

MEDWAY SCHOOL BOARD POLICY EMPLOYEE HARASSMENT COMPLAINT PROCEDURE

NEPN/NSBA CODE: ACAB-R

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of employee complaints of harassment as described in policy ACAB — Harassment and Sexual Harassment of School Employees.

How to Make a Complaint

- A. Any employee who believes he/she has been harassed is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate formal complaint.

- B. Any employee who believes he/she has been harassed should report their concern promptly to the Building Principal. If the employee is uncomfortable reporting concerns to the Building Principal, he/she may report the concern to any school administrator. The employee must submit a written report.

Employees who are unsure as to whether harassment has occurred are encouraged to discuss their concerns with the Building Principal. Employees will not be retaliated against for reporting suspected harassment.

- C. Building Principal will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.

The Building Principal may pursue an informal resolution of the complaint with the agreement of the complainant and the person against whom the complaint is made. The informal resolution is subject to the approval of the Superintendent, who shall consider whether the informal resolution is in the best interest of the school unit in light of applicable policies and law.

D. The complaint will be investigated by the Building Principal, unless the Superintendent chooses to investigate the complaint or designates another Person to investigate it on his/her behalf.

1. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
2. If the complaint is against an employee of the school unit, any rights conferred under an applicable collective bargaining agreement shall be applied.
3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
4. The Building Principal or other designated person shall keep a written record of the investigation process.
5. The Building Principal may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further harassment while the investigation is pending.
6. The Building Principal shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary action.
7. The investigation shall be completed within 21 business days of receiving the complaint, if practicable.

E. If the Building Principal determines that harassment occurred, he/she shall, in consultation with the Superintendent:

1. Determine what remedial action is required, if any;
2. Determine what disciplinary action should be taken, against the person(s) who engaged in harassment, if any, and
3. Inform the employee who made the complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

- F. If the employee who made the complaint is dissatisfied with the resolution, he/she may appeal to the Superintendent within 14 business days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.

Any employee who believes he/she has been or harassed is encouraged to utilize the school unit's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, S.W. McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9622).

Legal Reference: Americans with Disabilities Act (28 CER § 35.07)
Section 504 of the Vocational Rehabilitation Act (34 CFR § 104.7)
Title IX of the Educational Amendments of 1972 (34 CFR
§106.8(b) Age Discrimination in Employment Act (34 CFR §
110.25)

Cross Reference: AC — Nondiscrimination/Equal Opportunity and Affirmative Action
ACAB — Harassment and Sexual Harassment of School Employees

Adopted: November 15, 2000

Revised: November 7, 2012