

EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

The following procedure has been adopted by CRCS to provide a method of prompt and equitable resolution of employee complaints of discrimination and/or harassment as described in the CRCS policies cross referenced below.

How to Make a Complaint

- A. Any employee who believes he/she has been discriminated against or harassed is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate formal complaint.
- B. Any employee who believes he/she has been discriminated against or harassed should report their concern promptly to the Principal/Affirmative Action Officer (AAO). If the employee is uncomfortable reporting concerns to the AAO, he/she may report the concern to the Executive Director. The report must be made in writing. Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the AAO. Employees will not be retaliated against for reporting suspected discrimination or harassment.
- C. The AAO will promptly inform the Executive Director and the person who is the subject of the complaint that a complaint has been received.
- D. The AAO may pursue an informal resolution of the complaint with the agreement of the complainant and the person against whom the complaint is made. The AAO may pursue an informal resolution of the complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the Executive Director, who shall consider the particular circumstances and applicable policies and laws.
- E. The complaint will be investigated by the AAO unless the Executive Director designates another person to investigate it on his/her behalf.
 - a. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
 - b. If the complaint is against an employee of CRCS, any rights conferred under any applicable collective bargaining agreement shall be applied.
 - c. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable State and Federal laws.
 - d. The Principal/AAO shall keep a written record of the investigation process.
 - e. The Principal/AAO may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further harassment while the investigation is ongoing.
 - f. The AAO shall consult with the Executive Director concerning the investigation, conclusions, and any remedial and/or disciplinary actions he/she recommends.
 - g. The investigation shall be completed within 15 school days of receiving the complaint, if practical.

- F. If the Principal/AAO determines that discrimination and/or harassment occurred, he/she shall, in consultation with the Executive Director:
1. Determine what remedial action is required, if any;
 2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination and/or harassment, if any; and
 3. In writing, inform the employee who made the complaint of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- G. If the employee who made the complaint is dissatisfied with the resolution, he/she may appeal to the Executive Director within 14 calendar days after receiving notice of the resolution. The Executive Director shall review the investigation report and may conduct further investigation if deemed appropriate. The Executive Director's decision shall be final.
- H. In the case of a discrimination or harassment complaint against the Executive Director, the CRCS Board of Education Chair, or his/her designee, in consultation with Legal Counsel will act in place of the Executive Director in this policy. Any employee who believes he/she has 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, State House Station 51, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the Federal Office for Civil Rights, Region 1 Regional Director, U.S. Department of Education, John .W. McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9622).

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

Cross Reference: AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAB – Harassment

Adopted: 8/15/2012