

# REGION TWO SCHOOL OF APPLIED TECHNOLOGY

File: ACAB-R

## EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of employee complaints of discrimination and harassment as described in policies AC - Nondiscrimination/Equal Opportunity and Affirmative Action and ACAB - Harassment and Sexual Harassment of School Employees.

### Definitions

For purposes of this procedure:

- A. "Complaint" is defined as an allegation that an employee has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin or disability; and
- B. "Discrimination or Harassment" means discrimination or harassment on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin or disability.

### How to Make a Complaint

- A. Any employee who believes that he/she has been harassed or discriminated against 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 that he/she has been discriminated against or harassed should report their concern promptly to the Affirmative Action Officer. If the employee is uncomfortable reporting concerns to the Affirmative Action Officer, he/she may report their concern to the Director. The report shall be made in writing.

Employees who are unsure as to whether unlawful discrimination or harassment has occurred, are encouraged to discuss their concerns with the Affirmative Action Officer. Employees will not be retaliated against for reporting suspected discrimination or harassment.

- C. Any employee who believes that he/she has been discriminated against or harassed is encouraged to utilize Region Two'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, 51 State House Station, Augusta, ME 04333-0051 (telephone: 207-624-6050) and/or to the U.S. Department of Education, Office for Civil Rights/ED, 5 Post Office Square, Suite 900, Boston, MA 02109-3921 (telephone: 617-223-9622; TDD: 877-521-2172; fax: 617-289-0150).

#### Complaint Handling and Investigation

- A. The Affirmative Action Officer will promptly inform the Director and the person who is the subject of the complaint, that a complaint has been received.
  
- B. The Affirmative Action Officer may pursue an informal resolution of the complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the Director, who shall consider whether the informal resolution is in the best interest of Region Two in light of applicable policies and laws.
  
- C. The complaint will be investigated by the Affirmative Action Officer, unless the Director chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Director should be submitted to the Chair of the Region Two Cooperative Board, who should consult with legal counsel concerning the handling of the investigation.
  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 Region Two, 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 Affirmative Action Officer shall keep a written record of the investigation process.
  5. The affirmative Action Officer 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 Affirmative Action Officer shall consult with the Director concerning the investigation, conclusions and any remedial and/or disciplinary actions.
  7. The investigation shall be completed within 21 (twenty-one) calendar days of receiving the complaint, if practicable.

- D. If the Affirmative Action Officer determines that discrimination or harassment occurred, he/she shall, in consultation with the Director:
1. Determine what remedial action is required, if any;
  2. Determine what disciplinary action should be taken against the person(s) who engaged in 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).
- E. If the employee who made the complaint is dissatisfied with the resolution, he/she may appeal to the Director within 14 (fourteen) calendar days after receiving notice of the resolution. The Director shall review the investigation report and may conduct further investigation if deemed appropriate. The Director's decision shall be final.

Legal Reference: Title IX of the Education Amendments of 1972 (34 CFR § 106.8(b))  
Age Discrimination in Employment Act (34 CFR § 110.25)  
Section 504 of the Vocational Rehabilitation Act (34 CFR § 104.7)  
Americans with Disabilities Act (42 U.S.C. § 12101 et seq.)  
Maine Human Rights Act (5MRSA § 4571 et seq., 4681 et seq.)

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