

Student Harassment and Bullying Complaint Procedure

The Board has adopted this procedure in order to provide a method of prompt and equitable resolution of student complaints of harassment, bullying or hazing as described in policies AC - Harassment and Sexual Harassment of Students, AC-1 Bullying and ACAD – Hazing.

Definitions

For purposes of this procedure:

- A. A "complaint" is defined as an allegation that a student has been harassed, bullied or hazed by an identifiable person or group of persons.
- B. "Bullying" means a sufficiently severe action or persistent, pervasive pattern of actions or statements directed against a student which are intended to be or which a reasonable person would perceive as intimidating, threatening, ridiculing or demeaning.
- C. "Harassment" includes, but is not limited to, verbal abuse such as offensive racial, ethnic or sexual threats or comments, physical overtures, rude gestures, or any type of pressure to engage in sexual activity.
- D. "Hazing" is defined as intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any school-sponsored activity, organization, club or team.

How to Make a Complaint

- A. Any student who believes he/she has been bullied, harassed or hazed should report their concern promptly to the building administrator, assistant building administrator, guidance counselor, teacher or any school personnel. Students who are unsure whether bullying or harassment has occurred are encouraged to discuss the situation with any guidance counselor.
- B. School personnel are required to report possible incidents of bullying, harassment or hazing of students to building administrators. Parents and other adults are also encouraged to report any concerns about possible bullying, harassment, or hazing of students to building administrators.
- 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. The administration will keep a written record of the complaint, will make a report to parents of all students involved and will make reports to appropriate agencies.

Complaint Handling and Investigation

- A. The school personnel who receives the complaint shall inform the building administrator who shall promptly inform the Superintendent and the person(s) who is/are the subject of the complaint that a complaint has been received.

- B. The building administrator will investigate the complaint, 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 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 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. The building administrator shall keep a written record of the investigation process.
 5. The building administrator may take interim remedial measures to reduce the risk of further bullying, harassment or hazing 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.
 7. The investigation shall be completed within 21 school days of receiving the complaint, if practicable.
- D. If the building administrator determines that bullying, harassment or hazing occurred, he/she shall:
1. Determine what remedial action is required;
 2. Determine what disciplinary action should be taken against the person(s) who engaged in bullying, harassment or hazing;
 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); and
 4. Notify the Superintendent, in writing, of the action taken.
- 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 school days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate.

- F. If the student's parents/legal guardians are dissatisfied with the decision of the Superintendent, an appeal may be submitted in writing to the Board within 14 school days after receiving notice of the decision. The Board will consider the appeal in executive session, to the extent permitted by law, at its next regular meeting or a special meeting. The Superintendent shall submit the investigation report and any other witnesses or documents that he/she believes will be helpful to the Board. The student, his/her parents/legal guardians and his/her representative shall be allowed to be heard. The person(s) against whom the Complaint was made shall be invited and allowed to be heard. The Board's decision shall be final.

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 Education Amendments of 1972 (20 SC § 1681 et seq.)
Title VI of the Civil Rights Act of 1964 (PL 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 –Harassment
MSAD #40 Code of Conduct
AC-1 - Bullying