



## **REGION 8 -- Mid-Coast School of Technology**

### **AFFIRMATIVE ACTION PLAN**

#### **1. GENERAL POLICY STATEMENT**

##### **A. Statement of Nondiscrimination**

Region 8 does not discriminate on the basis of race, age, color, ancestry or national origin, religion, sex, sexual orientation, gender identity and expression, genetic information, or physical or mental disability in admission to, access to, treatment in or employment in its programs and activities. The Board has adopted a nondiscrimination policy (see Appendix A).

##### **B. Compliance with Nondiscrimination Laws**

Region 8 recognizes its obligation to comply with the provisions of the Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq. and 34 C.F.R. Part 106); the Maine Human Rights Act of 1972 as amended (5 M.R.S.A. § 4551 et seq.); Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.); the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. § 621 et seq.); the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.); the Equal Pay Act of 1963 (29 U.S.C. § 206); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 et seq.); the Americans with Disabilities Act of 1990, as amended (42 U.S.C. § 12101 et seq.); the Genetic Information Nondiscrimination Act (42 U.S.C. § 2000ff et seq.); 20-A MRSA §6553 (Prohibition of Hazing) and 20-A M.R.S.A. § 6554 (Prohibition on Bullying in Public Schools).

##### **C. Contacts for Inquiries or Complaints**

To make an inquiry regarding the school's compliance with the above statement or to file a complaint concerning an alleged violation, an individual may contact one of the following:

Scott Browning, Affirmative Action Officer

Mid-Coast School of Technology  
1 Main Street, Rockland, Maine 04841  
Telephone: (207) 594-2161 ext 147  
Email: sbrowning@mcst8.org

Sherry Moody, Affirmative Action Officer  
Mid-Coast School of Technology  
1 Main Street, Rockland, Maine 04841  
Telephone: (207) 594-2161 ext 102  
Email: smoody@mcst8.org

Kristy Hastings, Title IX Coordinator  
Mid-Coast School of Technology  
1 Main Street, Rockland, Maine 04841  
Telephone: (207) 594-2161 ext 216  
Email: khastings@mcst8.org

Scott Browning, Section 504/ADA Coordinator [regarding disability matters]  
Mid-Coast School of Technology  
1 Main Street, Rockland, Maine 04841  
Telephone: (207) 594-2161 ext 147  
Email: sbrowning@mcst8.org

Office for Civil Rights  
U.S. Department of Education  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: (617) 289-0111; TDD: (877) 521-2172  
Email: ocr.boston@ed.gov

Maine Human Rights Commission  
51 State House Station  
Augusta, ME 04333  
Telephone: (207) 624-6290  
Email: info@mhrc.maine.gov

#### **D. Complaint Procedures**

Employee and student complaint procedures are available which provide for the prompt and equitable resolution of complaints alleging discrimination and harassment based on race, color, age, ancestry or national origin, religion, sex, sexual orientation, gender identity and expression, physical or mental disability, and genetic information. Copies of these complaint procedures will be made available on the school's website and upon request at the Director, Affirmative Action Officer and Title IX Coordinator's offices.

## **2. DISSEMINATION PROCEDURES: NOTICE AND POSTING**

### **A. General Notice and Posting**

Notice of the contents of the Affirmative Action Plan shall be provided to all employees and students at the beginning of each school year by means chosen by the Director and posted on the school's website.

Notice of Region 8's compliance with nondiscrimination laws shall be:

1. Posted in a conspicuous and accessible place in the school.
2. Included on job postings, advertisements and application forms which are made available to applicants and on enrollment forms made available to students and their parents.
3. Distributed to all personnel responsible for recruiting and screening applicants, and selecting, hiring and promoting employees.
4. Published on the school's website.

### **B. Annual Notice of Employee Harassment and Sexual Harassment Policy/Complaint Procedure**

A copy of the Harassment and Sexual Harassment of Employees Policy and Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures in Appendix B shall be distributed annually to all school employees at the first in-service day each year.

### **C. Postings on Sexual Harassment and Employment Discrimination**

Required federal and state workplace posters on sexual harassment and employment discrimination shall be posted in conspicuous and accessible places in the school where notices to employees are customarily posted.

### **D. Copies of Affirmative Action Plan Available**

A copy of this Affirmative Action Plan, including all appendices, shall be made available to any interested person upon request at the Director, Affirmative Action Officers and Title IX Coordinator's offices.

### **E. Updates of Affirmative Action Plan**

The school shall provide any updates to the Affirmative Action Plan to the Maine Commissioner of Education.

## **3. TRAINING**

## **A. Gender Equity Training**

Region 8 is responsible for developing plans for in-service training programs on gender equity for teachers, administrators and the School Board.

## **B. Sexual Harassment Training**

Region 8 shall conduct education and training programs on sexual harassment as required under Maine law: (1) for all new employees within one year of commencement of employment, and (2) for supervisory and managerial employees within one year of commencement of supervisory or managerial employment status.

The school shall also conduct all training required under Title IX sexual harassment regulations for individuals involved in addressing such reports and complaints.

## **4. RESPONSIBILITY FOR IMPLEMENTATION**

**A.** The Director holds ultimate responsibility for the operation, oversight and success of Region 8's Affirmative Action Plan and nondiscrimination policies. These responsibilities will be delegated in whole or in part to an Affirmative Action Officer and a Title IX Coordinator who are appointed by and report directly to the Director.

### **B. Responsibilities of Affirmative Action Officer**

- Day-to-day responsibility for implementing and managing the school's Affirmative Action Plan, and compliance with state and federal nondiscrimination laws and regulations.
- Close consultation with the Title IX Coordinator, who is responsible for implementing and managing the school's compliance with Title IX in regard to sex-based discrimination and harassment.
- Disseminate required notices, policies and information regarding federal and state nondiscrimination laws to employees, applicants, parents and others as applicable, including postings on the school's website.
- Assess discrimination, harassment and other related complaints received by the school to ensure the appropriate policies and procedures are followed, consulting with the Title IX Coordinator, Director and others as appropriate.
- Coordinate and/or conduct investigations of discrimination and harassment complaints as appropriate.
- Overall responsibility for ensuring that discrimination and harassment complaint procedures are followed.
- Coordinate and implement appropriate training for school employees on nondiscrimination and harassment laws, policies, procedures and duty to report.

- Ensure that persons involved in recruiting and hiring processes adhere to nondiscrimination and confidentiality requirements.
- Ensure that School Board members and employees receive gender equity training.
- Compile data and reports for the Director and School Board members as requested.
- Advise the Director of any needed revisions to the Affirmative Action Plan or related policies/procedures.
- Comply with all recordkeeping requirements.
- Any other duties related to the Affirmative Action Plan assigned by the Director.

### **C. Responsibilities of Title IX Coordinator**

- Day-to-day responsibility for implementing and managing the school's compliance with all aspects of state and federal sex/gender-based discrimination and harassment laws and regulations, including Title IX.
- Close consultation with the Affirmative Action Officer, who is responsible for implementing and managing the school's compliance with other nondiscrimination and harassment laws and regulations.
- Ensure that required notices, policies and information regarding federal and state sex and gender-based discrimination/harassment laws and regulations are disseminated to employees, applicants, parents, unions, and others as applicable, including postings on the school's website.
- Assess discrimination, harassment and other related complaints received by the school to ensure the appropriate policies and procedures are followed, consulting with the Affirmative Action Officer, Director and others as appropriate.
- Receive and process all reports and formal complaints of sex or gender-based discrimination, including sexual harassment complaints.
- Provide support for parties when sexual harassment is reported, and throughout the complaint investigation and resolution process.
- Coordinate and/or conduct investigations of sex discrimination/harassment complaints as appropriate.
- Facilitate or coordinate informal resolutions of sexual harassment formal complaints as appropriate.
- Overall responsibility for ensuring that sex and gender-based discrimination and harassment complaint procedures are followed.
- Implement any remedies after findings of responsibility for sexual harassment.
- Coordinate and implement appropriate training for school employees on sexual harassment laws, policies, procedures and duty to report.
- Ensure compliance with all other aspects of state and federal sex/gender-based discrimination and harassment laws and regulations, including Title IX requirements pertaining to education, athletics, and other school programs.
- Compile data and reports for the Director and School Board members as requested.
- Advise the Director of any needed revisions to discrimination/harassment policies/procedures.
- Comply with all recordkeeping requirements.

- Any other duties related to sex and gender-based discrimination/harassment laws and regulations assigned by the Director.

## **5. ASSESSMENT OF CURRENT WORKFORCE**

Region 8 shall periodically assess the numbers of minorities, women and persons with disabilities in its workforce, and determine whether there are fewer employees from these groups than one would reasonably expect given availability in the job market where the school can reasonably expect to recruit new employees.

In conducting this analysis, the school shall consider relevant local workforce statistics, the school's workforce profile, its job classifications, and recruiting practices.

## **6. GOALS, PROCEDURES, AND TIMETABLES**

If an assessment determines that imbalances exist in Region 8's workforce with respect to numbers of minorities, women and persons with disabilities, the school will develop realistic goals for necessary action and related procedures and timetables for correcting such imbalances.

The following goals, procedures, and timetables have been adopted to increase the representation of minorities, women and disabled at all levels and in all segments of Region 8's workforce where imbalances exist:

### **A. Recruitment**

It is the intent of Region 8 to ensure equal access to all employment opportunities.

Goal/Objective: Region 8 will make continued efforts to recruit all segments of the population in the State of Maine, including women, minorities and individuals with disabilities.

Responsibility: Affirmative Action Officer

Timetable: Ongoing

### **B. Job Descriptions**

It is the intent of Region 8 that job descriptions will accurately reflect the needed qualifications, training, experience and duties.

Goal/Objective: Region 8 will review and update job descriptions periodically and as vacancies occur.

Responsibility: Affirmative Action Officer

Timetable: Ongoing

### **C. Selection**

Hiring of personnel is done through established policies and procedures, with interviews being monitored by the Affirmative Action Officer for compliance with the Affirmative Action Plan.

Goal/Objective: When vacancies arise in job classifications where women, minorities or the disabled are underrepresented, the Affirmative Action Officer will review interview questions prior to contacting candidates to ensure that the school presents an equal employment opportunity.

Responsibility: Affirmative Action Officer

Timetable: Ongoing

### **D. Wage and Salary Standards**

Job classifications and wage and salary standards are based solely upon the knowledge, skills, and abilities required by the position.

Goal/Objective: Wages and salaries for particular positions or job categories will be discussed with the Affirmative Action Officer prior to implementation.

Responsibility: Director

Timetable: Ongoing

### **E. Complaint Procedure**

Internal and external complaints of discrimination will be treated seriously and promptly by Region 8.

Goal/Objective: All discrimination complaints shall be processed in accordance with established complaint procedures.

Responsibility: Affirmative Action Officer

Timetable: Ongoing

### **F. Reasonable Accommodation for Applicants and Employees with Disabilities**

It is Region 8's intent to provide reasonable accommodation to applicants and employees with disabilities consistent with the requirements of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Maine Human Rights Act.

Goal/Objective: Periodically review and assess hiring procedures and implementation of employee policies for compliance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Maine Human Rights Act.

Responsibility: Affirmative Action Officer and Director

Timetable: Ongoing

## **7. RECRUITING AND HIRING OF ADMINISTRATIVE STAFF PROCEDURE**

The Board has adopted a policy and procedure concerning the recruitment and hiring of administrative staff. The procedures are based upon the "Model Administrative Hiring Procedure" published by the Maine Department of Education in its "Final Report of the Equity Board," April 1991 (see Appendix F).

### **NOTE: INCLUDE THE FOLLOWING POLICIES/PROCEDURES IN APPENDICES**

- A – Nondiscrimination/Equal Opportunity and Affirmative Action (AC)
- B – Harassment and Sexual Harassment of School Employees Policy/Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAA and ACAA-R)
- C – Harassment and Sexual Harassment of Students Policy/Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB and ACAB-R)
- D – Hazing (ACAD)
- E – Bullying and Cyberbullying Prevention in Schools Policy/Bullying and Cyberbullying Administrative Procedure (JICK/JICK-R)
- F – Recruiting and Hiring of Administrative Staff Policy/Procedure (GCFB and GCFB-R)





## **APPENDIX B**

### **ACAA HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS**

Harassment of students because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal 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.

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 Director will determine appropriate sanctions for harassment of students by persons other than school employees and students.

#### **A. Harassment**

Harassment includes, but is not limited to, verbal abuse and other offensive conduct based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability. Harassment that rises to the level of physical assault, battery and/or abuse, and/or bullying behavior are also addressed in Board Policies JICIA – Weapons, Violence and School Safety and JICK – Bullying.

#### **B. Sexual Harassment**

Sexual harassment is addressed under federal and state laws/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'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 the school'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.

## C. 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 or 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 or Title IX Coordinator. The Affirmative Action Officer or 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).

### **ACAA-R Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures**

The Board has adopted these student procedures in order to provide prompt and equitable resolution of reports and complaints of unlawful discrimination and 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.

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 which complaint procedure applies is encouraged to contact the Affirmative Action Officer (AAO) or Title IX Coordinator.

**Affirmative Action Officer:**

Scott Browning, Assistant Director  
1 Main Street, Rockland, ME 04841  
(207) 594-2161 [sbrowning@mcst8.org](mailto:sbrowning@mcst8.org)

**Title IX Coordinator:**

Kristy Hastings, Student Services Coordinator  
1 Main Street, Rockland, ME 04841  
(207) 594-2161 [khastings@mcst8.org](mailto:khastings@mcst8.org)

I. DEFINITIONS

For purposes of these complaint procedures, the following definitions will be used. The Affirmative Action Officer or Title IX Coordinator shall 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, national origin or disability.
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 the school's 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:
  - d. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
  - e. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or

- f. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive 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." This does not include sexual harassment as defined in the Title IX regulations (see Section 1.B).
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, national origin or disability (and not otherwise addressed in the Title IX regulations and Section 3 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 of Students.

#### 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 the school's education programs and activities:
  - d. "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;
  - e. "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's education programs and activities; or
  - f. 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 or Title IX Coordinator. A report triggers certain actions by the

AAO or 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 the Title IX regulations, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAA-R. Only a student and/or their parent/legal guardian (and in certain circumstances, the AAO or Title IX Coordinator) may file a formal complaint.

“Student”: For the purposes of this procedure, a student is an individual who is enrolled or participating in the school’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 3).

### A. How to Make A Complaint

1. School employees are required to promptly make a report to the AAO or 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 or 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 or 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 or 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 the school’s complaint procedure. However, individuals 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, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

## B. Complaint Handling and Investigation

1. The AAO or Title IX Coordinator will promptly inform the Director and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The AAO or 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 Director, who shall consider whether the resolution is in the best interest of the school and the parties in light of the particular circumstances and applicable policies and laws.
3. The AAO or 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 Director and the AAO or Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Director 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 shall consult with the AAO or 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 shall 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.
8. If the complaint is against an employee of the school, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the AAO/Title IX Coordinator.

#### C. Findings and Subsequent Actions

1. The AAO or Title IX Coordinator shall consult with the Director concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the AAO or Title IX Coordinator, in consultation with the Director shall:
  - 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 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 Director within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Director shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Director shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Director's decision on the appeal shall be provided to the parties within 10 business days, if practicable.
6. The Director's decisions may be appealed to the Board within 10 business days. The Board's decision shall be final.

#### E. Records



The Title IX Coordinator shall 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 1.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 or 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 or 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 or 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. The school cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.
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 the school'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, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

7. The Director shall 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 or Title IX Coordinator.

2. In certain circumstances, the AAO or 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 the school). 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 or 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 the school's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the AAO or 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; or c) there are specific circumstances that prevent the school 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 or 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, the school may address the conduct under Section 2 or another applicable Board policy/procedure.

### C. Emergency Removal or Administrative Leave

1. The Director may remove a student from education programs and activities on an emergency basis during the complaint procedure:
  - a. 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.
  - b. The respondent (and in the case of a student, their parent/legal guardian) will be provided notice of the emergency removal, 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 was unreasonable.
2. The Director may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable State laws, school policies and collective bargaining agreement provisions.
3. Any ~~such~~ decision to remove a respondent from education programs and activities on an emergency basis or place an employee on administrative leave shall 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

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 shall 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 or 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 or Title IX Coordinator believes the circumstances are appropriate, the AAO or 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 Director 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. 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 Director and Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Director 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 shall consult with the AAO or Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall 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 the school 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 shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

## G. Determination of Responsibility

1. The decision maker shall 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 shall explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party shall 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 shall 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 shall issue a written determination, which shall 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;
  - d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school's programs and activities will be provided to the complainant;
  - e. The school's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school 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 the school'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 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.
- Restorative justice.
- Requirement to engage in education or counseling program.

### 3. Discipline and Other Actions – Employees

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.
- 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.

An appeal must be filed in writing within five 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 shall not be considered.

1. Appeals must be filed with the Director, who will consider the appeal.
2. The Director shall 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 Director shall 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 officials in making their decision.
4. The Director shall 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 shall be maintained for a minimum of seven years.



## **APPENDIX C**

### **ACAB Harassment and Sexual Harassment of School Employees**

Harassment of school employees because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, genetic information or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

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

#### **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, genetic information or disability. 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'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.

### C. 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 Officer or Title IX Coordinator. The Affirmative Action Officer or 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 shall be addressed through the Employee & Third-Party Unlawful Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

#### **ACAB-R Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures**

The Board has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints of discrimination and 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 2 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.

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 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 (AAO) or Title IX Coordinator.

**Affirmative Action Officer:**

Scott Browning, Assistant Director  
1 Main Street, Rockland, ME 04841  
(207) 594-2161 [sbrowning@mcst8.org](mailto:sbrowning@mcst8.org)

**Title IX Coordinator:**

Kristy Hastings, Student Services Coordinator  
1 Main Street, Rockland, ME 04841  
(207) 594-2161 [khastings@mcst8.org](mailto:khastings@mcst8.org)

**I. DEFINITIONS**

For purposes of these complaint procedures, the following definitions will be used. The Affirmative Action Officer or Title IX Coordinator shall 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, national origin or disability.
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 the school'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:
  - d. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - e. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
  - f. 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, age, religion, ancestry, national origin, genetic information or disability (and in regard to sex, conduct not otherwise addressed in the Title IX regulations and Section 3 of ACAB-R).
8. "Employee": Whenever the term "employee" is used in Section 2, 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 the school'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'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 Action Officer or Title IX Coordinator. A report triggers certain actions by the AAO or 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 3 of ACAB-R. Only a school employee (and in certain circumstances, the AAO or 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 the school.

## 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 1.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 shall not prevent the employee from making an immediate complaint to the AAO or Title IX Coordinator.
2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the AAO or 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 or Title IX Coordinator.

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.

4. Any employee who believes they have been discriminated against or harassed is encouraged to utilize the school'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, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

### B. Complaint Handling and Investigation

1. The AAO or Title IX Coordinator will promptly inform the Director and the person who is the subject of the complaint (respondent) that a complaint has been received.
2. The AAO or 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 Director, who shall consider whether the resolution is in the best interest of the school and the parties in light of the particular circumstances and applicable policies and laws.

3. The AAO or 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 Director and the AAO or Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Director 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 shall consult with the AAO or 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 shall 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.
8. If the complaint is against an employee of the school, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the AAO or Title IX Coordinator.

#### C. Findings and Subsequent Actions

1. The AAO or Title IX Coordinator shall consult with the Director concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the AAO or Title IX Coordinator, in consultation with the Director:

- a. Shall 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 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 Director within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Director shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Director shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Director's decision on the appeal shall be provided to the parties within 10 business days, if practicable.
6. The Director's decisions may be appealed to the Board within 10 business days. The Board's decision shall be final.

#### E. Records

The Title IX Coordinator shall 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 1.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 1.B.1) may make a report to the AAO or 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 or 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. The school 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 the school's complaint procedures. 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, 8<sup>th</sup> Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).
6. The Director shall 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 or Title IX Coordinator.

2. In certain circumstances, the AAO or 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 the school). 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 or 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 the school's education programs and activities, or c) did not occur in the United States.
4. In accordance with the Title IX regulations, the AAO or 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 the school; or c) there are specific circumstances that prevent the school 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 or 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 potentially violates other laws, Board policies and/or professional expectations, the school may address the conduct under Section 2 or another applicable policy/procedure.

#### C. Administrative Leave

The Director may place a respondent on administrative leave during the complaint procedure in accordance with any applicable State laws, school policies and collective bargaining agreement provisions.

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

#### 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;
  - 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 or 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 or Title IX Coordinator believes the circumstances are appropriate, the AAO or 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 Director 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. 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 Director and AAO or Title IX Coordinator. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Director 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 shall consult with the AAO or Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall 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 the school 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 shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

#### G. Determination of Responsibility

1. The decision maker shall 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 shall explain to a party proposing questions if the decision maker excludes a question as not relevant.
2. Each party shall 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 shall 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 shall issue a written determination, which shall 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;
  - d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school imposes on the respondent, and whether remedies designed to restore or

preserve equal access to the school's programs and activities will be provided to the complainant;

- e. The school's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the school 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 the school'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.
- 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.

An appeal must be filed in writing within five 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 shall not be considered.

1. Appeals must be filed with the Director, who will consider the appeal.
2. The Director shall 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 officials in making their decision.
3. The Director shall 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).

7. Records

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

## APPENDIX D

### ACAD

### HAZING

Maine statute defines injurious hazing “any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in school or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student regardless of the student’s willingness to participate in the activity.”

It is the policy of the Board that injurious hazing activities of any type, either on or off school property, by any student, staff member, group or organization affiliated with this school, are inconsistent with the educational process and shall be prohibited at all times.

No administrator, faculty member, or other employee of the school shall encourage, permit, condone, or tolerate injurious hazing activities. No student, including leaders of student organizations, shall plan, encourage, or engage in injurious hazing activities.

Persons not associated with this school who fail to abide by this policy may be subject to ejection from school property and/or other measures as may be available under the law.

Administrators, faculty members, students, and all other employees who fail to abide by this policy; may be subject to disciplinary action which may include suspension, expulsion, or other appropriate measures. In the case of an organization affiliated with this school which authorizes hazing, penalties may include rescission of permission for that organization to operate on school property or to receive any other benefit of affiliation with the school.

These penalties shall be in addition to any civil or criminal penalties to which the violator or organization may be subject.

The Director shall assume responsibility for administering this policy. In the event that an individual or organization disagrees with an action - or lack of action - on the part of the Director as he/she carries out the provisions of this policy, that individual or organization may appeal to the Board. The ruling of the Board, with respect to the provisions of this policy, shall be final.

A copy of this policy shall be distributed to all school employees, parents and students.

## **APPENDIX E**

### **JICK            Bullying and Cyberbullying Prevention in Schools**

#### **I. Introduction**

It is our goal for our school to be a safe and secure learning environment. It is the intent of the Region 8 Board to provide all students with an equitable opportunity to learn. To that end, the Board has a significant interest in providing a safe, orderly, and respectful school environment that is conducive to teaching and learning.

Bullying and other forms of peer mistreatment are detrimental to the school environment and student learning, achievement and well-being. Peer mistreatment interferes with the mission of the school to educate their students and disrupts the operations of the school. Bullying and other forms of peer mistreatment affect not only students who are targets but also those who participate and witness such behavior. These behaviors must be addressed to ensure student safety and an inclusive learning environment.

It is not the Board's intent to prohibit students from expressing their ideas, including ideas that may offend the sensibilities of others, or from engaging in civil debate. However, the Board does not condone and will take action in response to conduct that interferes with students' opportunity to learn, the educational mission of Region 8 and the operation of the school.

#### **II. Prohibited Behavior**

The following behaviors are prohibited:

1. Bullying;
2. Cyberbullying;
3. Harassment and Sexual Harassment (as defined in board policy ACAA);
4. Retaliation against those reporting such defined behaviors; and
5. Making knowingly false accusations of bullying behavior.

Any person who engages in any of these prohibited behaviors that constitutes bullying shall be subject to appropriate disciplinary actions.

#### **III. Bullying and Cyberbullying Defined**

"Bullying" and "Cyberbullying" have the same meaning in this policy as in Maine law:

A. "Bullying" includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:



- (1) Has, or a reasonable person would expect it to have, the effect of:
- (a) Physically harming a student or damaging a student's property; or
  - (b) Placing a student in reasonable fear of physical harm or damage to the student's property;

**OR**

- (2) Interferes with the rights of a student by:
- (a) Creating an intimidating or hostile educational environment for the student; or
  - (b) Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by a school;

**OR**

(3) Is based on a student's actual or perceived race, color, national origin, ancestry, religion, physical or mental disability, gender, sexual orientation or gender identity, or any other distinguishing characteristic, or is based on a student's association with a person with one or more of these actual or perceived characteristics, and that has the effect described in subparagraph (1) or (2) above. (These behaviors might also meet the criteria for harassment as defined in board policy ACAA: Harassment and Sexual Harassment of Students.)

Examples of conduct that may constitute bullying include, but are not limited to:

1. Repeated or pervasive taunting, name-calling, belittling, mocking, put-downs or demeaning humor;
2. Behavior that is likely to harm someone by damaging or manipulating his or her relationships with others, including but not limited to gossip, spreading rumors and social exclusion;
3. Non-verbal threats and/or intimidations such as use of aggressive, menacing or disrespectful gestures;
4. Threats of harm to a student, to his/her possessions, or to other individuals, whether transmitted verbally or in writing;
5. Blackmail, extortion, demands for protection money, or involuntary loans or donations;
6. Blocking access to school property or facilities;
7. Stealing or hiding books, backpacks or other possessions;
8. Stalking; and
9. Physical contact or injury to another person or his/her property.

B. "Cyberbullying" means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

Examples of conduct that may constitute cyberbullying include, but are not limited to the following actions on any electronic medium:

1. Posting slurs or rumors or displaying any defamatory, inaccurate, disparaging, violent, abusive, profane, or sexually oriented material about a student on a website, an app, in social media, or any other electronic platform;
2. Posting misleading or fake photographs or digital video footage of a student on websites or creating fake websites or social networking profiles in the guise of posing as the targeted student;
3. Impersonating or representing another student through use of that other student's electronic device or account to send e-mail, text messages, instant messages (IM), phone calls or other messages on a social media website;
4. Sending e-mail, text messages, IM, or leaving voice mail messages that are mean or threatening, or so numerous as to bombard the target's e-mail account, IM account or cell phone; and
5. Using a camera phone or digital video camera to take and/or send embarrassing or "sexting" photographs of other students.

C. "Retaliation" means an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" also includes knowingly falsely reporting an act of bullying.

D. "Substantiated" means that the outcomes of the investigation on the Responding Form (JICK-E2) provide clear evidence to prove that bullying or cyberbullying, as defined in policy, did occur.

E. "Alternative discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior.

#### **IV. Application of Policy**

A. This policy applies to any student, school employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation, all of whom have the responsibility to comply with this policy.

B. This policy applies to bullying that:

1. Takes place at school or on school grounds, meaning: a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. "School grounds" also includes school-related transportation vehicles.
2. Takes place while students are being transported to or from school or school-sponsored events in Region 8 vehicles (any bullying that takes place on vehicles from the sending schools will be reported to and addressed by the sending school);
3. Takes place at any school-sponsored event, activity, function, program, instruction or training; or
4. Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as set forth in this policy's definition of bullying.

## **V. Reporting**

*Refer to the Reporting Form – JICK-E1*

Bullying or suspected bullying is reportable in person or in writing (including anonymously) to school personnel.

A. School staff, coaches and advisors for extracurricular and cocurricular activities are required to report alleged incidents of bullying to the Assistant Director or other school personnel designated by the Director. Any other adult working or volunteering in a school will be encouraged to promptly report observed or suspected alleged incidents of bullying to the Assistant Director or school personnel designated by the Director.

B. Students who are believed to have been bullied or are aware of incidents of bullying are strongly encouraged to report this behavior to a staff member or school administrator.

C. Parents and other adults who believe that an incident of bullying has occurred are encouraged to report this behavior to a staff member or school administrator.

D. Acts of reprisal or retaliation against any person who reports an alleged incident of bullying are prohibited. Any student who is determined to have knowingly falsely accused another of bullying shall be subject to disciplinary consequences.

## **VI. Responding**

*Refer to the Responding Form – JICK-E2*

The Assistant Director or the Director's designee will:

- A. Promptly investigate and respond to allegations of bullying behavior;
- B. Keep written documentation of all allegations of bullying behavior and outcomes of the investigations, and report alleged and substantiated incidents to the Director;
- C. Inform parent(s) or guardian(s) of the student(s) who was alleged to have bullied AND of the student(s) who was believed to have been bullied that a report of an alleged incident of bullying has been made;
- D. Communicate to the parent(s) or guardian(s) of a student(s) who was believed to have been bullied the measures being taken to ensure the safety of the student(s) who was believed to have been bullied and to prevent further acts of bullying;
- E. Inform parent(s) or guardian(s) of the students involved the findings of the investigation and actions to be taken.
- F. Communicate with local or state law enforcement agency if it's believed that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act may be appropriate.

## **VII. Remediation**

*Refer to the Remediation Form – JICK-E3*

The Assistant Director or the Director's designee will:

- A. Identify the specific nature(s) of the incident.
- B. Apply disciplinary actions, which may include but are not limited to, imposing a series of graduated consequences that include alternative discipline. In determining the appropriate response to students who engage in bullying behavior, school administrators should consider the type of behaviors, the frequency and/or pattern of behaviors, and other relevant circumstances. Alternative discipline includes, but is not limited to:
  - 1. Meeting with the student and the student's parents/guardian;

2. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
3. Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option;
4. Counseling;
5. Anger management;
6. Health counseling or intervention;
7. Mental health counseling;
8. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
9. Community service; and
10. In-school detention or suspension, which may take place during lunchtime, after school or on weekends.

C. Remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, which may include referring the victim, perpetrator or other involved persons to counseling or other appropriate services;

### **VIII. Appeal**

Notification shall be provided to parent(s), guardian(s) and students of the right to appeal a decision of the Assistant Director or Director's designee related to taking or not taking remedial action in accordance with this policy. The appeals procedure must be consistent with other appeals procedures established by the Board and may include an appeal to the Director.

### **IX. Assignment of Responsibility**

- A. The Board is responsible for:
  1. Annually providing written versions of this policy and related procedures to students, parents, guardians, volunteers, administrators, teachers and school staff.
  2. Posting this policy and related procedures on Region 8's publicly accessible website.
  3. Including in student handbooks a section that addresses in detail this policy and related procedures.
- B. The Director is responsible for:
  1. Oversight, implementation, and enforcement of this policy and its procedures.

2. Designating a school administrator or other school personnel to administer the policies at the school level;
3. Developing a procedure for publicly identifying the Director's designee or designees for administering the policies at the school level;
4. Ensuring that the prohibition on bullying and retaliation and the attendant consequences apply to any student, school employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation.
5. Ensuring that any contractor, visitor, or volunteer who engages in bullying is barred from school grounds until the Director is assured that the person will comply with the policies of the Board; and
6. Ensuring that any organization affiliated with the school that authorizes or engages in bullying or retaliation forfeits permission for that organization to operate on school grounds or receive any other benefit of affiliation with the school;
7. Providing professional development and staff training in the best practices in prevention of bullying and harassment and implementation of this policy;
8. Filing the Region 8 policies to address bullying and cyberbullying with the Department of Education.
9. Ensuring that substantiated incidents of bullying and cyberbullying are reported to the Maine Department of Education on at least an annual basis.

## **JICK-R BULLYING AND CYBERBULLYING ADMINISTRATIVE PROCEDURE**

This procedure is intended as guidance for school administrators to address an alleged bullying incident. Definitions, as well as steps for reporting, responding to, and remediating allegations of bullying, are provided.

Behavior alleged to be based on a targeted student's actual or perceived race, color, ancestry, national origin, sex, sexual orientation (including gender identity and expression), religion or disability should be addressed under the Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedure, ACAAR-R.

### **Definitions**

The following terms are defined in Maine Public law, Chapter 659 and 20-A MRSA § 6554:

- A. "Bullying" includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:
1. Has, or a reasonable person would expect it to have, the effect of:
    - a. Physically harming a student or damaging a student's property; or
    - b. Placing a student in reasonable fear of physical harm or damage to the student's property; or
  2. Interferes with the rights of a student by:
    - a. Creating an intimidating or hostile educational environment for the student;
    - b. Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by the school; or
  3. Is based on a student's actual or perceived race, color, ancestry, national origin, sexual orientation; gender, religion; physical or mental disability or any other distinguishing characteristic, or is based on a student's association with a person with one or more of these actual or perceived characteristics, and that has the effect described in subparagraph (1) or (2) above.

"Bullying" includes cyberbullying.

- B. "Cyberbullying" means bullying through the use of technology or any electronic communication, including but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.
- C. "Retaliation means" an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" can also include knowingly false reporting of bullying.
- D. "School grounds" means a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. "School grounds" also includes school-related transportation vehicles.
- E. "Alternative discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior.

## **Reports of Bullying**

Bullying or suspected bullying is reportable in person or in writing (including anonymously) to school personnel using the school's Reporting Form (JICK-E1).

School staff, coaches and advisors for extracurricular and cocurricular activities are required to report alleged incidents of bullying to the Assistant Director or other school personnel designated by the Director. Any other adult working or volunteering in a school will be encouraged to promptly report observed or suspected alleged incidents of bullying to the Assistant Director or school personnel designated by the Director.

Students who are believed to have been bullied or are aware of incidents of bullying are strongly encouraged to report this behavior to a staff member or school administrator.

Parents and other adults who believe that an incident of bullying has occurred are encouraged to report this behavior to a staff member or school administrator.

Acts of reprisal or retaliation against any person who reports an incident of bullying are prohibited. Any student who is determined to have knowingly falsely accused another of bullying shall be subject to disciplinary consequences.

Reports of alleged bullying may be made anonymously, except by school staff, coaches and advisors, but in no instance will disciplinary action be taken against any person or organization affiliated with the schools solely on the basis of an anonymous report.

The Assistant Director or school staff will forward a copy of the completed Reporting Form to the Director.

## **Safety Measures**

The Assistant Director or Director's designee will communicate to the parent(s) or guardian(s) of the student(s) who was believed to have been bullied the measures being taken to ensure the safety of the student who was believed to have been bullied and to prevent further acts of bullying.

These measures are documented on the Responding Form (JICK-E2)

School personnel should be careful to respect the confidentiality of student information when communicating with the parent(s) or guardian(s) of a student who was believed to have been bullied. It should be sufficient to inform the parents of what the school is doing to protect the student from further alleged bullying behaviors and to convey that the incident will be investigated and appropriate actions will be taken, without providing details that would be considered a violation of FERPA or an invasion of privacy.

## **Responding/Investigation**

The Assistant Director or Director's designee will:



- Ensure that all reports of alleged bullying are investigated and responded to promptly and that documentation of the investigation is provided to the Director within a reasonable period of time using the Responding Form (JICK-E2).
- Inform parent(s) or guardian(s) of the student(s) who was alleged to have bullied AND of the student(s) who was believed to have been bullied that a report of an alleged incident of bullying has been made;
- Communicate to the parent(s) or guardian(s) of a student(s) who was believed to have been bullied the measures being taken to ensure the safety of the student(s) who was believed to have been bullied and to prevent further acts of bullying;
- Inform parent(s) or guardian(s) of the students involved the findings of the investigation and actions to be taken;
- Communicate with local or state law enforcement agency if it's believed that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act may be appropriate.

## **Remediation**

If it is determined that there is a substantiated incident of bullying, the Assistant Director or Director's designee will:

- Determine the specific nature(s) of the incident, alternative discipline actions, and appropriate consequences;
- Complete the Remediation Form (JICK-E3);
- Provide a copy of the Remediation Form to the Director; and
- Assure that the substantiated incident of bullying is reported to the Maine Department of Education.

## **Appeal**

The parent(s) or guardian(s) and student must be notified of the right to appeal the Assistant Director or Director's designees' decision related to taking or not taking remedial action as identified in the appeals procedure established by the Board.

## **APPENDIX F**

### **GCFB                      Recruiting and Hiring of Administrative Staff**

The Board affirms its commitment to the strict prohibition of discrimination in employment on the basis of race, color, national origin or ancestry, religion, sex, sexual orientation, gender identity, age, disability or genetic information, and to the principle of affirmative action to obtain wide and representative candidate pools.

In accordance with 20-A MRS, §1001(13), the Director shall prepare a procedure designed to ensure nondiscriminatory practice in recruitment and hiring for all positions requiring administrator certification, as well as to result in selection of the most qualified candidates. This procedure shall be attached hereto as GCFB-R, and shall be reviewed periodically.

Moreover, upon each occasion of administrative vacancy, the Director shall review the procedure and make appropriate adaptations as may be warranted by special circumstances. In the case of a vacancy in the Director position, the Board shall review the procedure, adapting as appropriate.

In accordance with 20-A MRS §4502 (4-A), the school's Affirmative Action Plan shall include a description of the status of the school's nondiscriminatory administrator hiring practice and plans for in-service training programs on gender equity for teachers, administrators and the Board.

### **GCFB-R                      Recruiting and Hiring of Administrative Staff Procedures**

These procedures implement Board policy GCFB and are designed to establish a thorough, efficient and nondiscriminatory practice for the recruiting and hiring of the most qualified candidates for administrative positions.

If the administrative position to be filled is the Director of the school, the Board assumes the tasks described herein that would normally be delegated to the Director.

#### **A. Job Description Development/Review**

To ensure that a written role description of the vacant position accurately represents the current functions and needs, the Director/designee is to:

1. Conduct a review of the job description with input from persons affected by the position;
2. Include the criteria (skills, knowledge, abilities) required to perform the duties/responsibilities of the position; and

3. List the minimum qualifications (training, education and experience) for the position.

## B. Recruitment

To attract a strong pool of qualified candidates, the Director/designee is to initiate a recruitment plan (except in circumstances described in K below) by:

1. Posting the notice of the vacancy within the school;
2. Place an advertisement in appropriate print media, and/or using online advertising; and
3. Identifying and notifying other possible sources of potential candidates, such as professional associations, education administration programs and placement offices at colleges and universities in Maine and other states, and the Maine Department of Education.

## C. Screening

To ensure that a fair and efficient screening process will occur, the Director/designee is to:

1. Ensure that all applications are reviewed by more than one individual with attention given to an unbiased regard for the criteria and qualifications in the job description;
2. Appoint a screening panel with representation as deemed appropriate to the particular vacancy;
3. Provide orientation on confidentiality and equity issues to screeners;
4. Eliminate all candidates who do not meet the minimum qualifications;
5. Conduct preliminary reference checks, as appropriate;
6. Select candidates for interview based on the degree to which they meet the criteria and demonstrate the skills, knowledge and abilities outlined in the job description; and
7. Notify applicants not selected for interview.

## D. Interviewing

To ensure that the interview process will be conducted in a legal and proper manner, the Director/designee is to:

1. Appoint an interview panel (may be the same persons who serve the screening function) with representation as deemed appropriate to the particular vacancy;
2. Provide orientation on the process including the function and extent of responsibility of the panel, the weighting of criteria and the nomination/hiring procedure; and
3. Conduct training to ensure that panel members are aware of the legal aspects of interviewing, including confidentiality and equity issues.

The interviewing panel is to:

1. Design interview questions which match the criteria and the duties/responsibilities outlined in the job description; and
2. Provide equal opportunity for the candidates to respond to the same questions/questioners.

#### E. Selection

The interview panel is to:

1. Individually assess the candidates according to their answers to the job description-related questions, rating and commenting on each using a specially prepared form corresponding to the questions/criteria; and
2. Submit a report to the Director, including the individual rating forms as well as a list (usually 2 to 4) of candidates to be considered further for the position.

The Director/designee is to:

1. Have reference contacts made, as appropriate, to check perceived strengths and weaknesses of the candidates;
2. Review the material on the finalist candidates to determine whether additional information is needed;
3. Conduct final interviews of any or all finalists, as deemed necessary;
4. Select the most qualified candidate who fits the criteria and the duties/responsibilities outlined in the job description, based on their own professional judgment along with those of the interview panel (or, reject all finalists, reopen the position and begin the process anew); and
5. Have any further reference checks made, as appropriate.

#### F. Nomination/Employment

The Director is to:

1. Notify and obtain agreement of the successful candidate, pending Board approval;
2. Inform the interview panel; and
3. Nominate and employ the successful candidate in accordance with state law and local policies.

#### G. Notification

The Director/designee may:

1. Notify the nominee of the Board approval and employ the administrator; and
2. Notify the other candidates interviewed.

#### H. Orientation and Support

To ensure that the new administrator is provided with the proper information about the system and job expectations, the Director/designee is to provide an orientation that includes expectations of the duties/responsibilities of the position along with the policies and procedures of the school.

#### I. Record Keeping

To ensure that the confidentiality of employee and applicant records are properly maintained, the Director is to provide for the maintenance in secure files of all applications and documentation of the hiring, screening and interviewing process for a period of three (3) years.

#### J. Confidentiality

To ensure that confidentiality is maintained throughout and permanently following the hiring process, the Board, all employees involved, and any other participants are to maintain absolute confidentiality about candidates, including names, in accordance with state law (20-A MRS § 6101). The Board is to assume responsibility through the Director for providing adequate orientation at appropriate stages of the process, including at the completion.

#### K. Hiring of Current Employees

The school may forego one or more of the steps set forth in sections B-E of this procedure and appoint a person who is currently employed by the school to fill an

administrative position only if the Director, after consultation with the Board, or the Board in a Director search, determines that the following circumstances exist:

1. The currently employed candidate is exceptionally well qualified for the position;  
and
2. The decision to forego all or part of the recruitment and screening process will not detract from the goals of this policy.