

WINTHROP SCHOOL BOARD MEETING AGENDA

Day: Wednesday
Date: October 2, 2024
Time: 6:00 PM
Location: All Purpose Room at the Town Office
Virtual Meeting
<https://us02web.zoom.us/j/88038784845?pwd=d3BKRUYzaVRmOGNkWUhdDA4OW4wdz09>
Meeting ID: 880 3878 4845
Passcode: 229498

In accordance with An Act to Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: G-1 IMRSA 403-A Public proceedings through remote access during declaration of state of emergency due to COVID-19, the meeting will be held through a ZOOM Meeting. The meeting will be recorded and made available through the Winthrop Schools website.

On-line Public Participation: As a participant of the ZOOM meeting, if you wish to make a comment during “public comment” section of the meeting, select the raise hand option. Your mike will be unmuted and you will be called upon to make your comment. Please wait to be called upon. The School Board may respond to your questions or comments at a later date through the administration or by placing the item on a future agenda. It is required that comments related to specific personnel should be brought to the appropriate administrator. All comments need to pertain to school related topics.

In order to prevent technology issues during the meeting, we strongly suggest that all participants log-on to the Zoom meeting 15 minutes prior to the meeting start time. Technology issues cannot be addressed during the meeting.

In-Person Public Participation: The public is welcomed to participate throughout the meeting. Participation is managed by the School Board Chair and participants are expected to share respectfully. Public Comment is reserved for anyone who wishes to bring an issue or question to the School Board. The School Board will not respond and/or may choose to place an item on a future agenda for discussion.

1. Opening Exercises:

- 1.1 Call to Order, Pledge of Allegiance, Roll Call
- 1.2 Adjustments to the Agenda

2. Consideration of the Minutes:

To approve the minutes of the Winthrop School Board Meeting of September 18, 2024 as written or with corrections.

Motion: _____ Seconded: _____ Vote: _____

3. Public Comments: *This is not intended to elicit response from the School Board. Issues raised during Public Comments may be added to a future agenda or directed to an appropriate administrator for further consideration.*

4. Reports:

- 4.1 Superintendent Report:
 - Good News
 - Appointments: None.
 - Resignations: None.
 - Retirements: None.
 - Transfers: None.

- 4.2 School Board Chair Report:
- 4.3 Student Representatives Report(s) by A. St. Clair:
- 4.4 Committee Reports:
 - A. Finance (Warrant Rotation)
 - B. Policy
 - C. Negotiations
- 4.5 Administrators' Reports: None.

5. Old Business:

- 5.1 To approve the following policy and procedure for second reading:
 - ACAA – Harassment and Sexual Harassment of Students
 - ACAA-R1 - Student Discrimination Harassment and Title IX Sexual Harassment
 - Complaint Procedures

Motion: _____ Seconded: _____ Vote: _____

- 5.2 Budget Update

6. New Business:

- 6.1 To approve the following policies and procedures for first reading:
 - AC: Nondiscrimination/Equal Opportunity and Affirmative Action
 - ACAA-R2: Student Sex Discrimination/Harassment Complaint Procedure
 - ACAB: Harassment of Employees
 - ACAB-R1: Employee Discrimination and Harassment Complaint Procedure

Motion: _____ Seconded: _____ Vote: _____

- 6.2 District Data Workshop by M. White, Director of Teaching and Learning

- 6.3 To transfer funds between Articles in the FY24 budget to ensure that no line is overdrawn in accordance with Maine law and as recommended by the Superintendent of Schools.

From: Article 1	Amount: \$239,337.13	Transfer to: Article 8
From: Article 2	Amount: \$36,557.94	Transfer to: Article 8
From: Article 2	Amount: \$73,182.07	Transfer to: Article 7
From: Article 2	Amount: \$5,151.51	Transfer to: Article 9
From: Article 4	Amount: \$25,920.91	Transfer to: Article 9
From: Article 5	Amount: \$35,508.45	Transfer to: Article 9
From: Article 5	Amount: \$32,893.30	Transfer to: Article 6
From: Article 5	Amount: \$572.56	Transfer to: Article 11

Motion: _____ Seconded: _____ Vote: _____

- 7. Public Comments/Suggested additions to future agendas by School Board Members**
Final decision for future agenda items remains with the School Board Chair and the Superintendent of Schools according to Policy BEBD.
- 8. School Board Comments:**
- 9. Executive Session:** None.
- 10. Adjournment**
Without objection, the School Board Chairperson declares the meeting adjourned at ____ p.m.

Attachment (s) to School Board: Meeting Minutes, Policies, Policies Memo, Data Presentation

- The start of school has gone very smoothly. The newly established “rambler crew” volunteered for freshman orientation
- Drama Club is planning their trip to NYC.

Committee Reports:

Finance (Warrant Rotation) – T. Wess advised that the Finance Committee met this afternoon. The budget and the budget timeline for the year, electric buses, were all discussed. The following warrants were approved:

Payroll: 5, 5-1, 6

Accounts Payable: 23b, 24b, 24c, 25a, 25b, 26a, 26b, 27, 1a, 1b, 2a, 2b, 3a, 3b, 4a

Policy - A. Lawson advised the Policy Committee did meet twice. A. Dascoulias will lead a policy discussion under new business.

Negotiations - This committee did not meet.

Administrators’ Reports: Administrator reports are attached to the packets. Meagan White, Director of Teaching and Learning, provided a quick overview of the Regulated Classroom.

Old Business:

Plan regarding selling property on Rambler Road:

There is a memo regarding this item in the board packet. The following steps will take place:

- The School Board is invited to tour the property and the rest of the Winthrop facilities on Saturday, October 19 at 9:00.
- There will be a full Board discussion at a future meeting.
- The Superintendent will inform the community member of the outcome of the discussion.
- If the Board is in favor of selling a parcel of the property, the Superintendent will inform the Town.
- The Town will determine whether they are in favor of selling the parcel and the next steps to be taken.

Electric Bus Discussion:

There is a memo regarding this item in the board packet. Once the repairs have been completed, we will continue to test drive the buses for two weeks without students. If there are no significant issues, we would recommend beginning to use the buses for local trips the week of October 7, 2024.

New Business:

Policies:

Moved: M. McLaughlin Seconded: T. Wess

To approve the following policy and procedure for first reading:

- ACA – Harassment of Students
- ACA-R1 - Student Discrimination and Harassment Complaint Procedures

Passed Unanimously Students: 2-0

Budget Update:

Dr. Foley shared a memo regarding the estimated deficiencies in the FY25 school budget. She also explained the next steps which includes a budget freeze.

Public Comments/Suggested additions to future agendas by School Board Members

Final decision for future agenda items remains with the School Board Chair and the Superintendent of Schools according to Policy BEBD. A. Lawson said we should have a discussion about a forum.

There were no comments from the public.

Dr. Foley mentioned that after meeting with the ATeam it is being suggested to add a Data Workshop, Community Connections/Communication, and Safety to future agendas. I. Corliss would like to add a non-formal open forum with the board and community members and a non-formal open forum with the board, teachers and administrators.

School Board Comments:

M. McLaughlin - Thanked Dr. Foley for the incredible amount of work with the budget.

Executive Session:

Motion to enter into Executive Session Regarding Personnel Matters pursuant to 1 M.R.S.A. § 405(6) (A).
Superintendent's Goals for the 2024-2025 school year.

Moved: M. McLaughlin

Seconded: I. Corliss

Passed Unanimously

Students: 2-0

Time In: 6:58 p.m.

Time Out: 7:12 p.m.

Adjournment:

To adjourn at 7:13 p.m.

Moved: M. McLaughlin

Seconded: I. Corliss

Passed Unanimously

Students: 2-0

**Winthrop Public Schools
Finance Committee Minutes
Conference Room in the Superintendent's Office
4:00 p.m. September 18, 2024**

Committee: Finance

Meeting Date: September 6, 2024

Committee Members in Attendance: T. Wess and M. McLaughlin

Absent: None

Administrators: Dr. Foley, Superintendent

Guests: None

1. Budget Timeline

The committee made changes to the dates on the FY25 budget timeline.

2. Budget Update

Dr. Foley updated the committee regarding estimated FY25 budget deficiencies.

3. Signing off on Warrants

The following warrants were approved by the committee members:

Payroll: 5, 5-1, 6

Accounts Payable: 23b, 24b, 24c, 25a, 25b, 26a, 26b, 27, 1a, 1b, 2a, 2b, 3a, 3b, 4a

4. Electric Buses

Dr. Foley reviewed the September 18, 2024 Superintendent Report with the committee members where the electric buses were addressed. To summarize, she is in hopes to get the buses back on the road. Once the repairs have been completed, we will continue to test drive the buses for two weeks without students. If there are no significant issues, we would recommend beginning to use the buses for local trips the week of October 7, 2024.

Winthrop Public Schools

GENERAL FUND BUDGET For the Period 09/01/2024 through 09/30/2024

Fiscal Year: 2024-2025

Include Pre Encumbrance

	<u>Budget</u>	<u>Range To Date</u>	<u>Year To Date</u>	<u>Balance</u>	<u>Encumbrance</u>	<u>Budget Balance</u>	
INCOME							
REVENUES							
GENERAL FUND REVENUES (+)	\$13,452,389.00	\$647,932.82	\$2,158,929.44	\$11,293,459.56	\$0.00	\$11,293,459.56	84.0%
Sub-total : REVENUES	\$13,452,389.00	\$647,932.82	\$2,158,929.44	\$11,293,459.56	\$0.00	\$11,293,459.56	84.0%
Total : INCOME	\$13,452,389.00	\$647,932.82	\$2,158,929.44	\$11,293,459.56	\$0.00	\$11,293,459.56	84.0%
EXPENSES							
GENERAL FUND EXPENSES							
ARTICLE 1 REGULAR INSTRUCTION (+)	\$4,938,172.00	\$410,661.27	\$489,658.87	\$4,448,513.13	\$4,408,932.36	\$39,580.77	0.8%
ARTICLE 2 SPECIAL SERVICES (+)	\$2,320,405.00	\$162,480.33	\$216,962.92	\$2,103,442.08	\$1,711,495.24	\$391,946.84	16.9%
ARTICLE 4 CO & X CURRICULAR (+)	\$525,890.29	\$22,148.57	\$44,521.22	\$481,369.07	\$234,167.59	\$247,201.48	47.0%
ARTICLE 5 STUDENT SUPPORT (+)	\$1,435,590.00	\$154,187.25	\$354,398.84	\$1,081,191.16	\$801,854.05	\$279,337.11	19.5%
ARTICLE 6 SYSTEM ADMIN (+)	\$463,986.00	\$47,889.34	\$137,754.32	\$326,231.68	\$278,314.12	\$47,917.56	10.3%
ARTICLE 7 SCHOOL ADMIN (+)	\$921,034.00	\$86,497.68	\$261,504.30	\$659,529.70	\$702,576.94	(\$43,047.24)	-4.7%
ARTICLE 8 TRANSPORTATION (+)	\$811,190.00	\$76,141.09	\$149,420.78	\$661,769.22	\$630,315.51	\$31,453.71	3.9%
ARTICLE 9 FACILITIES/MAINTENANCE (+)	\$1,714,551.00	\$192,948.20	\$524,745.36	\$1,189,805.64	\$235,190.18	\$954,615.46	55.7%
ARTICLE 10 DEBT SERVICE (+)	\$314,805.89	\$116,937.65	\$310,673.54	\$4,132.35	\$0.00	\$4,132.35	1.3%
ARTICLE 11 CROSSING GUARD (+)	\$6,765.00	\$0.00	\$0.00	\$6,765.00	\$0.00	\$6,765.00	100.0%
Sub-total : GENERAL FUND EXPENSES	\$13,452,389.18	\$1,269,891.38	\$2,489,640.15	\$10,962,749.03	\$9,002,845.99	\$1,959,903.04	14.6%
Total : EXPENSES	\$13,452,389.18	\$1,269,891.38	\$2,489,640.15	\$10,962,749.03	\$9,002,845.99	\$1,959,903.04	14.6%
NET ADDITION/(DEFICIT)	\$26,904,778.18	\$1,917,824.20	\$4,648,569.59	\$22,256,208.59	\$9,002,845.99	\$13,253,362.60	49.3%

End of Report

Operating Statement with Encumbrance



Alexis Dascoulias, Affirmative Action Officer/Title IX Coordinator

MEMO

To: WPS School Board
From: Alexis Dascoulias
Date: September 27, 2024
Re: Updates regarding Title IX regulations & policies

New Title IX regulations have some significant changes on how schools must respond to sexual/sex-based harassment and discrimination claims. These regulations require that we (as a K-12 public school district) disseminate information regarding our policies and reporting avenues. The following are the biggest changes: (please refer to previous Title IX memo)

- **AC:** protected classes are listed out and added protected classes: sex stereotypes, sex characteristics and pregnancy or related conditions
- **ACAA-R2:** for clarity this was pulled out from ACAA-R (now ACAA-R1 & ACAA-R2)
 - Several new definitions in an effort to assist implementation
 - Policy now spells out criteria to match circumstances
- **ACAB:** lists out protected classes with updated language based on updated regulations
- **ACAB-R1:** for clarity ACAB has been separated out to ACAB-R1 and ACAB-R2
 - Completion dates are now SCHOOL DAYS not working or week days
 -

Upcoming policies for review or adoption::

- ACAB-R2: Employee Sex Discrimination/Harassment Complaint Procedure
- JIE: Pregnant Students

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

The school district prohibits harassment of students on the base of:

- Race (including traits associated with race involving hair texture, Afro hairstyles, and protective hairstyles such as braids, twists, and locks);
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin; and
- Disability

~~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 School Committee 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 ~~sex-based~~ harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment and ~~sex-based~~ 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.

A. Harassment

Harassment includes, but is not limited to, verbal abuse and other ~~unwelcome~~, offensive conduct based on ~~the protected categories listed above. 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 School Committee Policies JICIA – Weapons, Violence and School Safety and JICK – Bullying.

B. Sexual / Sex-Based Harassment

Sexual harassment and other forms of Sex-Based Harassment are addressed under federal and state laws/regulations. The scope and definitions of sexual / sex-based harassment under these laws differ, as described below.

1. ~~SEX-BASED TITLE IX SEXUAL HARASSMENT UNDER TITLE IX~~

Under the federal Title IX regulations and its accompanying regulations, sex-based harassment includes the following conduct on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that is: ~~which takes place within the context of the school district's education programs and activities.~~

- a. “Quid pro quo” ~~sexual~~ harassment by a school employee, agent, or other person authorized by the school unit to provide aid, benefit, or service under an education program or activity, explicitly or impliedly conditioning the provision of such: ~~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 sex-based conduct based on the totality of the circumstances, is subjectively and objectively offensive and is so ~~sex that a reasonable person would determine is so severe or~~ pervasive and objectively offensive that it effectively ~~that~~ limits or denies an individual’s ability to participate in or benefit from the school unit’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors (identified in ACAA-R2 - Student Sex Discrimination/Harassment Complaint Procedure). ~~equal access to the school district’s education programs and activities; or~~
- c. ~~_____~~
- d. Sexual assault, dating violence, domestic violence, and stalking as these terms are defined in federal laws/regulations.

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 (except employees designated by the school unit as “confidential employees” in regard to sexual / sex-based harassment complaints) are required to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/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 / sex-based harassment involving students to the Affirmative Action Officer/Title IX Coordinator. The Affirmative Action Officer/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).

Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) –

DRAFT DRAFT DRAFT - Recommended Updates 2024
dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking;
34 U.S.C. §12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
Maine Human Rights Act, 5 MRSA § 4551 et seq.
20-A MRSA § 6553
MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4

Cross Reference: ACAA-R – Student Discrimination/Harassment and Title IX
Sexual Harassment Complaint Procedures
AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD – Hazing
GBEB – Staff Conduct with Students
JFCK – Student Use of Cellular Telephones and Other
Electronic Devices
JICIA – Weapons, Violence and School Safety
JICK - Bullying

Adopted: August 11, 1999
Revised: July 16, 2004
Revised: December 15, 2004
Reviewed: January 8, 2016
Revised: July 29, 2020

STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

~~**STUDENT DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL
HARASSMENT COMPLAINT PROCEDURES**~~

The School Committee has adopted these student procedures in order to provide prompt and equitable resolution of reports and complaints of unlawful discrimination and harassment of students based on race; color; religion; ancestry or national origin; and disability, including sexual harassment, as described in policies AC—
Nondiscrimination/Equal Opportunity and Affirmative Action and ACAA—Harassment and Sexual Harassment of Students. ¶

¶
Complaints of sex discrimination, including sexual/sex-based harassment, are addressed in ACAA-Rs - Student Sex Discrimination/Harassment Complaint Procedure. In cases where allegations include sex discrimination or sexual/seb-based harassment and one or more other protected categories, ACAA-R2 will be used.

Complaints alleging unlawful harassment or discrimination against employees based on a protected category should be addressed through the School Committee’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 or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator.

**Alexis Dascoulias
211 Rambler Rd
Winthrop, ME 04364
207-377-2228 ext 3177**

~~**STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**~~ ¶

¶

I. DEFINITIONS

For purposes of these complaint procedures, the following definitions will be used. The Affirmative Action Officer/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 district’s programs or activities by creating a hostile, intimidating or offensive environment.
- 4. “Complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, religion, ancestry, national origin, or disability.

¶
¶

~~5. “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:~~¶

¶

- 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.~~¶

¶

~~6. “Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”~~¶

¶

~~7. “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.” ¶~~

~~¶~~

~~8. “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). ¶~~

~~¶~~

~~9. Complaints of bullying not involving the protected categories or definitions described above may be addressed under School Committee Policy JCK – Bullying and Cyberbullying of Students. ¶~~

~~¶~~

~~10. —~~

~~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 district’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 district’s education programs and activities; or ¶~~

~~¶~~

~~e. 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/Title IX Coordinator. A report triggers certain actions by the AAO/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/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 district’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 that does not involve ~~sex discrimination or sexual/sex-based harassment.~~ Title IX sexual harassment (which is addressed in Section 3). ¶

¶

How to Make A Complaint

1. School employees are required to promptly make a report to the AAO/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/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/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/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 district’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, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

A. Complaint Handling and Investigation

1. The AAO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
 - a. If the allegations include sex discrimination or sexual/sex-based harassment, ACA-R2 will be followed instead of this procedure.
2. The AAO/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 Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The AAO/Title IX Coordinator may implement supportive measures to a student to reduce the risk of further discrimination or harassment of 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 Superintendent and the AAO/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 Superintendent should be submitted to the Chair of the School Committee, who should consult with legal counsel concerning the handling and investigation of the complaint.
5. The investigator shall consult with the AAO/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 district, 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 calendar 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.

B. Findings and Subsequent Actions

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

C. 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 Superintendent within five calendar days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five calendar days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent’s decision on the appeal shall be provided to the parties within 10 calendar days, if practicable. The Superintendent’s decision shall be final.

D. Records

The AAO/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/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/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/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 district cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.~~ ¶

¶

~~a. 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.~~ ¶

¶

¶
¶
¶
¶
¶

¶

~~5. Any student (or their parent/legal guardian) who believes they have been the victim of sexual harassment is encouraged to utilize the school district'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, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).~~ ¶

¶

~~6. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.~~ ¶

¶

¶

~~B. How to Make A Formal Complaint~~ ¶

~~a.~~ ¶

~~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/Title IX Coordinator.~~ ¶

¶

~~2. In certain circumstances, the AAO/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 district). 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/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 district's education programs and activities, or c) did not occur in the United States.~~ ¶

¶

¶

¶

~~4. In accordance with the Title IX regulations, the AAO/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 district; or c) there are specific circumstances that prevent the school district 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 School Committee policy/procedure.~~ ¶

¶

~~5. If a formal complaint is dismissed under this Title IX procedure, the AAO/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, School Committee policies and/or professional expectations, the school district may address the conduct under Section 2 or another applicable School Committee policy/procedure.~~ ¶

¶

~~C. Emergency Removal or Administrative Leave~~

~~¶~~

~~The Superintendent may remove a student from education programs and activities on an emergency basis, or place an employee on administrative leave during the complaint procedure.~~

~~¶~~

~~1. 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.~~

~~¶~~

~~2. The respondent (and in the case of a student, their parent/legal guardian will be provided notice of the emergency removal or administrative leave, 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 or administrative leave was unreasonable.~~

~~¶~~

~~¶~~

~~¶~~

~~3. Any such decision 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 calendar 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. ¶~~

- ~~4. 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 calendar 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/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/Title IX Coordinator believes the circumstances are appropriate, the AAO/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 Superintendent 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 district. 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 Superintendent and AAO/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 Superintendent should be submitted to the Chair of the School Committee, who should consult with legal counsel concerning the handling and investigation of the complaint.~~

~~¶~~

~~2. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.~~

~~¶~~

~~3. If the complaint is against an employee of the school district, 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 district 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 calendar 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 calendar 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 calendar 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 calendar 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 calendar 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 district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant; ¶~~

~~¶~~

~~e. The school district'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 district 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 ¶~~

~~[Note: The Title IX regulations require school districts to provide a "range," not an exhaustive list, of measures that would be used to ensure the~~

~~complainant’s equal access to the school district’s programs and activities. Likewise, local School Committees must include a “range” of disciplinary sanctions that may be imposed. The examples below can revised to meet local needs.}}~~

~~}}~~

~~}}~~

~~1. Remedies}}~~

~~}}~~

~~Remedies are measures used to ensure that the complainant has equal access to the school district’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.}}~~
- ~~● Expulsion.}}~~
- ~~● 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 calendar 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 Superintendent, who will consider the appeal.~~
- ~~2. The Superintendent 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 Superintendent 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 district officials in making their decision.~~
- ~~4. The Superintendent 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.~~

~~¶
¶
¶
¶
5.~~

Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v)- definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
Maine Human Rights Act, 5 MRSA § 4551 et seq.
20-A MRSA § 6553
MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4

Cross Reference: ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD – Hazing
GBEB – Staff Conduct with Students
JFCK – Student Use of Cellular Telephones and Other

DRAFT DRAFT DRAFT DRAFT Sept, 2024

Electronic Devices

JICIA – Weapons, Violence and School Safety

JICK – Bullying

Adopted: December 15, 2004

Reviewed: January 8, 2016

Revised: July 29, 2020

NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The school district does not discriminate on the basis of sex or other protected categories in its education programs and activities, as required by federal and state laws/regulations.

The school district prohibits discrimination, including harassment, of school employees on the basis of: ~~Discrimination against and harassment of school employees because of~~

- race (including trait associated with race involving hair texture, Afro hairstyles, and protective hairstyle such as braids, twists, and locks) ;
- color,
- sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions,
- religion,
- ancestry or national origin, age,
- disability, or
- genetic information are prohibited.

The school district prohibits ~~Discrimination, against and including~~ harassment of students on the basis ~~because of~~

- race (including trait associated with race involving hair texture, Afro hairstyles, and protective hairstyle such as braids, twists, and locks),
- color,
- sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions,
- religion,
- ancestry or national origin, or
- disability ~~are prohibited.~~

The School ~~Board~~ ~~Committee~~ directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students and other individuals having access rights to school premises and activities.

The school district has designated and authorized an Affirmative Action Officer/Title IX Coordinator who is responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination, including sexual/~~sex-based~~ harassment. The

DRAFT DRAFT DRAFT DRAFT Sept

Affirmative Action Officer/Title IX Coordinator is a person with direct access to the Superintendent.

The school district has implemented complaint procedures for resolving complaints of discrimination ~~and harassment and sexual harassment~~ under this policy. The school district provides required notices of ~~non-discrimination policies and these~~ complaint procedures and how they can be accessed, as well as the school district's compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents and other interested parties.

Legal Reference: Equal Employment Opportunity 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.); 34 C.F.R. Part 106 (Title IX regulations)
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et
seq.)
Equal Pay Act of 1963 (29 U.S.C. § 206)
Section 504 of the 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
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. §
2000ff et seq.)
Maine Human Rights Act (5 MRSA § 4551 et seq.), as amended

Cross Reference: Winthrop Public Schools Affirmative Action Plan

DRAFT DRAFT DRAFT DRAFT Sept
ACAA – Harassment and Sexual Harassment of Students
ACAA-R – Student Discrimination/Harassment and Title IX
Sexual Harassment Complaint Procedures

Cross Reference (cont.)

ACAB – Harassment and Sexual Harassment of School Employees
ACAB-R – Employee Discrimination/Harassment and Title IX
Sexual Harassment Complaint Procedures

Adopted: November 20, 1991
Reviewed: December 15, 2004
Revised: February 24, 2010
Revised: July 29, 2020

STUDENT SEX DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURES

The School Committee has adopted these student procedures in order to provide prompt and equitable resolution of reports and complaints of unlawful sex discrimination, including allegations of sexual harassment and other forms of sex-based harassment, 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.

Although the specific provisions under Title IX and Maine law differ somewhat in regard to sex discrimination and sexual/sex-based harassment, the Board has chosen to address all such complaints under this procedure, which meets all Title IX and Maine law requirements.

Complaints alleging unlawful discrimination or harassment of a student on the basis of other protected categories (race; color; religion; ancestry or national origin; and disability) are addressed under ACAA-R1- Student Discrimination and Harassment Complaint Procedure.

Complaints alleging unlawful harassment or discrimination against employees based on a protected category should be addressed through the School Committee’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 or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator.

ALEXIS DASCOULIAS
Winthrop High School
211 Rambler Rd
Winthrop, ME 04364
207-377-2228 ext 3177

~~17A Highland Avenue~~
~~Winthrop, ME 04364~~
~~207-377-2296~~

SECTION I. DEFINITIONS

For purposes of these complaint procedures, the following definitions will be used. The Affirmative Action Officer/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~~

- a. “Complainant” means (1) the student victim of alleged sex discrimination (including sexual/sex-based harassment); or (2) other victim of alleged sex discrimination (including sexual/sex-based harassment) who was participating or attempting to participate in the school unit’s education programs or activities at the time of the alleged sex discrimination.
- b. “Respondent”: A person who is alleged to have violated the school unit’s prohibition on sex discrimination.
- c. “Student”: A person enrolled in the school unit.
- d. “Complaint” under the Title IX regulations: An oral or written request to the school unit to investigate and make a determination about alleged discrimination under Title IX. An oral request for investigation should be documented by the Title IX / Affirmative Action Coordinator.
- e. “Confidential employee” means (1) an employee of the school unit whose communications are privileged or confidential under federal or state law. The employee’s confidential status, for purposes of Title IX, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies or (2) an employee of the school unit designated as confidential for the purpose of providing services to persons related to sex discrimination (in which case the employee’s confidential status applies only to information received about sex discrimination in connection with providing those services).
- f. “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.
- g. “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.”
- h. “Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or

gender identity or expression.” Sexual orientation is also covered under Title IX

- i. “Parental status”: The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is (1) biological parent; (2) an adoptive parent; (3) a foster parent; (4) a stepparent; (5) a legal custodian or guardian; (6) in loco parentis with respect to such a person; or (7) actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- j. “Party”: A complainant or respondent
- k. “Pregnancy and related conditions”: include (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical condition related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions.
- l. “Retaliation”: under Title IX: Intimidation, threats, coercion, or discrimination against any person by the school unit, a student or an employee or other person authorized by the recipient to provide aid, benefit, or services under the school unit’s education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or other action taken by the school unit in regard to allegations or sex discrimination.
- m. “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:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s educational benefits;
 - ii. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
 - iii. Such conduct has the purpose and effect of substantially interfering with a student’s academic performance or creates an intimidating, hostile or offensive environment.
- 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 district’s programs or activities by creating a hostile, intimidating or offensive environment.~~ ¶

11. ~~“Retaliation”: under Title IX: Intimidation, threats, coercion, or discrimination against any person by the school unit, a student or an employee or other person authorized by the recipient to provide aid, benefit, or services under the school unit’s education program or activity, for the purpose of interfering with any right or privilege secured by Title IX/regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or other action taken by the school unit in regard to allegations or sex discrimination.~~ ¶

~~“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:~~ ¶

- 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~~ ¶
- e. ~~Such conduct has the purpose and effect of substantially interfering with a student’s academic performance or creates an intimidating, hostile or offensive environment.~~ ¶

4. ~~“Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”~~ ¶

5. ~~“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.”~~ ¶

6. ~~“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).~~ ¶

- 7. ~~Complaints of bullying not involving the protected categories or definitions described above may be addressed under School Committee Policy JICK – Bullying and Cyberbullying of Students.~~ ¶

¶

~~B. Title IX Sexual Harassment Complaint Procedure Definitions~~

n. “Sexual Harassment”: Under the federal Title IX regulations, ~~sexual harassment~~ includes harassment on the ~~the following conduct on the~~ basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions, that meets one fo the following:

- 1. “Quid pro quo” ~~sexual~~ harassment by a school employee, agent, or other person authorized by the school unit to provide aid, benefit, or service under an education program or activity: explicitly or impliedly Conditioning the provision of such ~~a school~~ aid, benefit or service (such as a better grade or a college recommendation) on an individual’s participation in unwelcome sexual conduct;

- 2. “Hostile environment” ~~sexual~~ harassment: Unwelcome sex-based conduct that based on the totality of the circumstances, is subjectively and objectively offensive and ~~sex that a reasonable person would determine~~ is so severe or, pervasive and objectively offensive that it limits or effectively denies an individual’s ability to participate in or benefit from the school unit’s education program or activity (i.e., creates a hostile environment.) A school unit is obligated to address sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient’s education program or activity. Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors.

- a. Factors to consider in regard to the creation of a “hostile environment”: (i) the degree to which the conduct affected the complainant’s ability to access Winthrop’s education program or activity; (ii) the type, frequency, and duration of the conduct; (iii) the partie’s ages, roles within the shool’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other sex-based harassment in the school’s program or activity. ~~equal access to the school district’s education programs and activities; or~~ ¶

¶

3. Sexual assault, dating violence, domestic violence and stalking as these terms are defined below or in the Title IX regulations. ~~in federal laws.~~

- a. “Sexual assault” is an offense classified as a forcible or nonforcible sex offense under the uniform reporting system of the Federal Bureau of Investigation. Such offenses include but are not limited to rape, sodomy, sexual assault with an object, and fondling.
- b. “Dating violence” is violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.
- c. “Stalking”: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:(a) fear for the person’s safety or the safety of others; or (b) suffer substantial emotional distress.”

~~“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/Title IX Coordinator. A report triggers certain actions by the AAO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a “Formal Complaint” is filed.¶~~

~~¶~~

~~“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/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 district’s education programs and activities, or is attempting to enroll or participate.¶~~

~~H. 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/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/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/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/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 district’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, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).¶~~

¶

~~B. Complaint Handling and Investigation¶~~

~~1. The AAO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.¶~~

¶

~~2. The AAO/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 Superintendent, who shall consider whether the resolution is in the best interest of the~~

~~school district and the parties in light of the particular circumstances and applicable policies and laws.~~¶

¶

¶

~~3. The AAO/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 Superintendent and the AAO/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 Superintendent should be submitted to the Chair of the School Committee, who should consult with legal counsel concerning the handling and investigation of the complaint.~~¶

¶

~~5. The investigator shall consult with the AAO/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 district, 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 calendar 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.~~¶

~~12.~~¶

~~Findings and Subsequent Actions~~

¶

~~1. The AAO/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.~~

~~¶~~

~~2. If there is a finding that discrimination or harassment occurred, the AAO/Title IX Coordinator, in consultation with the Superintendent 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).~~

~~¶~~

~~_____~~

~~C. 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 Superintendent within five calendar days after receiving notice of the resolution.~~

~~¶~~

~~3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five calendar days.~~

~~¶~~

~~4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.~~

~~¶~~

~~5. The Superintendent's decision on the appeal shall be provided to the parties within 10 calendar days, if practicable. The Superintendent's decision shall be final.~~

~~¶~~

~~D. Records~~

~~¶~~

~~The AAO/Title IX Coordinator shall keep a written record of the complaint process.~~

SECTION 2. ~~III. TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURE~~

This process ~~section~~ should be used to address only for and report complaints of Title IX sex discrimination or sexual/sex-based harassment ~~as defined in Section 1.B.1.~~

A. ~~How to Make A Reports~~ of Alleged Sex Discrimination or Sexual/Sex-Based Harassment

1. School employees (except for designated confidential employees) who receive a report or have reason to believe that a student has been discriminated against or ~~subjected to sexual harassment~~ on the basis of sex are required ~~is required~~ to promptly notify ~~make a report to~~ the Affirmative Action Officer/Title IX Coordinator.
2. Confidential employees who receive a report that a student may have experienced sex discrimination or sexual/sex-based harassment must inform the person making the report that the employee is designated “confidential” and inform them of the circumstances in which the employee is not required to make a report to the Affirmative Action Officer / Title IX Coordinator. The confidential employee will provide the reporter with the Affirmative Action Officer/Title IX Coordinator’s contact information and explain that the AAO/Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process, or initiate an investigation under this complaint procedure.
3. ~~Students, parents/legal guardians or (and others) individuals who~~ believe that they or another student has been discriminated against or harassed ~~against sexually harassed~~ on the basis of sex should report their concern promptly to the Affirmative Action officer/Title IX Coordinator. The report will be documented by the Affirmative Action Officer/Title IX Coordinator. ~~are encouraged to make a report to the AAO/Title IX Coordinator. ¶~~
4. The individual making the report should provide basic, available information orally or in writing concerning the allegation (i.e., individuals involved, date, time, location, and type of allegation). If the information is conveyed orally, the Affirmative Action Officer/Title IX Coordinator will document it.
5. If an individual is unsure as to whether unlawful discrimination or harassment has occurred, they are encouraged to discuss the matter with the Affirmative Action Officer/Title IX Coordinator.

~~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/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.¶¶~~

~~The school district cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.¶¶~~

6. Individuals will not be retaliated against for reporting **suspected discrimination or sexual** harassment or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws and **Board policy** and any retaliation will result in disciplinary actions, up to and including discharge for employees, or expulsion for students.
7. The Superintendent will be promptly notified of all reports of alleged discrimination or harassment of a student.
8. ~~Any Ss~~Students and others (or their parent/legal guardian) who believes they have been the victim of sexual harassment is/are encouraged to utilize the school district's complaint procedure. However, individuals ~~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, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).
9. ~~The Superintendent shall be informed of all reports and formal complaints of sexual harassment.¶¶~~

B. Processing of ~~How to Make A Formal~~ Complaints

1. The Affirmative Action Officer/Title IX Coordinator will treat complainants and respondents equitably through the complaint procedure.
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 Affirmative Action Officer/Title IX Coordinator will meet with the alleged victim to discuss the allegations and supportive measures that may be appropriate in the particular circumstances and to explain the complaint procedure.

If the alleged victim is unknown to the Affirmative Action Officer/Title IX Coordinator, the person who made the report will be notified of the availability of the complaint procedure.

THIS ENTIRE SECTION IS NEW

3. Supportive Measures:
 - a. Supportive measures are individualized measures designed to ensure the student can continue to access educational programs and activities (including but not limited to requiring no contact between individuals, changing schedules, classes, extracurricular activities, etc.).
 - b. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties of the school unit's educational environment or to provide support during the complaint procedure or an informal resolution process. The school unit may not impose such measures for punitive or disciplinary reasons.
 - c. Supportive measures may be continued even if a complaint or informal resolution process is not initiated or after the conclusion of such processes, if appropriate under the circumstances.
 - d. Complainants and respondents must be provided with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. This employee must not be the Affirmative Action Officer/Title IX Coordinator and must have the authority to modify or reverse the decision.
 - e. Complainants and respondents also have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change.
 - f. The school unit will not disclose information about supportive measures to persons other than the person to whom they apply unless it is necessary to provide a supportive measure or to restore or preserve a party's access to education programs and activities.

- g. If a complainant or respondent is a student with a disability, the Affirmative Action Officer/Title IX Coordinator will consult with one or more members of the student’s IEP team or Section 504 Team, if any, to determine how to comply with the requirements of the IDEA and Section 504 in implementing supportive measures.
4. If the Affirmative Action officer/Title IX Coordinator reasonably determines that the conduct alleged does not involve illegal discrimination or harassment, the school unit is not obligated to initiate the complaint process and may dismiss the complaint (See Subsection C.1). If the alleged conduct potentially violates other laws, Board policies/procedures, or professional expectations, the matter may be referred to the Superintendent and/or other appropriate administrator (s) to address as deemed appropriate.
5. In response to a complaint alleging prohibited sex discrimination or sexual/sex-based harassment, the Affirmative Action Officer/Title IX Coordinator will initiate the complaint process or the informal resolution process according to this procedure.. When feasible, the decision to initiate an investigation or informal resolution or dismiss the complaint will be made within ten (10) school days of receipt of the complaint.
6. In certain circumstances, the Affirmative Action Officer/Title IX Coordinator may initiate the investigation process, even when the alleged victim chooses not to, after any or all allegations are withdrawn by the alleged victim, or when an informal resolution process is not initiated or is terminated. To make this fact-specific determination, the Affirmative Action Officer/Title IX Coordinator will consider, at a minimum:
 - a. The complainant’s request not to proceed with initiating a complaint;
 - b. The complainant’s reasonable safety concerns regarding initiating a complaint;
 - c. The risk that additional acts of discrimination or harassment would occur if a complaint is not initiated;
 - d. The severity of the alleged discrimination or harassment, including whether the discrimination, if established, would require the removal of a respondent from school or imposition of another disciplinary sanction to end the discrimination or harassment and prevent its recurrence;
 - e. The age and relationship of the parties, including whether the respondent is an employee of the school unit;
 - f. The scope of the alleged discrimination or harassment, including information suggesting a pattern, ongoing discrimination/harassment, or discrimination/harassment alleged to have impacted multiple individuals;
 - g. The availability of evidence to assist a decisionmaker in determining whether discrimination or harassment occurred; and
 - h. Whether the school unit could end the alleged discrimination or harassment and prevent its recurrence without initiating the complaint procedure.

If, after considering these and any other factors that may be relevant, the

- Affirmative Action Officer/Title IX Coordinator determines that the alleged conduct presents an imminent and serious threat to the health or safety of the complainant
7. If the Affirmative Action Officer/Title IX Coordinator initiates a complaint, the complainant will receive prior notice, and any reasonable safety concerns will be addressed.
 8. The Affirmative Action Officer/Title IX Coordinator will confirm the initiation of an investigation or informal resolution process in writing to both parties. The communication will include a) a copy of the complaint procedure; b) sufficient information available at the time to allow the parties to respond to the allegations (including the identities of the parties involved, the conduct alleged to constitute sex discrimination or sexual/sex-based harassment, and the date(s) and location(s) of the alleged incident(s); c) notice that retaliation is prohibited; and d) notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.
 9. Regardless of whether an investigation is initiated, the Affirmative Action Officer/Title IX Coordinator will take appropriate, prompt, and effective steps to ensure that discrimination or harassment does not continue or recur. The Affirmative Action Officer/Title IX Coordinator will also coordinate supportive measures, as appropriate.
 10. If a complainant or respondent is a student with a disability, the Affirmative Action Officer/Title IX Coordinator will consult with one or more members of the student's IEP team or 504 Team, if any, to determine how to comply with the requirements of the IDEA and Section 504 during the course of the complaint procedure.
 11. If the Affirmative Action Officer/Title IX Coordinator decides to investigate additional allegations of discrimination or harassment made by the complainant against the respondent after the parties received notice of the complaint, the Affirmative Action Officer/Title IX Coordinator will notify the parties of the additional allegations in writing.
 12. The Affirmative Action Officer/Title IX Coordinator may consolidate complaints of discrimination or harassment against more than one respondent, by more than one complainant against one or more respondents, or by one party against another party when the allegations arise out of the same facts or circumstances.
 13. The school unit will presume that the respondent is not responsible for alleged discrimination or harassment until a determination is made at the conclusion of the investigation.

14. The school unit will take reasonable steps to protect the privacy of the parties and witnesses during the complaint procedure and will comply with applicable state and federal privacy laws. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family; confidential employees/resources; or otherwise prepare for and participate in the complaint procedure.

THIS ENTIRE SECTION IS NEW

C. Dismissal of Complaints

1. The Affirmative Action Officer/Title IX Coordinator may dismiss a complaint in the following circumstances:
 - a. The school unit is unable to identify a respondent after taking reasonable steps to do so;
 - b. The respondent is not participating in the school unit's education programs and activities or is not employed by the school unit;
 - c. The complainant voluntarily withdraws any or all allegations in the complaint, the Affirmative Action Officer/Title IX Coordinator declines to initiate a complaint and determines that, without the complainant's withdrawn allegations, the alleged conduct remaining, if any, would not constitute discrimination or harassment even if proven; or
 - d. The Affirmative Action Officer/Title IX Coordinator determines that the conduct alleged in the complaint, even if proven, would not constitute discrimination or harassment under state/federal laws and regulations.
2. Upon dismissal, the Affirmative Action Officer/Title IX Coordinator will promptly notify the complainant (and the respondent if they had received notice of the complaint allegations) of the basis for the dismissal and provide the opportunity to appeal the dismissal.
3. Dismissals may be appealed on the following bases:
 - a. Procedural irregularity that would change the outcome;
 - b. New evidence that would change the outcome and that was not reasonably available when the dismissal [or determination in the case] was made and
 - c. The Affirmative Action Officer/Title IX Coordinator, investigator, or decision maker had a conflict or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

4. An appeal of a complaint dismissal must be made in writing to the Affirmative Action Officer/Title IX Coordinator within five (5) school days and state the basis for the appeal.
5. If the dismissal is appealed, the Affirmative Action Officer/Title IX Coordinator shall:
 - a. Notify the respondent of the appeal if they had received notice of the complaint allegations;
 - b. Implement the appeal procedure equally for the parties;
 - c. Ensure that the trained decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
 - d. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
 - e. Notify the parties in writing of the result of the appeal and the rationale for it within five (5) school days, if feasible.
6. When a complaint is dismissed, the Affirmative Action Officer/Title IX Coordinator will, at a minimum,
 - a. Offer supportive measures to the complainant and respondent if appropriate and
 - b. Take other prompt and effective steps, as appropriate, to ensure that discrimination or harassment does not continue or recur within the school unit's program or activity.
7. The Affirmative Action Officer/Title IX Coordinator will document actions taken during the appeal process.

~~15. 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/Title IX Coordinator.~~

~~¶~~

~~16. In certain circumstances, the AAO/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 district). 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.~~ ¶

¶
17. ~~In accordance with the Title IX regulations, the AAO/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 district’s education programs and activities, or c) did not occur in the United States.~~ ¶

¶
18. ~~In accordance with the Title IX regulations, the AAO/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 district; or c) there are specific circumstances that prevent the school district 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 School Committee policy/procedure.~~ ¶

¶
19. ~~If a formal complaint is dismissed under this Title IX procedure, the AAO/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, School Committee policies and/or professional expectations, the school district may address the conduct under Section 2 or another applicable School Committee policy/procedure.~~ ¶

¶
D . Emergency Removal of a Student ~~or Administrative Leave~~

The Superintendent may remove a student from education programs and activities on an emergency basis, ~~or place an employee on administrative leave during the complaint procedure,~~ provided:

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate **and serious** threat to the **physical** health or safety of an individual arising from the allegations of **discrimination or sexual** harassment, **that justifies emergency removal**. 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.

2. The respondent (and in the case of a student, their parent/legal guardian will be provided notice of the emergency removal or administrative leave, 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 and has the burden to of demonstrating demonstrate why the emergency that such removal or administrative leave was unreasonable.~~
3. Any such ~~removal decision~~ 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.
4. The Affirmative Action Officer/title IX Coordinator will document actions taken during the emergency removal process.

E. Informal Resolution Process

1. Informal resolution is not permitted in cases where a student is the complainant and an employee is the respondent to alleged sex discrimination or harassment.
2. The Action Officer/Title IX Coordinator may, if appropriate, offer the parties the opportunity to resolve the complaint through an informal resolution process at any point prior to an investigation or determination of responsibility. Engaging in an informal resolution process is voluntary on the part of each party. The Affirmative Action Officer/Title IX Coordinator also may decline to pursue an informal resolution despite a party's request (for example, if the alleged conduct presents a future risk of harm to the complainant or others).
3. Both (or all) parties must voluntarily agree in writing to participate in an informal resolution process, and a party may withdraw from the process at any time. The parties will not be required to attend meetings together unless they voluntarily agree to do so.
4. Before initiating an informal resolution process, the Affirmative Action Officer/Title IX Coordinator will ensure that the parties receive notice of: i.) the allegations; ii.) the requirements of the informal resolution process; ii.) the right of any party to withdraw from the process and initiate or resume the investigation process; iv.) that the parties' agreement to an informal resolution would preclude them from initiating or resuming the investigation; v.) potential terms that may be requested or offered in an informal resolution agreement, including notice that an agreement is binding on the parties; and vi.) what

information the school unit will maintain regarding the informal resolution process.

[Note: Informal resolutions can take many forms, depending on the particular case, including but not limited to: restrictions on contact between the parties; facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a respondent; apologies; restrictions on attendance or participation in programs and activities; disciplinary actions or requirements to engage in specific services; or supportive measures.]

5. The facilitator for the informal resolution process must be trained, cannot be the same person as the investigator or decisionmaker in the matter, and must not have a conflict of interest or bias regarding parties to such matters generally or to an individual complainant or respondent.
6. The Superintendent must agree to the terms of any informal resolution reached between the parties, considering whether the resolution is in the best interest of the parties and the school unit in light of the particular circumstances, applicable laws/regulations, and Board policies.
7. If an informal resolution agreement is reached, it will be agreed to in writing by both parties and the Affirmative Action Office/Title IX Coordinator. Any such agreement is final and binding on the parties.

~~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 calendar 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 calendar 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/Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.¶~~

~~C. Informal Resolution Process¶~~

¶

~~After a formal complaint has been filed, and if the AAO/Title IX Coordinator believes the circumstances are appropriate, the AAO/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 Superintendent 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 district. 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 Process

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and AAO/Title IX

Coordinator. The investigator shall not have a conflict of interest or bias against complainants or respondents generally, or an individual complainant or respondent, and will consult with the Affirmative Action Officer/Title IX Coordinator during the investigation process.

2. 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 Committee, who should consult with legal counsel concerning the handling and investigation of the complaint.
3. The burden is on the school unit, and not the parties, to gather sufficient evidence (through the investigation) in order to determine whether illegal discrimination or harassment occurred.
4. The investigator shall provide an opportunity for the complainant and respondent to be heard as part of the investigation. The parties will not be required to attend meetings together.
5. The parties may suggest witnesses to be interviewed and/or submit materials that they believe are relevant to the allegations and complaint.
6. The investigator will evaluate evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness
 - a. The Title IX regulations define "relevant" as "related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred."
7. The following types of evidence, and questions seeking that evidence, are impermissible:
 - a. Evidence that is protected under a privilege recognized by federal or state law, or evidence provided to a confidential employee, unless that person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality in writing.
 - b. A party's or witness's record that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment to the party or witness, unless the school unit obtains that party's or witness's voluntary, written consent for use in the complaint procedure; and
 - c. Evidence that relates to the complainant's sexual interest or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is

offered to prove that someone other than the respondent committed alleged sexual/sex-based harassment or ins evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sexual/sex-based harassment. The fact of prior sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

8. The investigator will provide each party with the opportunity to review the evidence that is relevant to the allegations of discrimination or harassment (and not otherwise impermissible), and to respond to it.
9. The Affirmative Action office/title IX Coordinator and investigator will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the complaint procedure. Disclosure of such information and evidence for the purposes of administering administrative proceedings or litigation related to the complaint is authorized.
10. The investigator will conclude the investigation and issue a written report to the Affirmative Action Officer/title IX Coordinator within forty (40) school days, if feasible.
 - a. If the investigator has been charged with making a determination of responsibility/non-responsibility with respect to each allegation, such determination(s) and the reasons shall be included in the report.
11. Extensions of time may be granted to complete the investigation if approved by the Affirmative Action Officer/title IX Coordinator for reasonable cause. Notice of any extension and the reasons will be provided to the parties.
12. ~~consult with the AAO/Title IX Coordinator as agreed during the investigation process. ¶~~
13. ~~_____~~
14. ~~If the complaint is against an employee of the school district, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements. ¶~~
- ¶
15. ~~Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws. ¶~~
16. ~~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 district 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 calendar 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 calendar 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.¶¶~~

¶¶

~~17. The investigation shall be concluded within 40 calendar days if practicable. Reasonable extension of time for good reason shall be allowed.¶¶~~

~~18. _____~~

G. Determination of Responsibility

1. The standard used to determine whether illegal discrimination or harassment occurred is the preponderance of the evidence standard (“more likely than not”)
2. The decisionmaker will review the investigation report and the evidence gathered (as appropriate) and will have the discretion to conduct additional interviews of parties and/or witnesses if needed to assess credibility.
3. The decisionmaker will make a written determination of responsibility/non-responsibility in regard to each allegation and the reasons, which shall be shared with the Affirmative Action Officer/Title IX Coordinator and the parties.
4. In general, the Affirmative Action Officer/Title IX Coordinator will notify the parties of the determination decision(s) within five (5) school days of the determination being reached. Reasonable extensions of time may be approved by the Affirmative Action Officer/Title IX Coordinator for good reason. The notification will include the permissible bases for appeal and the deadline for receipt of appeals.
5. If there is a determination that the respondent is responsible for violations, the appropriate administrator will make decisions as to appropriate disciplinary action and remedies.
6. The Affirmative Action Officer/Title IX Coordinator shall, as appropriate:
 - a. Coordinate the provision and implementation of remedies to a complainant and any other persons if necessary to provide equal access to the school unit’s educational programs and activities that had been limited or denied by discrimination or harassment;
 - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - c. Take other appropriate prompt and effective steps if necessary to ensure discrimination and harassment do not continue or recur.
7. A determination of responsibility becomes final on the date that the Affirmative Action Officer/Title IX Coordinator provides the parties with the written determination of the results of the appeal if an appeal is filed. If an appeal is not filed, the determination of responsibility becomes final on the date on which the appeal would no longer be considered timely.

8. The school unit will not discipline a party, witness, or others participating in the complaint procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination that sex discrimination or sexual/sex-based harassment occurred.

H. Remedies, Discipline, and Other Actions

~~[Note: The Title IX regulations require school districts to provide a “range,” not an exhaustive list, of measures that would be used to ensure the complainant’s equal access to the school district’s programs and activities. Likewise, local School Committees must include a “range” of disciplinary sanctions that may be imposed. The examples below can revised to meet local needs.]~~

1. Remedies

Remedies are measures used to ensure that the complainant has equal access to the school district’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(s) and the needs of the complainant. The **Affirmative Action**/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 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/sex-based harassment:

- In or out of school suspension.
- Expulsion.
- Restorative justice.

- Requirement to engage in education. ~~or~~
- Required to engage in counseling or ~~program.~~
- Other measures



~~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(s) that they are responsible for one or more violations involving sexual/~~sex-based~~ harassment:

- Written warning.
- Probation.
- Counseling.
- 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.

D. Appeals

1. After the conclusion of the investigation and decisionmaker determination (), the complainant or respondent may seek an appeal of the findings based on the following factors: ~~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:~~
 - a. A procedural irregularity that would change ~~affected~~ the outcome;
 - b. New evidence that was not reasonably available at the time of the determination that would affect the outcome ~~of the matter~~; or
 - c. The Affirmative Action/-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~~.

~~2. An appeal must be made filed in writing to the Affirmative Action/Title IX Coordinator within five (5) school calendar days of receiving the determination, and stating the basis/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 Superintendent, who will consider the appeal.~~¶

~~2. The Superintendent 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 Superintendent 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 district officials in making their decision.~~¶

~~4. The Superintendent 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).~~¶

3. The Superintendent is responsible for making a determination on the appeal. The Superintendent will conduct an impartial review of the appeal, including consideration of the written record in the case, and may consult with legal counsel or other school unit officials in making their decision.

4. The Superintendent will issue the appeal determination in writing within ten (10) school days of receipt of the appeal, if feasible.

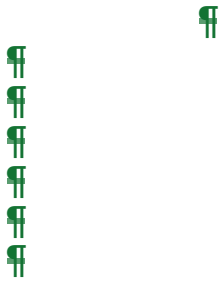
5. The Superintendent’s decision is final.

SECTION 3: Records Keeping

The Affirmative Action/Title IX Coordinator shall maintain a record of documents and actions in each case and records of training provided for a period of seven (7) years.

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

¶
¶



Legal Reference: Americans with Disabilities Act (42 U.S.C. §12101 et seq., as amended; 28 C.F.R. § 35.107)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq., as amended; 34 C.F.R. § 104.7)
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v)- definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
Maine Human Rights Act, 5 MRSA § 4551 et seq.
20-A MRSA § 6553
MHRC/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 4

Cross Reference: ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD – Hazing
GBEB – Staff Conduct with Students
JFCK – Student Use of Cellular Telephones and Other Electronic Devices
JICIA – Weapons, Violence and School Safety
JICK – Bullying

Adopted: December 15, 2004

Reviewed: January 8, 2016

Revised: July 29, 2020

~~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 School Committee policy and may constitute illegal discrimination under state and federal laws. ¶~~

The school district prohibits harassment of employees on the basis of:

- Race (including traits associated with race involving hair texture, Afro hairstyles, and protective hairstyles such as braids, twists, and locks);
- Sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy or related conditions;
- Parental, family, or marital status;
- Color;
- Religion;
- Ancestry or national origin;
- Age;
- Disability; and
- Genetic information.

~~Such conduct is a violation of Board policy and may constitute illegal discrimination under state and/or federal laws.~~

A. Harassment

~~Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery and other unwelcome, offensive conduct based on the protected categories listed above. 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/Sex-Based Harassment

~~Sexual harassment and other forms of Sex-Based Harassment are is addressed under federal and state laws and regulations. The scope and~~

definitions of sexual/~~sex-based~~ harassment under these laws differ, as described below.

1. ~~Sex-Based Harassment~~ under Title IX ~~Sexual Harassment~~

Under the federal Title IX law and its accompanying regulations, sexual/~~sex-based~~ harassment includes harassment on the basis of sex, including sexual orientation, gender identity, sex stereotypes, sex characteristics, pregnancy, or related conditions that are: ~~the following conduct on the basis of sex which takes place within the context of the school district’s education programs and activities:~~

- a. “Quid pro quo” ~~sexual~~ harassment by a school employee, agent, or other person authorized by the school unit to provide aid, benefit, or service under an education program or activity, explicitly or impliedly ~~conditioning~~ ~~the~~ ~~provision of such a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual’s participation in unwelcome sexual conduct;~~ conditioning the provision of such 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 sex-based conduct ~~based on sex~~ that, based on the totality of the circumstances, is subjectively and objectively offense and ~~a reasonable person would determine~~ is so severe or pervasive and objectively offensive that it ~~effectively~~ limits or denies an individual’s ability to participate in or benefit from the school unit’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-based inquiry that includes consideration of a number of factors (identified in *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*).

~~equal access to the school district’s education programs and activities; or~~

¶

¶

- c. Sexual assault, dating violence, domestic violence, and stalking as these terms are defined in applicable federal laws/regulations.

2. Sexual Harassment Under ~~Title VII and~~ Maine Law

~~Under another federal law, Title VII, and under Maine law/regulations, 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: 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/Title IX Coordinator. The Affirmative Action Officer/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 discrimination/harassment of employees shall be addressed through ACAB-R1 – Discrimination and Harassment of Employees Complaint Procedure or ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure.~~ 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).¶~~

Legal References Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106
 Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
 Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A) (v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)
 Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)
 Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended
 Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended
 Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)
 Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)
 Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
 5 MRSA § 4551 et seq.
 MHRC Rule Chapter 94-348, ch. 3
 26 MRSA §§ 806-807

Cross Reference ~~ACAB-R – Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedure~~



ACAB-R1 – Employee Discrimination and Harassment Complaint Procedure
 ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure

AC - Nondiscrimination/Equal Opportunity and Affirmative Action

ACAD - Hazing

JIE – Pregnant Students

Adopted: December 15, 2004

Revised: February 24, 2010

Revised: July 29, 2020

EMPLOYEE DISCRIMINATION and /HARASSMENT ~~AND TITLE IX SEXUAL HARASSMENT~~ COMPLAINT PROCEDURES

The district has adopted these employee procedures in order to provide prompt and equitable resolution of complaints of unlawful discrimination and harassment based on race; color; religion; ancestry or national origin; age; disability; and genetic information. Complaints of sex discrimination, including sexual/sex-based harassment, are addressed in *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*. In cases where allegations include sex discrimination or sexual/sex-based harassment and one or more other protected categories, *ACAB-R2* will be used.

~~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. ¶~~

Complaints alleging unlawful discrimination and harassment of an employee are addressed under *ACAB-R1 - Employee Discrimination and Harassment Complaint Procedure* or *ACAB-R2 – Employee Sex Discrimination/Harassment Complaint Procedure*.

~~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 School Committee’s Student Discrimination and/

~~Harassment Complaint Procedure (ACAA-R1) and Title IX Sexual Harassment Complaint Procedures (ACAA-R). ¶~~

¶

Any individual who is unsure about whether unlawful discrimination or harassment has occurred and/or or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator.

**Alexis Dascoulias
Winthrop High School
211 Rambler Rd
Winthrop, ME 04364
207-377-2228 ext 3177
~~17A Highland Avenue¶
Winthrop, ME 04364¶~~**

Section 1 ~~I~~. DEFINITIONS

For purposes of these complaint procedures, the following definitions will be used. ~~The Affirmative Action Officer/Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.~~¶

~~Discrimination/Harassment Complaint Procedure Definitions~~

- A. ~~“Discrimination or harassment”~~: Discrimination or harassment on the basis of an individual’s membership in a protected category, ~~which, for employees, includes race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability.~~
- B. ~~“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.
- C. ~~“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 ~~or~~ ~~pervasive or persistent~~ so as to interfere with or limit that individual’s ability to participate in the school district’s programs or activities by creating a hostile, intimidating or offensive environment.

~~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.~~¶

- ¶
 - 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.~~¶

¶

~~“Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.” ¶~~

~~“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.”~~

D. ~~“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). ¶~~

~~E.~~

F. ~~“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. ¶~~

¶

~~Section 2: 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 district’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 district’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/Title IX Coordinator. A report triggers certain actions by the AAO/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/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 district.~~

~~Section 2H. 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 sex discrimination or sexual/sex-based harassment. ~~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/Title IX Coordinator.
2. Any employee who believes they have been harassed or discriminated against should report their concern promptly to the AAO/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. The individual making the report must provide basic information concerning the allegation of discrimination or harassment (i.e., date, time, location, individuals involved, nature of the allegation(s)) to the Affirmative Action Officer/Title IX Coordinator. If the report is made orally, the Affirmative Action Officer/Title IX Coordinator will document it.

~~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/Title IX Coordinator. ¶~~

4. If the individual is unsure as to whether unlawful discrimination or harassment has occurred or needs assistance in preparing a complaint, they are encouraged to discuss the matter with the Affirmative Action Officer/Title IX Coordinator.
5. ~~Individuals~~ ~~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.
6. Employees are 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:
 - Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333; telephone: 207-624-6290; website: <https://www.mhrc.gov/mhrc/>; and/or
 - Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111; website: https://ocrcas.ed.gov/contact-ocr?field_state_value=688).

~~Any employee who believes they have been discriminated against or harassed is encouraged to utilize the school district'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, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111). ¶~~

B. Complaint Handling and Investigation

1. The AAO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.
 - a. If the allegations include sex discrimination or sexual/sex-based harassment, *ACAB-R2* will be followed instead of this procedure.

2. The AAO/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 Superintendent, who shall consider whether the resolution is in the best interest of the school district and the parties in light of the particular circumstances and applicable policies and laws.
3. The AAO/Title IX Coordinator may implement supportive measures for an employee (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, etc.
4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the AAO/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.
5. Any complaint about the Superintendent should be submitted to the Chair of the School Committee, who should consult with legal counsel concerning the handling and investigation of the complaint.
6. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.
7. 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.~~
8. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.
9. If the complaint is against an employee of the school district, any rights conferred under an applicable collective bargaining agreement shall be applied.
10. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

11. The investigation shall be completed within forty (40) school calendar days of receiving the complaint, if practicable. ~~Reasonable extensions of time for good reason shall be allowed.~~
- ~~12.~~
13. The investigator shall provide a written report and findings to the AAO/Title IX Coordinator.

C. Findings and Subsequent Actions

1. The AAO/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the AAO/Title IX Coordinator, in consultation with the Superintendent, shall:
 - a. ~~Shall~~ Determine what remedial action(s), if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
 - b. Determine what disciplinary action(s) 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 Superintendent within five (5) school calendar days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five (5) school calendar days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.

- 5. The Superintendent’s decision on the appeal shall be provided to the parties within ~~ten (10) school calendar~~ days, if practicable. The Superintendent’s decision shall be final.

E. Records

The AAO/Title IX Coordinator shall keep a written record of the complaint process and actions taken. =

The rest of this policy is now in ACAB-R2 - Employee Sex Discrimination/Harassment Complaint Procedure

~~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/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/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 district 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 district’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, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).~~ ¶

¶

~~6. The Superintendent 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/Title IX Coordinator.~~ ¶

¶

~~2. In certain circumstances, the AAO/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 district). 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/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 district’s education programs and activities, or c) did not occur in the United States.~~ ¶

¶

¶

~~4. In accordance with the Title IX regulations, the AAO/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 district; or c) there are specific circumstances that prevent the school district 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/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, School Committee policies and/or professional expectations, the school district may address the conduct under Section 2 or another applicable policy/procedure.~~

~~¶~~

~~C. Administrative Leave~~

~~¶~~

~~The Superintendent may place a respondent on administrative leave during the complaint procedure.~~

~~¶~~

~~1. 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.~~

~~¶~~

~~2. The respondent will be provided notice of the administrative leave, 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 leave was unreasonable.~~

~~¶~~

~~3. Any such 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 calendar 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 calendar 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/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/Title IX Coordinator believes the circumstances are appropriate, the AAO/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 Superintendent 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 district. 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 Superintendent and AAO/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 Superintendent should be submitted to the Chair of the School Committee, who should consult with legal counsel concerning the handling and investigation of the complaint.~~ ¶

¶
2. ~~The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.~~ ¶

¶
3. ~~If the complaint is against an employee of the school district, 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 district 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 calendar 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 calendar 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 calendar 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 calendar 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 calendar 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 district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's programs and activities will be provided to the complainant;~~ ¶

¶

~~e. The school district'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 district 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 district'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 calendar 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 Superintendent, who will consider the appeal.~~
- ~~2. The Superintendent 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 district officials in making their decision.~~
- ~~3. The Superintendent 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).~~

¶

~~J. Records~~

¶

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

¶

Legal References: Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106
Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault)
Violence Against Women Act (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating

DRAFT DRAFT DRAFT Sept, 2024

violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of domestic violence)
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended
Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)
Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)

Cross Reference: AC – Nondiscrimination/Equal Opportunity and Affirmative Action
ACAB – Harassment and Sexual Harassment of School Employees
[ACAB-R2 Employee Sex Discrimination/Harassment Complaint Procedure](#)
[GBEG - Pregnant Employees](#)

Adopted: December 15, 2004 *10/27/2008 –
Removed name of retired AA officer.

Reviewed: January 8, 2016

Revised: July 29, 2020



WINTHROP PUBLIC SCHOOLS School and District Data

2018-Current (Spring 2024)

School Board Presentation
October 2, 2024

Overview of data points



District Demographic data: student enrollment, per-pupil spending

Student Outcome data: NWEA data, graduation rate, college enrollment

Comprehensive Survey: Family, Staff, and MS/HS Student data from Spring 2024

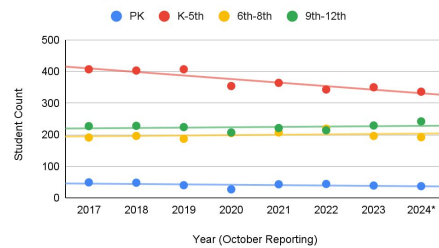
Enrollment Data: October Certifications



Student Enrollment by Grade Span 2017-Current					
Year	PK	K-5th	6th-8th	9th-12th	District
2017	49	407	191	227	874
2018	48	403	196	228	875
2019	40	407	187	224	858
2020	27	354	205	207	793
2021	43	364	207	221	835
2022	44	343	219	214	820
2023	39	350	196	229	814
2024*	37	336	192	242	807

Student October Enrollment by Grade Span

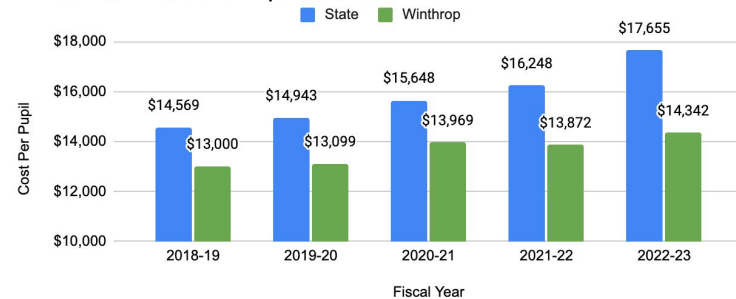
Trend Line Analysis 2017-Current



Per-Pupil Spending



Historical Resident Expenditures



Per-Pupil Spending



Kennebec County Per-Pupil

2022-23 Resident Expenditures

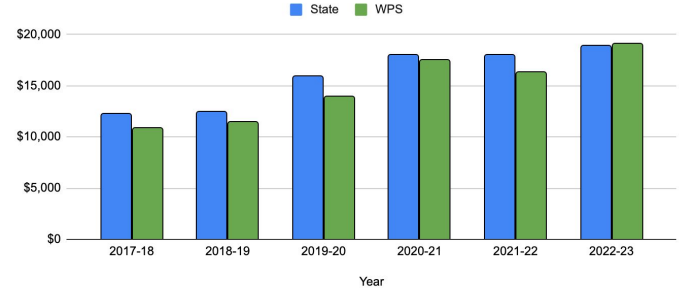


Per-Pupil Spending



Total District Per Pupil Spending

2017-Current

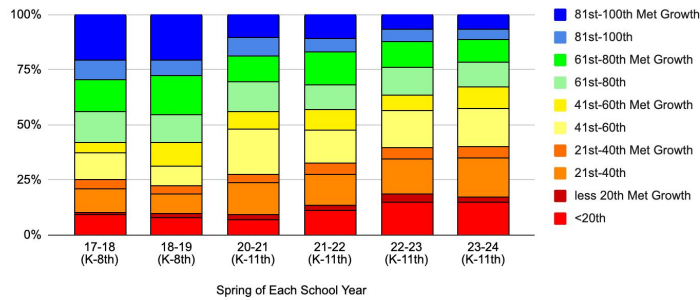


Student Achievement: Reading



Reading: Student Achievement and Growth

NWEA RIT Scores



Student Achievement: Reading



Reading, Percent Above 50th Percentile (Spring RIT)							
Grade	17-18	18-19	19-20	20-21	21-22	22-23	23-24
K	72%	63%		76%	48%	45%	35%
1	62%	75%		52%	59%	53%	46%
2	73%	68%		51%	53%	61%	58%
3	63%	72%		62%	61%	53%	57%
4	51%	69%		52%	43%	38%	28%
5	71%	72%		60%	46%	50%	41%
6	66%	77%		60%	52%	41%	37%
7	61%	62%		52%	64%	47%	36%
8	73%	67%		64%	50%	54%	36%
9				68%	66%	67%	69%
10				64%	75%	39%	54%
11				63%	52%	64%	49%

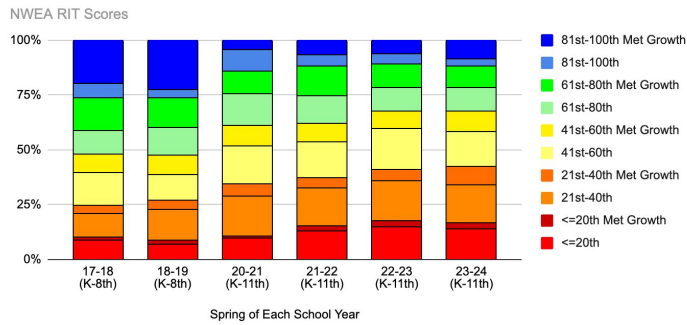
Reading, Percent Meeting Growth Goal (Fall-Spring)							
Grade	17-18	18-19	19-20	20-21	21-22	22-23	23-24
K	74%	73%		52%	42%	42%	24%
1	51%	50%		30%	30%	40%	48%
2	48%	48%		41%	44%	48%	53%
3	43%	59%		49%	43%	31%	38%
4	47%	74%		54%	25%	21%	20%
5	42%	53%		45%	37%	40%	26%
6	60%	50%		50%	41%	33%	26%
7	28%	43%		44%	47%	26%	28%
8	47%	50%			57%	33%	29%
9					49%	40%	50%
10					49%	9%	28%
11					70%	45%	34%

Year of Graduation
Class of 2036
Class of 2035
Class of 2034
Class of 2033
Class of 2032
Class of 2031
Class of 2030
Class of 2029
Class of 2028
Class of 2027
Class of 2026
Class of 2025

Student Achievement: Math



Math: Student Achievement and Growth



Student Achievement: Math



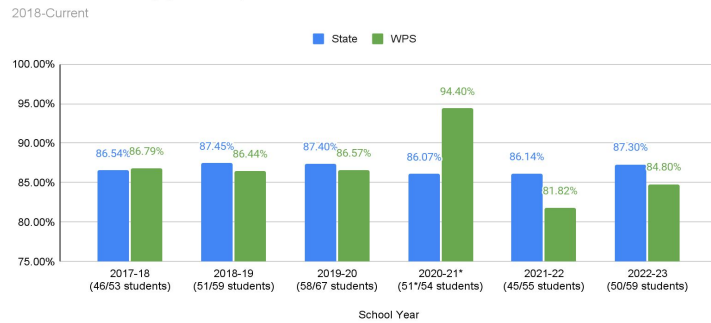
Math, Percent Above 50th Percentile (Spring RIT)							Math, Percent Meeting Growth Goal (Fall-Spring)								
Grade	17-18	18-19	19-20	20-21	21-22	22-23	23-24	Grade	17-18	18-19	19-20	20-21	21-22	22-23	23-24
K	78%	78%		79%	52%	60%	45%	K	77%	81%		38%	47%	46%	27%
1	76%	82%		63%	69%	60%	61%	1	63%	80%		31%	31%	46%	41%
2	86%	85%		52%	58%	57%	49%	2	50%	68%		15%	29%	43%	46%
3	77%	73%		51%	50%	51%	55%	3	54%	68%		53%	42%	26%	40%
4	53%	66%		38%	43%	41%	41%	4	37%	56%		60%	25%	36%	41%
5	54%	35%		50%	41%	33%	30%	5	38%	24%		39%	32%	21%	17%
6	36%	49%		51%	37%	34%	30%	6	33%	21%		39%	39%	22%	33%
7	53%	48%		40%	51%	33%	35%	7	52%	35%		45%	38%	23%	32%
8	81%	60%		47%	38%	49%	47%	8	58%	65%		39%	38%	47%	44%
9				47%	52%	48%	67%	9					34%	42%	44%
10				53%	51%	35%	36%	10					48%	14%	40%
11				76%	57%	53%	45%	11					40%	50%	61%

Year of Graduation
Class of 2036
Class of 2035
Class of 2034
Class of 2033
Class of 2032
Class of 2031
Class of 2030
Class of 2029
Class of 2028
Class of 2027
Class of 2026
Class of 2025

Student Outcome: Graduation Rate



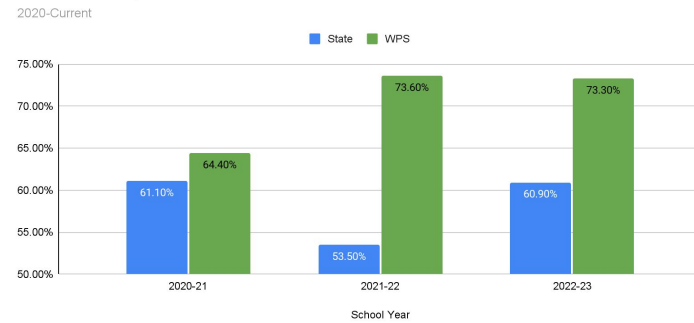
Graduation Rate (4yr Cohort)



Student Outcome: Post Secondary



Post Secondary Enrollment



Comprehensive Survey: Spring 2024

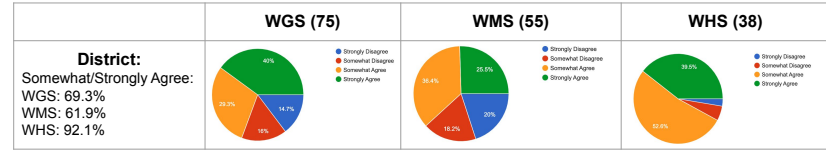


Participation/Responses

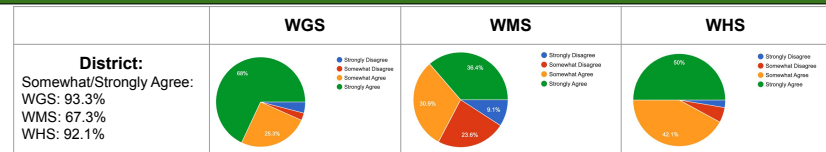
	Total	WGS	WMS	WHS
Families	174	75	55	38
Students	341	n/a	174	168
Staff	85	31	20	28

Comprehensive Survey: Family Connections

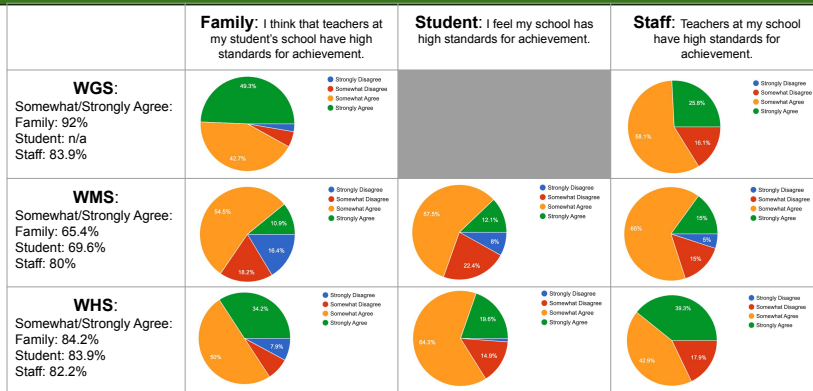
Family: I feel welcome at my student's school.



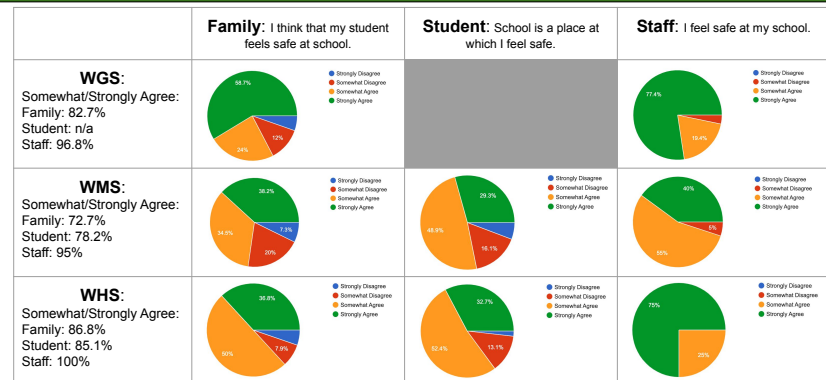
Family: I feel comfortable talking to teachers at my student's school



Comprehensive Survey: Achievement



Comprehensive Survey: Safety



Comprehensive Survey: Remote Days

I support the use of remote days (due to weather) as an option for Winthrop Public Schools.

	Family	Student	Staff
WGS: Somewhat/Strongly Agree: Family: 69.4% Student: n/a Staff: 90.4%			
WMS: Somewhat/Strongly Agree: Family: 60% Student: 55.8% Staff: 85%			
WHS: Somewhat/Strongly Agree: Family: 73.7% Student: 57.2% Staff: 85.8%			

Next steps:



- Build more transparency during the budget process
- Expand the Dropout Prevention Committee
- Current implementation of new literacy and math programs
- Future discussion around use of remote days