the purpose of this procedure, “employee” means an applicant for employment or a current employee of RSU #63.

II. DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

This procedure should be used for any complaint of unlawful harassment or discrimination based on a protected category which does not involve Title IX sexual harassment.

A. How to Make A Complaint

1. An employee who believes they have been unlawfully harassed or discriminated against (as such terms are defined in Section I.A.1-3) 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 AAO/Title IX Coordinator.
2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the AAO/Title IX Coordinator. A written complaint must include basic information concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation).
3. Employees who are unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss the matter with the AAO/Title IX Coordinator.
4. Employees 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 measures, up to and including discharge.
5. Any employee who believes they have been discriminated against or harassed is encouraged to utilize RSU #63’s complaint procedure.

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However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

B. Complaint Handling and Investigation

1. The AAO/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.
2. The AAO/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 will consider whether the resolution is in the best interest of RSU #63 and the parties in light of the particular circumstances and applicable policies and laws.
3. The AAO/Title IX Coordinator may implement supportive measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved; changing a work location or changing a work schedule.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the AAO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position will be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator will consult with the AAO/Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant will not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.

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8. If the complaint is against an employee of RSU #63, any rights conferred under an applicable collective bargaining agreement will be applied.
9. Privacy rights of all parties to the complaint will be maintained in accordance with applicable state and federal laws.
10. The investigation will be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason will be allowed.
11. The investigator will provide a written report and findings to the AAO/Title IX Coordinator.

C. Findings and Subsequent Actions

1. The AAO/Title IX Coordinator will consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the AAO/Title IX Coordinator, in consultation with the Superintendent:
 - a. Will determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
 - b. Determine what disciplinary action 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 from the Board 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 Chair of the Board within 14 business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Chair of the Board will provide notice to the other party, along with an opportunity to provide a written statement within 10 business days of the Chair providing such notice.

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4. The Board will review the available documentation and may conduct further investigation if deemed appropriate.
5. The Board's decision on the appeal will be provided to the parties within 30 business days, if practicable. The Board's decision will be final.

E. Records

The AAO/Title IX Coordinator will keep a written record of the complaint process.

III. TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURE

This section should be used only for complaints of Title IX sexual harassment as defined in Section I.B.1.

A. How to Make A Report

1. Any individual who believes an employee has been sexually harassed (as this term is defined in Section I.B.1) may make a report to the AAO/Title IX Coordinator.
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 AAO/Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
 - a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (such as requiring no contact between individuals, temporarily moving work locations or changing schedules, etc.).
 - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
3. RSU #63 cannot provide an informal resolution process for resolving a report until a formal complaint is filed.
4. Employees will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge.
5. Any employee who believes they have been the victim of sexual harassment is encouraged to utilize RSU #63's complaint procedures.

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However, employees are hereby notified that they also have the right to report sexual harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

6. The Superintendent will be informed of all reports and formal complaints of sexual harassment.

B. How to Make A Formal Complaint

1. An alleged victim may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who alleged engaged in sexual harassment, description of allegation).

Employees who need assistance in preparing a formal written complaint, are encouraged to consult with the AAO/Title IX Coordinator.

2. In certain circumstances, the AAO/Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within RSU #63). In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.
3. In accordance with the Title IX regulations, the AAO/Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; b) if the conduct alleged did not occur within the scope of RSU #63's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the AAO/Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by RSU #63; or c) there are specific circumstances that prevent RSU #63 from gathering evidence sufficient to reach a determination regarding the formal complaint.
5. If a formal complaint is dismissed under this Title IX procedure, the AAO/Title IX Coordinator will promptly and simultaneously send written

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notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.

6. If the conduct alleged potentially violates other laws, Board policies and/or professional expectations, RSU #63 may address the conduct under Section II or another applicable policy/procedure.

C. Administrative Leave

The Superintendent may place a respondent on administrative leave during the complaint procedure:

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
2. The respondent will be provided notice of the administrative leave, and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency leave was unreasonable.
3. Any such decision to place an employee on administrative leave will be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:
 - Notice regarding the complaint procedure and the availability of an informal resolution process;
 - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days);
 - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint; and that the parties may inspect and review evidence;

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- Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
 - Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and
 - Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
 3. The AAO/Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

E. Informal Resolution Process

After a formal complaint has been filed, and if the AAO/Title IX Coordinator believes the circumstances are appropriate, the AAO/Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and RSU #63. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

F. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and AAO/Title IX Coordinator. Any complaint about an employee who holds a supervisory position will be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be

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submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.

2. The investigator will consult with the AAO/Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of RSU #63, rights conferred under an applicable collective bargaining agreement will be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint will be maintained in accordance with applicable state and federal laws.
5. The investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which RSU #63 does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
 - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
 - h. Consider the parties' written responses to the evidence prior to completing the investigation report.

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- i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
 - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.
6. The investigation will be concluded within 40 business days if practicable. Reasonable extension of time for good reason will be allowed.

G. Determination of Responsibility

1. The decision maker will provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.
 - a. The decision maker will explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party will be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The decision maker will review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").
5. The decision maker will issue a written determination, which will include the following:
 - a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;
 - b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;
 - c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;

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- d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions RSU #63 imposes on the respondent, and whether remedies designed to restore or preserve equal access to RSU #63's programs and activities will be provided to the complainant;
 - e. RSU #63's appeal procedure and permissible bases for the parties to appeal the determination.
- 6. The written determination will be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that RSU #63 provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

H. Remedies, Discipline and Other Actions

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to RSU #63's education programs and activities following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

2. Discipline and Other Actions

The following are examples of the types of disciplinary actions that may be imposed on an employee when there is a determination that they are responsible for one or more violations involving sexual harassment:

- Written warning.
- Probation.
- Demotion.
- Suspension without pay.
- Discharge.

The following are examples of other types of actions that may be imposed on an employee when there is a determination of responsibility:

- Performance improvement plan.
- Counseling.
- Training.

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- Loss of leadership/stipend position.

I. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter; or
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

All appeals will be decided by the Board. An appeal must be filed in writing within 14 business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and will not be considered.

1. Appeals must be filed with the Chair of the Board, and the Board will consider the appeal.
2. The Chair of the Board will conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school unit officials in making their decision.
3. The Board will issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary action(s).

J. Records

Records in connection with sexual harassment reports and the complaint process will be maintained for a minimum of seven years.