

NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

Discrimination against and harassment of school employees because of race, color, sex, sexual orientation, religion, ancestry or national origin, age, ~~sexual orientation, appearance, family and/or marital status, or disability~~ or genetic information are prohibited. Discrimination against and harassment of students because of race, color, sex, sexual orientation, religion, ancestry or national origin, ~~age, sexual orientation, appearance, family and/or marital status, or disability~~ are prohibited. ~~Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal law.~~

The Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students and individuals with disabilities having access rights to school premises and activities. The Cape Elizabeth School Department Affirmative Action Plan will include designation of an Affirmative Action Officer who will be responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination. The Affirmative Action Officer will be a person with direct access to the Superintendent.

The Board directs the administration to provide notice of compliance with federal and state civil rights laws to all applicants for employment, employees, students, parents, and other interested persons, as appropriate.

The School Department will require all persons, agencies, vendors, contractors, and other persons and organizations doing business with or performing services for the school ~~district~~unit to subscribe to all applicable federal and state laws pertaining to contract compliance.

Legal Reference: Equal Employment Opportunities Act of 1972 (P.L. 92-261) amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. ~~§~~ § 2000 (e) et seq.)
 Title IX of the Education Amendments of 1972 (20 U.S.C. ~~§~~ § 1681 et seq.)
 Title VI of the Civil Rights Act of 1964 (P.L. 88-352)
 Age Discrimination in Employment Act of 1967 (~~29 U.S.C. § 621 et seq.~~)
 Equal Pay Act of 1963 (29 U.S.C. ~~§~~ § 206)
~~Vocational Rehabilitation Act of 1973 (Section 504)~~
 (29 U.S.C. ~~§~~ § 794 et seq.), as amended
 Americans with Disabilities Act (42 U.S.C. ~~§~~ § 12101 et seq.), as amended
amended
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
 Maine Human Rights Act of 1972 (5 M.R.S.A. ~~§~~ § 4571), as amended

Cross Reference: Cape Elizabeth School Department Affirmative Action Plan
 ACAA - Harassment and Sexual Harassment of Students
 ACAB - Harassment and Sexual Harassment of School Employees

SCHOOL UNIT COMMITMENT TO LEARNING RESULTS

The Cape Elizabeth School Board hereby adopts the system of learning results and the Maine Department of Education's applicable rules. The learning results system is intended to serve as a foundation for education reform and to provide assessment of student learning, accountability and equitable opportunities for all students to access the content standards. The Board recognizes that the legislative intent of the learning results system is to provide children with schools that reflect high expectations and create conditions where these expectations can be met.

The Board understands that implementation of the learning results system has broad implications for the school unit, including curriculum, budget, professional development, student assessment, professional evaluation, and graduation requirements. Therefore, the Board is committed to examining its policies to make them consistent with the intent and goals of the learning results system.

The Board directs the Superintendent to develop a plan and timeline for implementing the learning results system and any appropriate administrative procedures. The Board further directs the Superintendent to report to the Board on a regular basis on progress toward implementing the learning results system.

Cross References: ~~IGA—Curriculum Adoption~~
~~IKE—Promotion and Retention of Students~~
~~IKF—Graduation Requirements~~
~~ILA—Local Assessment System~~

Legal References: 20-A M.R.S.A. §§ 6208-6209
L.D. 1536, Chapter 51 Resolves
Chapters 125, 127 and 131 (Maine Dept. of Ed. Rules)

ADOPTED: October 12, 2004

TOBACCO USE AND POSSESSION

In order to promote the health, welfare and safety of ~~all students and~~ staff and visitors and to promote the cleanliness of all facilities, the School Board prohibits smoking and ~~the use of all other use of~~ tobacco products in school buildings, ~~facilities, and on school property,~~ on school buses ~~during school-sponsored events and or in any other School Department vehicle,~~ at all other times ~~on school grounds and~~ by all persons, ~~including students and employees.~~

~~In addition, Students are further prohibited from possessing, selling, distributing, or dispensing tobacco products at all times on school property, in school buildings, facilities, and on school grounds and buses during school-sponsored events and at all or other times vehicles used to transport students, and during school-sponsored events and activities, wherever they take place.~~

Employees and all other persons are also strictly prohibited, under law and Board policy, from selling, distributing or in any way dispensing tobacco products to students.

~~Student violations of this policy shall be addressed in accordance with building-level procedures developed by the Superintendent or his/her designee.~~

~~Employees who violate this policy are subject to appropriate discipline (consistent with any collective bargaining agreement, if applicable).~~

~~Visitors and others who violate this policy shall be asked to stop the prohibited behavior and may be asked to leave not use tobacco products at any time while supervising students, whether on or off school property.~~

~~This policy and any accompanying procedures shall be included in employee and student handbooks.~~

Legal References: 22 MRSA § 1578(B); 1580(A)(3)
Me. PL 470 (An Act to Reduce Tobacco Use By Minors)
20 USC § 4301 et seq. (Pro-Children Act of 2001)

ADOPTED: May 13, 2003
REVISED: October 12, 2004

SCHOOL DISTRICT GOALS AND OBJECTIVES

The ~~School~~ Board recognizes its responsibility to set goals for the efficient operation of the school unit. In discharging this responsibility, the Board will strive to ensure that the resources of the unit are directed toward meeting the educational needs of each eligible student.

The Board will develop annual goals based on input solicited from a variety of sources. These goals will be shared with the community, the staff, and the students. The administration shall develop appropriate objectives designed to achieve the stated priorities.

The Board will regularly evaluate progress toward meeting the goals and will adopt appropriate policies designed to facilitate their accomplishment.

Legal Reference: 20-A MRSA § 4511.3, A
ADOPTED: October 13, 1998
REVISED: October 12, 2004

EDUCATIONAL PHILOSOPHY/MISSION

As advocates for children, the Board recognizes that the thorough and efficient education of children is its primary statutory-based responsibility. To this end, the Board considers proper and adequate support of schools to be a civic responsibility shared by all citizens.

The school unit will provide an educational environment designed to encourage each student to acquire the necessary skills and perspectives needed for a meaningful life and career. All schools will strive to encourage students to form desirable habits that are necessary for them to become responsible, informed citizens. In general, we aim to have students develop attitudes and practices necessary for satisfying, worthwhile lives.

We believe that all children must be provided equal but not identical opportunities to allow them to achieve at levels commensurate with their abilities. We believe that all students must learn in an environment which allows them to develop positive attitudes toward themselves and genuine respect for others.

A rigorous core curriculum designed to achieve specific learning outcomes will be provided. It will be planned with the goal of creating and maintaining standards which will furnish students with the skills necessary for success in a global society while giving them a broad educational foundation compatible with their interests, aptitudes and aims. The curriculum and graduation requirements will be regularly evaluated to ensure their continued appropriateness.

In order to achieve our goals and to implement this philosophy, we believe that all schools must secure the involvement of the community, students, staff, parents and citizens. Educational responsibility must be shared with important community institutions. We strongly believe that our school system's success depends on good rapport and cooperation with our communities and its institutions.

The Board recognizes the professional staff as the body that is legally charged with the responsibility of providing education to all children. In fulfilling this responsibility, the staff will seek to ensure the following.

- A. All children will master basic skills in the areas of language arts, mathematics, science, history, and technology.
- B. Instruction will be provided which is appropriate to each individual with respect to goals, methodology and evaluation.
- C. Students will be seen in their totality as physical, mental, social, and aesthetic beings, which requires knowledge of child growth and development.
- D. Staff members, in order to effectively execute their responsibilities, will establish goals for themselves consistent with the philosophy of the Board and individual schools. Staff members will engage in a self-evaluation process for the purposes of

EDUCATIONAL PHILOSOPHY/MISSION

self-improvement—the ultimate objective being an improved instructional program for all students.

- E. The Board recognizes that this highly technological society demands that students learn how to cope with change and learn to accept that “learning” is a continuous process.

The Board fully accepts the responsibility of formulating policies and acquiring adequate funding to support the education process. The Board will always consider the welfare of students as the single most important factor in making decisions relative to educational policy. It will be the responsibility of the Board and administrators to promote sound educational practices and professional development.

Legal Reference: 20-A MRSA, §§ 1001 et seq.; 4511.3, A

Adopted: _____

HAZING

Maine statute defines injurious hazing as “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 a public school.”

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

No administrator, faculty member, or other employee of the school ~~district~~unit 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 ~~district~~unit 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 ~~that~~which may include suspension, expulsion, or other appropriate measures. In the case of an organization affiliated with this school ~~district~~unit ~~that~~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 ~~district~~unit.

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

The Superintendent 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 Superintendent as ~~s/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 included in all school, parent, and employee handbooks or otherwise distributed to all school employees and students.

Legal Reference: 20-MRSA § 6553

Cross Reference: ACAA - Harassment and Sexual Harassment of Students
ACAB - Harassment and Sexual Harassment of Employees
JICIA - Weapons, Violence, Bullying and School Safety

ADOPTED: May 13, 2003
REVISED: October 12, 2004

SERVICE ANIMALS IN THE SCHOOLS

The following rules shall govern the use of service animals by persons in the schools.

A. General Conditions

1. Only qualified individuals with disabilities are eligible to use service animals in school.
2. Use of a service animal by a person with a disability will be allowed in school when the animal is required to perform work or tasks directly related to the individual's disability.
3. "Service animal" is defined in Maine law as follows:

A dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such work or tasks include, but are not limited to, assisting an individual who is totally or partially blind with navigation or other tasks, alerting an individual who is deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or a telephone, providing physical support and assistance with balance and stability to an individual with a mobility disability, and helping a person with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

4. The District will not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school under this policy (except in the limited circumstances described in Section B.2.a.2). It shall be the responsibility of the individual with a disability or designated handler to ensure the proper care and supervision of the service animal.
5. All service animals must be kept on a harness, leash or tether unless this prevents the animal from performing his/her specific work or tasks with the individual. The animal must be under the control of the individual with a disability or designated handler at all times.
6. The individual with a disability (or in the case of a student, the student's parent(s)) is liable for any damage to school or personal property and any injuries to individuals caused by the service animal.
7. Individuals with service animals may access the same areas that individuals without disabilities are authorized to access.

SERVICE ANIMALS IN THE SCHOOLS

B. Administrative Review of Service Animals

1. Whenever a service animal is in school or on school property (and it is not obvious that the dog qualifies as a service animal, e.g., guide dog for a blind person), a building administrator or other authorized school official may ask:
 - a. Whether the service animal is required because of a disability;
 - b. What work or task(s) the animal has been trained to perform.
2. When it is anticipated that a service animal is going to be in the school on a regular basis with an employee, student, volunteer or other frequent visitor to the school, the individual using the service animal (or in the case of a student, the student's parent(s)) are expected to notify the building administrator in advance.
 - a. The school shall not provide staff support to care for or control a service animal, but may provide support to a student using a service animal as needed in a particular instance (i.e., accompanying a young student who takes a service animal outside to relieve him/herself).
 - b. Any handler (parent or other person) accompanying the service animal must have approval to work in the school from the Maine Department of Education and undergo the State criminal background check.
3. Service animals must be properly licensed and vaccinated.

C. Removal or Exclusion of Service Animals from School

1. A building administrator or other authorized school official may require that a service animal be removed from the school or other school property under any of the following circumstances:
 - a. The service animal poses a direct threat to the safety of individuals at school, causes a significant disruption of school activities or otherwise jeopardizes the safe operation of the school;
 - b. The service animal demonstrates that he/she is unable to perform reliably the work or tasks which he/she was represented as being able to perform;
 - c. The service animal is not under the full control of the person with a disability, or the authorized handler.
 - d. The service animal is sick (i.e., vomiting, etc.), infested with parasites, has an infection of the skin, mouth or eyes, or otherwise presents a threat to the public health;

SERVICE ANIMALS IN THE SCHOOLS

- e. The service animal demonstrates that it is not sufficiently trained to relieve him/herself outside the school building; and/or
- f. The service animal's presence significantly impairs the learning of students and/or fundamentally alters the nature of any school program.

D. Miniature Horses

Miniature horses are not defined as service animals under state or federal law. However, miniature horses which have been individually trained to perform specific work or tasks may be permitted in the schools in certain circumstances as a reasonable accommodation for a qualified individual with a disability. Any such requests should be directed to the building administrator for consideration. If a miniature horse is approved, all the conditions in this policy shall apply.

Legal References: 42 U.S.C. § 12101 et seq.
28 C.F.R. §§ 35.104; 35.130(h); 35.136
5 M.R.S.A. §§ 4553; 4592
Maine Human Rights Commission Rule Chapter 7

Cross Reference: AC-Nondiscrimination/Equal Opportunity and Affirmative Action
ACAA-R – Student Discrimination and Harassment Complaint
Procedure
ACAB-R – Employee Discrimination and Harassment Complaint
Procedure

Employee Discrimination and Harassment Complaint Procedure

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

Definitions

For purposes of this procedure:

- A. “Complaint” is defined as an allegation that an employee has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin, ~~sexual orientation, marital status, physical appearance, genetic information~~ or disability.
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin, genetic information or disability. ~~Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal law.~~

How to Make a Complaint

- A. Any employee who believes ~~s/he/she~~ has been harassed or discriminated against is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate formal complaint.
- B. Any employee who believes ~~s/he/she~~ has been harassed or discriminated against ~~or harassed~~ should report ~~his/her/their~~ concern promptly to ~~the Affirmative Action Officer.~~ [school administrator]. If the employee is uncomfortable reporting concerns to ~~the Affirmative Action Officer, s/~~[school administrator], he/she may report the concern to an [alternate school administrator]. **[Optional: The report should be made in writing.]**

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

~~Employees will not be retaliated against for reporting suspected discrimination or harassment.~~

Any employee who believes ~~s/he/she~~ has been discriminated against or harassed is encouraged to utilize the school unit’s complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-~~6050~~6290) and/or to the federal Office for Civil

Employee Discrimination and Harassment Complaint Procedure

Rights, Regional Director, U.S. Department of Education, ~~S.W. McCormack~~ POCH
Room ~~2225~~ Post Office Square, 8th Floor, Boston, MA 02109-4557 02110-1491
(telephone: ~~617-223-9662~~289-0111).

Complaint Handling and Investigation

- A. ~~The Affirmative Action Officer~~ [School administrator] will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.

~~The Affirmative Action Officer~~

- B. [School administrator] may pursue an informal resolution of the complaint with the agreement of the parties involved. ~~This~~ The informal resolution is subject to the approval of the Superintendent who shall consider whether the resolution is in the best interest of the school unit in light of the particular circumstances and applicable policies and law.

- C. The complaint will be investigated by ~~the Affirmative Action Officer~~ [school administrator], unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.

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

Employee Discrimination and Harassment Complaint Procedure

D. If the ~~Affirmative Action Officer~~ [school administrator] determines that discrimination or harassment occurred, ~~s/he/she~~ shall, in consultation with the Superintendent:

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

E. If the employee who made the complaint is dissatisfied with the resolution, ~~s/he/she~~ may appeal to the Superintendent within ~~fourteen (14)~~ calendar [or business] days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.

[The Board should decide whether to allow appeal of the Superintendent's decision to the Board. If so, the following optional language can be used.]

Optional language: If the employee is dissatisfied with the decision of the Superintendent, ~~s/he/she~~ may appeal to the School Board within ~~fourteen (14)~~ calendar [or business] days after receiving notice of the Superintendent's decision.

The Board will consider the appeal in executive session, at its next regular meeting or a special meeting. The Superintendent shall submit to the Board his/her decision, the complaint, any responses, the investigation report and related documents. The complainant shall be allowed to be heard. If present, the complainant's representative and the representative of the person(s) against whom the complaint was made will also be given the opportunity to be heard.

After reviewing the Superintendent's submissions and hearing from the parties, the Board shall make a decision as to whether to affirm or modify the Superintendent's conclusions. The Board's decision shall be final.

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07), as amended
Rehabilitation Act of 1973 (Section 504) (34 CFR § 35.07), as amended
Title IX of the Educational Amendments of 1972 (34 CFR § 106.8(b))
Age Discrimination in Employment Act (34 CFR § 110.25)
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
Maine Human Rights Act (5 M.R.S.A. § 4571 et seq., 4681 et seq.), as amended

Employee Discrimination and Harassment Complaint Procedure

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

APPROVED: October 12, 2004

HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

Harassment of school employees because of race, color, sex, sexual orientation, 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.

Harassment

Harassment includes but is not limited to verbal abuse, threats, physical assault and/or battery based on race, color, sex, sexual orientation, religion, ancestry or national origin, age, sexual orientation, marital status, physical appearance, 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.

Sexual Harassment

Unwelcome sexual advances, suggestive or lewd remarks, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's work environment or employee benefits;
- B. Submission to or rejection of such conduct by an employee is used as the basis for decisions on employment benefits; and/or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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

All complaints of harassment will be investigated in accordance with the School Employee Discrimination and Harassment Complaint Procedure.

Notice and Training

Annually, each employee shall receive a copy of this policy and the School Employee Discrimination and Harassment Complaint Procedure. This may be accomplished by including the policy/procedure with employee paychecks or by using other appropriate

HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

means to ensure that each employee receives a copy. All newly hired employees shall be provided training about sexual harassment in accordance with Maine law.

The Superintendent is responsible for ensuring that the school unit complies with all legal requirements for posting, notification and training of employees regarding harassment and sexual harassment.

Legal References: Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
Americans with Disabilities Act (42 USC § 12101 et seq.), as amended
Rehabilitation Act of 1973 (Section 504) (29 USC § 794 et seq.), as amended
Title VII (42 USC § 2000c-2; 29 CFR § 1604.11)
Age Discrimination in Employment Act (29 USC §623)
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
5 MRSA §§ 4602; 4681 et seq.
20 MRSA § 6553
26 MRSA §§ 806-807

Cross Reference: ACAB-R- School Employee Discrimination and Harassment Complaint Procedure
AC- Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD- Hazing

ADOPTED: October 12, 2005

Adopted: _____

STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAA – Harassment and Sexual Harassment of Students.

Definitions

For purposes of this procedure:

- A. A “Complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, ~~sexual orientation, appearance, family and/or marital status~~, or disability.
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, ~~sexual orientation, appearance, family and/or marital status~~, or disability.

How to Make a Complaint

- ~~A. A.~~ Any student who believes s/he/she has been discriminated against or harassed should report his/her/their concern promptly to any staff member.
- any staff member] Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with a teacher, building a building administrator, guidance counselor, or social worker.
- B. School staff are expected to report possible incidents of discrimination or harassment of students to a building administrator ~~to a building administrator.~~ Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.
- C. Students and others will not be retaliated against for making a Complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.
- D. Students are encouraged to utilize the school unit’s Complaint Procedure. However, students are hereby notified that they also have the right to report Complaints to the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02110-1491 (telephone: 617-289-0111).

STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

Complaint Handling and Investigation

~~D.~~ A building administrator may pursue an informal resolution of the Complaint with the agreement of the initiator of the complaint and the subject of the complaint parties involved.

A. ~~A building administrator~~A building administrator shall promptly inform the Superintendent and the person(s) who is the subject of the Complaint that a Complaint has been received ~~that has not been resolved by informal resolution.~~

B. The building administrator 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 Superintendent, who shall consider whether the informal resolution is in the best interest of the school unit in light of the particular circumstances and applicable policies and laws.

B.C. The Complaint will be investigated by ~~a building~~a building administrator unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any Complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any Complaint about the Superintendent should be submitted to the chairperson of the school board, who should consult with legal counsel concerning the handling and investigation of the Complaint.

1. The person who is the subject of the Complaint will be provided with an opportunity to be heard as part of the investigation.
2. If the Complaint is against an employee of the school ~~district~~unit, any applicable individual or collective bargaining contract provisions shall be followed.
3. Privacy rights of all parties to the Complaint shall be maintained in accordance with applicable state and federal laws.
4. ~~A building~~The building administrator shall keep a written record of the investigation. ~~A written summary of the investigation will be forwarded to the Superintendent's office~~ process.
5. ~~A building~~The building administrator may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
6. The building administrator shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.

STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

7. The investigation shall be completed within 21 calendar days of receiving the Complaint, if practicable.

~~C.D.~~ If the building administrator determines that discrimination or harassment occurred, she/he shall, in consultation with the Superintendent:

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

~~D.E.~~ If the student's parents/legal guardians are dissatisfied with the resolution, an appeal may be made in writing to the Superintendent within 14 calendar days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.

~~F.~~ Students are hereby notified that they also have the right to report complaints to the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the Federal Office for Civil Rights, Regional Director, U.S. Department of Education, S.W. McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9662).

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07), as amended
Rehabilitation Act of 1973 (Section 504) (34 CFR § 104.7), as amended
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)
Title VI of the Civil Rights Act of 1964 (P.L. 88-352)
20 USC § 1232g; 34 CFR Part 99
5 MRSA §§ 4571; 4602; 4681 et seq.
20-A MRSA §§ 6001 et seq.

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action
ACAA - Harassment and Sexual Harassment of Students

CODE: ACAA-R

STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

ADOPTED: May 13, 2003
REVISED: October 12, 2004

HARASSMENT COMPLAINT FORM

Name of Complainant: _____

Position of Complainant: _____

Date of Complaint: _____

Name of alleged harasser: _____

Date and Place of Incident(s): _____

Description of Misconduct: _____

Name(s) of Witness(es): _____

Evidence of Harassment,
i.e., letters, photos: _____

Any other information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

APPROVED: October 12, 2004

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

Harassment of students because of race, color, sex, sexual orientation, 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.

Harassment

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

Sexual Harassment

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors or pressure to engage in sexual activity, physical contact of a sexual nature, gestures, comments, or other physical, written or verbal conduct that is gender-based that interferes with a student's education. School employees, fellow students, volunteers and visitors to the school, and other persons with whom students may interact in order to pursue school activities are required to refrain from such conduct.

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

The Superintendent or the employee designated as the Title IX Coordinator will investigate complaints of harassment in accordance with the Student Harassment Complaint Procedure. School employees, students, and parents shall be informed of this policy/procedure through handbooks and/or other means selected by the school administration.

Legal Reference: Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d))
5 MRSA §§4602; 4681 et seq.
20-A MRSA § 6553

Cross Reference: ACAA-R – Student Harassment Complaint Procedure
ACAA-E - Harassment Complaint Form
AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD – Hazing
JFCK – Student Use of Cellular Telephones and Other Electronic
Devices

Code: ACAA

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

JICIA – Weapons, Violence, Bullying and School Safety

ADOPTED: September 14, 1999
REVISED: May 13, 2003
REVISED: October 12, 2004
REVIEWED: August 2006
REVISED: February 12, 2008
REVISED:

CAPE ELIZABETH SCHOOL DEPARTMENT