

# Policy Section A

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# AC Nondiscrimination-Equal Opportunity and Affirmative Action

## NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

RSU 1 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.

Discrimination against and harassment of school employees because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, familial status, disability or genetic information are prohibited.

Discrimination against and harassment of students because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability are prohibited.

For the purpose of this policy, “race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

The Board 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.

RSU 1 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 harassment. The Affirmative Action Officer/Title IX Coordinator is a person with direct access to the Superintendent.

RSU 1 has implemented complaint procedures for resolving complaints of discrimination/harassment and sexual harassment under this policy. The school unit provides required notices of these complaint procedures and how they can be accessed, as well as the school unit’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 Opportunities Act of 1972 (P.L. 92-261) amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e) et seq.) Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)’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: RSU 1 Affirmative Action Plan ACAA - Harassment and Sexual Harassment of Students ACAA-R - Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures ACAB - Harassment and Sexual Harassment of School Employees ACAB-R - Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures JICK - Bullying

Adopted: December 16, 2013 Revised: November 16, 2020; October 24, 2022

This is a required policy

# AC-R Grievance Procedure for Persons with Disabilities

## GRIEVANCE PROCEDURE FOR PERSONS WITH DISABILITIES

The School Board has adopted this grievance procedure to provide a local avenue for persons with disabilities to raise concerns about whether the school unit is fully meeting its obligations under state and federal laws to protect persons with disabilities. This procedure is intended to meet the requirements of the federal Rehabilitation Act (34 CFR § 104.7(b)) and the federal Americans with Disabilities Act (28 CFR § 35.107(b)).

Questions about this grievance procedure should be directed to the ADA/504 compliance coordinator.

### Step One

A person with an identifiable disability, or someone acting on that person's behalf, may file a written grievance regarding compliance with state or federal disabilities laws with the building principal where the grievance arose, or with the ADA/504 compliance coordinator. If filed with the ADA/504 compliance coordinator, that person shall forward it to the appropriate building principal. No grievance will be heard if it involves actions that occurred more than 60 days prior to the filing of the grievance.

The building principal, after consultation with the ADA/504 compliance coordinator, shall respond in writing to the grievance within 15 working days of its receipt. Extensions of 15 working days may be allowed if necessary to address fully the issues in the grievance, which will be jointly determined by the ADA/504 compliance coordinator and building principal. The principal's written response shall be forwarded to the grievant and to the ADA/504 compliance coordinator.

# Step Two

If dissatisfied with the response, the grievant may obtain a review by the Superintendent of the principal's decision.

The grievant must request that review within 15 working days of the decision by the principal. The Superintendent, after consultation with the ADA/504 compliance coordinator, shall respond in writing to the grievance within 15 working days. Extensions of 15 working days may be allowed when necessary to address fully the issues in the grievance. The Superintendent's written response shall be forwarded to the grievant and to the ADA/504 compliance coordinator.

Except for grievances regarding physical alterations to school buildings or grounds, the decision of the Superintendent shall be final. In the case of grievances regarding physical alterations to school buildings or grounds, a dissatisfied grievant may obtain a review by the School Board of the Superintendent's decision.

The grievant must request that review within 15 working days of the decision by the Superintendent. The School Board shall have a reasonable time to schedule a meeting on the grievance and to issue its decision.

Nothing in this grievance procedure in any way forecloses a person with a disability from seeking redress for their concerns at any time through other legal avenues, such as through the Office for Civil Rights, the Department of Justice, the Maine Human Rights Commission or the Maine Department of Education.

Questions about other legal avenues available for persons with disabilities to pursue compliance concerns under various disabilities laws should be directed to the ADA/504 compliance coordinator.

This notice is available in large print and on audio tape from the ADA/504 compliance coordinator.

Adopted: September 26, 2011

Reviewed: January 14, 2020

# ACAA Harassment and Sexual Harassment of Students

## HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

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

For the purpose of this policy, “race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

School employees, fellow students, volunteers, visitors to the schools, and other persons with whom students may interact in order to pursue or engage in education programs and activities, are required to refrain from such conduct.

Harassment and sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment and sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The 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 offensive conduct based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability. Harassment that rises to the level of physical assault, battery and/or abuse, and/or bullying behavior are also addressed in the RSU 1 Board Policy JICIA – Weapons, Violence and School Safety and Policy JICK - Bullying.

B. Sexual Harassment Sexual harassment is addressed under federal and state laws/regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

### 1. TITLE IX SEXUAL HARASSMENT

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit’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 unit's education programs and activities; or
- c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

## 2. Sexual Harassment Under Maine Law

Under Maine law, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational benefits;
- b. Submission to or rejection of such conduct by a student is used as the basis for decisions on educational benefits; or
- c. Such conduct has the purpose and effect of substantially interfering with a student's academic performance or creates an intimidating, hostile or offensive environment.

## C. Reports and Complaints of Harassment or Sexual Harassment

All school employees are required to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/Title IX Coordinator. Failure to report such incidents may result in disciplinary action.

Students, parents/legal guardians and other individuals are strongly encouraged to report possible incidents of harassment or sexual harassment involving students to the Affirmative Action Officer/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) - 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: AC – Nondiscrimination/Equal Opportunity and Affirmative Action ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures 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: November 14, 2005

Revised: November 14, 2007; December 16, 2013; October 26, 2020; October 24, 2022



# ACAA-R Student Discrimination and Harassment Complaint Procedure

## STUDENT DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

The Board has adopted these student procedures in order to provide prompt and equitable resolution of reports and complaints of unlawful discrimination and harassment of students, including sexual harassment, as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAA – Harassment and Sexual Harassment of Students.

Complaints alleging unlawful harassment or discrimination against employees based on a protected category should be addressed through the Board’s Employee Discrimination/ Harassment and Title IX Sexual Harassment Complaint Procedures (ACAB-R).

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

### 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 (including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists and locs), 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 unit's programs or activities by creating a hostile, intimidating or offensive environment.
4. "Sexual harassment": Under Maine law, this means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following situations:

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.

5. "Sexual orientation": Under Maine law, this means a person's "actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression."
6. "Gender identity": Under Maine law, this means "the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."
7. "Complaint" is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, religion, ancestry, national origin or disability (and not otherwise addressed in the Title IX regulations and Section 3 of ACAA-R).
8. Complaints of bullying not involving the protected categories or definitions described above may be addressed under Board Policy JICK – Bullying and Cyberbullying of Students.

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

1. "Sexual Harassment": Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit's education programs and activities: For the purpose of this policy, "race" includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

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 unit's education programs and activities; or

c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws. 2. "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 ACAAA-R. Only a student and/or their parent/legal guardian (and in certain circumstances, the AAO/Title IX Coordinator) may file a formal complaint.
4. “Student”: For the purposes of this procedure, a student is an individual who is enrolled or participating in the school unit’s education programs and activities, or is attempting to enroll or participate.

## II. DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

This procedure should be used for any complaint of unlawful harassment or discrimination complaint based on a protected category which does not involve Title IX sexual harassment (which is addressed in Section 3).

### A. How to Make a Complaint

1. School employees are required to promptly make a report to the AAO/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 unit’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, ME 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(s) 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 unit 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 Board, 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 in accordance with procedures outlined in the 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 unit, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the AAO/Title IX Coordinator.

#### C. Findings and Subsequent Actions

1. The AAO/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).

#### 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 business 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 business 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 business 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.

### 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 are 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 unit cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.
5. Individuals will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge for employees, or expulsion for students.
6. Any student (or their parent/legal guardian) who believes they have been the victim of sexual harassment is encouraged to utilize the school unit'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).
7. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

#### B. How to Make A Formal Complaint

1. An alleged student victim and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation).

Students who need assistance in preparing a formal written complaint, are encouraged to consult with the AAO/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 unit). 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 unit'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 unit; or c) there are specific circumstances that prevent the school unit from gathering evidence sufficient to reach a determination regarding the formal complaint. However, if the conduct potentially violates other policies or laws, it may be addressed through the applicable Board policy/procedure.

5. If a formal complaint is dismissed under this Title IX procedure, the AAO/Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.
6. If the conduct alleged in a formal complaint potentially violates other laws, Board policies and/or professional expectations, the school unit may address the conduct under Section 2 or another applicable Board policy/procedure.

#### C. Student Emergency Removal or Employee Administrative Leave

1. The Superintendent may remove a student respondent from education programs and activities on an emergency basis during the complaint procedure:
  - a. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.
  - b. The respondent (and their parent/legal guardian) will be provided notice of the emergency removal, and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency removal or administrative leave was unreasonable.
2. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable State laws, school policies and collective bargaining agreement provisions.
3. Any decision to remove a respondent from education programs and activities on an emergency basis or place an employee on administrative leave shall be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

#### D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice shall include:
  - Notice regarding the complaint procedure and the availability of an informal resolution process;
  - Sufficient details known at the time (including identities of parties, if known; the conduct alleged that potentially violates Title IX; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days);
  - As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint; and that the parties may inspect and review evidence;
  - Notice that the parties may each have an advisor of their choice (who may be an attorney);
  - Notice that knowingly making

false statements or submitting false information during the complaint process is prohibited and may result in disciplinary action; • Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.

2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The AAO/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 unit. 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 Board, 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 unit, 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 unit does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
- g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
- h. Consider the parties' written responses to the evidence prior to completing the investigation report.
- i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
- j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned building administrator.

6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

G. Determination of Responsibility

1. The building administrator shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the building administrator received the investigation report and party responses.
  - a. The building administrator shall explain to a party proposing questions if the building administrator excludes a question as not relevant.

2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
3. Each party will receive a copy of the responses to any follow-up questions.
4. The building administrator 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 building administrator 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 unit imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school unit's programs and activities will be provided to the complainant;

e. The school unit'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 unit 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 unit's education programs and activities following the building administrator'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 building administrator had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the 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 building administrator.
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 unit 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 deny the appeal; grant the appeal and remand to the building administrator 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.

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: AC - Nondiscrimination/Equal Opportunity and Affirmative Action ACAA - Harassment and Sexual Harassment of Students 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: November 14, 2005 Revised: December 16, 2013; October 26, 2020; November 28, 2022

# ACAB Harassment and Sexual Harassment of School Employees

## 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, familial status, genetic information or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

For the purpose of this policy, “race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locs.

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

### A. Harassment

Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery based on race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, genetic information or disability. Under the Maine Civil Rights Act, violence or threats of violence against a person or their property based on their sexual orientation are also illegal.

### B. Sexual Harassment

Sexual harassment is addressed under federal and state laws and regulations. The scope and definitions of sexual harassment under these laws differ, as described below.

#### 1. Title IX Sexual Harassment

Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit’s education programs and activities:

a. “Quid pro quo” sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual’s participation in unwelcome sexual conduct; b. “Hostile environment” sexual harassment: Unwelcome conduct based on sex

that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

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

Under another federal law, Title VII, and under Maine law/regulations, sexual harassment is defined differently. Maine Human Rights Commission regulations define sexual harassment as conduct on the basis of sex which satisfies one or more of the following:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee'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 work 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 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 Title IX Sexual Harassment Complaint Procedure AC - Nondiscrimination/Equal Opportunity and Affirmative Action ACAD - Hazing

Adopted: January 27, 2014 Revised: October 26, 2020; October 24, 2022

This is a required policy.

# ACAB-R Employee Discrimination and Harassment Complaint Procedure

## EMPLOYEE DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

The Board has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints of discrimination and harassment, including sexual harassment, as described in Policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAB – Harassment and Sexual Harassment of School Employees.

The complaint procedure in Section 2 may also be used, to the extent applicable, by visitors, including parents, volunteers and others having lawful access to the schools who wish to make a complaint of discrimination or harassment.

Complaints alleging harassment or discrimination against students based on a protected category should be addressed through the Board’s Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAA-R).

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

### 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 employees, includes race (including traits associated with race involving hair texture, Afro hairstyles and protective

hairstyles such as braids, twists and locs), color, sex, sexual orientation, gender identity, age, familial status, religion, ancestry, national origin, genetic information 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 unit's programs or activities by creating a hostile, intimidating or offensive environment.
4. Under Title VII and under Maine law/regulations, sexual harassment is defined differently than under Title IX. Maine Human Rights Commission regulations define sexual harassment as conduct on the basis of sex which satisfies one or more of the following:

- 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.
5. "Sexual orientation": Under Maine law, this means a person's "actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression."
  6. "Gender identity": Under Maine law, this means "the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth."
  7. "Complaint" is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, age, familial status, religion, ancestry, national origin, genetic information or disability (and in regard to sex, conduct not otherwise addressed in the Title IX regulations and Section 3 of ACAB-R).
  8. "Employee": Whenever the term "employee" is used in Section 2, it includes visitors or others who have a lawful basis to make a complaint of discrimination or harassment.
  9. "Familial status": Under Maine law, this means a family unit that contains:
    - a. One or more individuals who have not attained 18 years of age and are living with a parent or another person having legal custody of the individual or individual or the designee of the parent or other person having custody with the written permission of the parent or other person; or
    - b. One or more individuals 18 years of age or older who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions.

## B. Title IX Sexual Harassment Complaint Procedure Definitions



1. "Title IX sexual harassment": Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of sex which takes place within the context of the school unit's education programs and activities:
  - a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as a promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
  - b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or
  - c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.
2. "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 unit.

## II. DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

This procedure should be used for any complaint of unlawful harassment or discrimination based on a protected category which does not involve Title IX sexual harassment.

### A. How to Make A Complaint

1. An employee who believes they have been unlawfully harassed or discriminated against (as such terms are defined in Section 1.A.1-3) is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive, and requesting that the behavior stop. This shall not prevent the employee from making an immediate complaint to the AAO/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. 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. 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.
5. Any employee who believes they have been discriminated against or harassed is encouraged to utilize the school unit's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) 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 unit and the parties in light of the particular circumstances and applicable policies and laws.
3. The AAO/Title IX Coordinator may implement supportive measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved; changing a work location or changing a work schedule.
4. The complaint will be investigated by a trained internal or external individual designated by the 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 Board, 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 and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school unit, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable. Reasonable extensions of time for good reason shall be allowed.

11. The investigator shall provide a written report and findings to the AAO/Title IX Coordinator.

#### C. Findings and Subsequent Actions

1. The AAO/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:
  - a. Shall determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
  - b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

#### D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business 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 business 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 business 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.

### 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 unit 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 unit'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, ME 04333 (telephone: 207-624-6290) and/or to the Federal Office for Civil Rights, US 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 unit). 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 unit'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 unit; or c) there are specific circumstances that prevent the school unit 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, Board policies and/or professional expectations, the school unit may address the conduct under Section 2 or another applicable policy/procedure.

#### C. Administrative Leave

1. The Superintendent may place an employee respondent on administrative leave during the complaint procedure in accordance with any applicable State laws, school policies and collective bargaining agreement provisions.
2. Any decision to place an employee respondent on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

#### D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:
  - Notice regarding the complaint procedure and the availability of an informal resolution process; • Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days); • As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence; • Notice that the parties may each have an advisor of their choice (who may be an attorney); • Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and • Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
3. The AAO/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 unit. 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 Board, 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 unit, 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 unit does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
  - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
  - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
  - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
  - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned building administrator.
6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time for good reason shall be allowed.

#### G. Determination of Responsibility

- 1. The building administrator shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the building administrator received the investigation report and party responses.
- a. The building administrator shall explain to a party proposing questions if the building administrator excludes a question as not relevant.
- 2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.
  - 3. Each party will receive a copy of the responses to any follow-up questions.
  - 4. The building administrator 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 building administrator 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 unit imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school unit's programs and activities will be provided to the complainant;
  - e. The school unit'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 unit 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 unit's education programs and activities following the building administrator'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 building administrator had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the 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 unit 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 building administrator 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 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 GBGB – Workplace Bullying

Adopted: November 14, 2005 Revised: December 16, 2013; October 26, 2020; November 28, 2022



# ACAD Hazing

Maine law defines injurious hazing as "any action or situation, including harassing behavior that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school."

Injurious hazing activities of any type, either on or off school property during a school activity, by any student, staff member, group or organization affiliated with this school unit, are inconsistent with the educational process will be prohibited at all times.

"Harassing behavior" includes acts of intimidation and any other conduct that recklessly or intentionally endangers the mental or physical health of a student or staff member.

"Acts of intimidation" include extortion, menacing, direct or indirect threats of violence, incidents of violence, bullying, statements or taunting of a malicious and/or derogatory nature that recklessly or intentionally endanger the mental or physical health of another person, or property damage or theft.

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

Students who violate this policy may be subject to disciplinary action which may include suspension, expulsion, or other appropriate measures. Administrators, professional staff, and all other employees who violate this policy may be subject to disciplinary action up to and including dismissal.

Should an organization affiliated with this school unit participate in hazing, penalties may include rescission of permission for that organization to operate on school property or to receive any other benefit of affiliation with the school unit.

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

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

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

This right to appeal does not apply to student suspensions of 10 days or less or to matters submitted to grievance procedures under applicable collective bargaining agreements.

A copy of this policy shall be included in all school, parent, and employee handbooks or otherwise distributed to all school employees and students.

Legal Reference: 20-A MRSA § 6553

Cross Reference: ACAA - Harassment and Sexual Harassment of Students

ACAB - Harassment and Sexual Harassment of Employees

JICIA - Weapons, Violence and School Safety

Adopted: November 14, 2005

Revised: August 27, 2012

*This is a required policy.*

# AD Educational Philosophy-Mission

Regional School Unit 1 believes in working with the community to meet the individual educational needs of all students through trust, teamwork and communication. We will strive to provide safe schools where learning is desirable, authentic, challenging and reflective of students' diverse needs, interests and ideas. We believe that all students must be provided equal but not identical opportunities to allow them to achieve at levels commensurate with their abilities. Together, we will prepare students for their future by providing a challenging core of curricular expectations that integrates technology. We believe that progress is only possible with change and we will improve performance through on-going evaluations making RSU 1 a model of educational excellence.

RSU 1 is committed to foster in students a lifelong commitment to intellectual exploration, individual growth, and social responsibility by inspiring and supporting them to strive for academic and personal excellence within an ethical framework that places the highest value on honor and respect for others.

## OBJECTIVES

In the practical application of this philosophy, opportunities shall be provided which challenge each student to the maximum of his/her capacity. The staff will encourage students:

- A. To learn, insofar as his/her ability permits, to think critically and act effectively through the mastery of the basic skills, such as reading, writing, mathematics and the use of written and spoken language, science, history, the arts, as well as current technology;
- B. To develop and appreciate our national, state and local heritage, and gain knowledge of the culture and history of other peoples;
- C. To develop intellectually, emotionally, morally and socially so that problems of everyday living can be dealt with successfully;
- D. To develop a healthy body;
- E. To develop intellectual curiosity and creativity;
- F. To acquire the basic preparation for various vocations and professions in society; and

G. To develop as life-long learners.

# THE STUDENT AND METHOD

Desirable learning is based on worthwhile effort and active participation on the part of the student - his/her experiences in facing problems, seeking solutions, planning, sharing in work to be done, recognizing mistakes and evaluating what has been done.

A curriculum calling for constructive activity on the part of the individual suggests that the method of education is increasingly that of guided self-education. A rigorous core curriculum designed to achieve specific learning outcomes will be provided. It will be planned with the goal of creating and maintaining standards which will furnish students with the skills necessary for success in a global society while giving them a broad educational foundation compatible with their interests, aptitudes and aims. The curriculum and graduation requirements will be regularly evaluated to ensure their continued appropriateness. The school directs learning opportunities; these opportunities encourage responsibilities to be taken by the students.

We believe that students learn best when they are interested and when they have a sense of need and purpose.

The teacher's task is to inspire, challenge, direct, discover, strengthen interests, help the student to set objectives that are worthwhile, attainable and dynamic, and to guide the student's efforts of self-education.

Teachers and the system as a whole should strive to instill a continuing desire to learn.

The basic worth and dignity of the human being should at all times be defended and upheld.

Adopted: January 9, 2006

Revised: February 24, 2014

*This is a required policy.*

# ADA School System Goals and Objectives

File: ADA

## SCHOOL SYSTEM GOALS AND OBJECTIVES

The RSU #1 Board recognizes its responsibility to set goals for the effective, successful, yet efficient operation of the school unit. In discharging this responsibility, the Board will strive to ensure that the resources of the school system are directed toward meeting the educational needs of each eligible student.

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

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

Legal Reference: Title 20-A, MRSA, Sec. 4511

Adopted: July 21, 2008

# ADAA-School System

## Commitment to Standards for Ethical and Responsible Behavior

The School Board believes that promoting ethical and responsible behavior is an essential part of the school unit's educational mission. The Board recognizes that ethics, constructive attitudes, responsible behavior, and "character" are important if a student is to leave school as a "responsible and involved citizen," as described in the Guiding Principles of the Maine Learning Results. The Board also recognizes that Maine law requires the adoption of a district-wide student code of conduct consistent with statewide standards for student behavior developed by the Commissioner of the Department of Education in compliance with 20-A MRSA § 254(11).

The Board seeks to create and maintain a school climate in which ethical and responsible behavior can flourish. The Board believes that instilling a sense of ethics and responsibility in students requires setting positive expectations for student behavior as well as establishing disciplinary consequences for behavior that violates Board policy or school rules. Further, the Board believes that in order to teach ethical and responsible behavior, adults who interact with students must strive to model and reinforce ethical and responsible behavior. To that end, the Board supports an active partnership between schools and parents.

Recognizing that collaboratively identified core values are the foundation for a school culture that encourages and reinforces ethical and responsible student behavior, the Board is committed to the establishment and implementation of a process for identifying shared values and setting and enforcing standards for behavior, including prescription of consequences for unacceptable behavior. The process for identifying such shared values will invite and include the participation of Board members, school administrators, staff, parents, students, and the community. Core values will be reviewed periodically, with opportunity for public participation.

Following the identification of core values, the Board, with input from administrators, staff, parents, students, and members of the community, will adopt a Student Code of Conduct consistent with statewide standards for student behavior<sup>1</sup> that shall, as required by law:

A. Define unacceptable student behavior;



B. Establish standards of student responsibility for behavior;

C. Prescribe consequences for violation of the Student Code of Conduct, including first-time violations, when appropriate;

D. Describe appropriate procedures for referring students in need of special services to those services;

^1^The statewide standards are the "core values" identified in the report of the Commission for Ethical and Responsible Student Behavior, [Taking Responsibility: Standards for Ethical and Responsible Behavior in Maine Schools and Communities]. The core values are: Respect, Honesty, Compassion, Fairness, Responsibility and Courage. The Code of Conduct must be "consistent with," not identical to, the statewide standards developed under 20 M.R.S.A. § 254(11). This provides an opportunity for communities to identify their own core values and articulate what they "look like" when applied to behavior. The core values serve as a basis for school system expectations for student conduct.

E. Establish criteria to determine when further assessment of a current Individual Education Plan (IEP) is necessary, based on removal of the student from class;

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^1^The statewide standards are the "core values" identified in the report of the Commission for Ethical and Responsible Student Behavior, [Taking Responsibility: Standards for Ethical and Responsible Behavior in Maine Schools and Communities]. The core values are: Respect, Honesty, Compassion, Fairness, Responsibility and Courage. The Code of Conduct must be "consistent with," not identical to, the statewide standards developed under 20 M.R.S.A. § 254(11). This provides an opportunity for communities to identify their own core values and articulate what they "look like" when applied to behavior. The core values serve as a basis for school system expectations for student conduct.

F. Establish policies and procedures concerning the removal of disruptive or violent students from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate; and

G. Establish guidelines and criteria concerning the appropriate circumstances when the Superintendent/designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property.

H. Establish policies and procedures to address bullying, harassment and sexual harassment.

The Board will review the Student Code of Conduct periodically, inviting input from administrators, staff, parents, students and members of the community.

When revising the prescribed consequences for violation of the Student Code of Conduct, the Board shall consider relevant existing district-wide school disciplinary policies and/or consider adoption of

new policies that:

A. Focus on positive interventions and expectations and avoid focusing exclusively on unacceptable student behavior;

B. Focus on positive and restorative interventions that are consistent with evidence-based practices rather than set punishments for specific behaviors, and avoid "zero tolerance" practices unless specifically required by federal or state laws, rules or regulations;

C. Allow administrators to use their discretion to fashion appropriate discipline that examines the circumstances pertinent to the case at hand; and

D. An attempt will be made to contact parents/guardians by phone, as soon as practicable, after the decision to suspend has been made in addition to providing written notice.

"Positive interventions" and "restorative interventions" shall have the same meaning as provided in 20-A MRSA § 1001(15).

Students, parents, staff, and the community will be informed of the Student Code of Conduct and relevant district-wide school disciplinary policies through handbooks, the school unit's website, and/or other means selected by the Superintendent/designee.

### **Ethics and Curriculum**

The Board encourages integration of ethics into content areas of the curriculum, as appropriate. The Board also encourages schools to provide students with meaningful opportunities to apply values and ethical and responsible behavior through activities such as problem solving peer mediation and student government/leadership development.

Legal Reference: 20-A MRSA §§ 254, 1001(15), 1001(15-A)

Cross reference: JKD -- Suspension of Students

JIC -- Student Code of Conduct

Adopted: November 14, 2005

Revised: March 25, 2013

# ADC Tobacco-Free Schools - Use and Possession of Tobacco and Electronic Smoking Devices

In order to promote the health and safety of students, staff, and other adults, including visitors/parents/guardians, the Board prohibits smoking and all other use of tobacco products, including electronic smoking devices, in school buildings on school property (including during public events and when school is not in session), on school buses or in any other school department vehicle, at any time by all persons.

"Electronic smoking device" means a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.

Students are further prohibited from possessing, selling, distributing or dispensing tobacco products or electronic smoking devices at any time on school property, in school buses or other vehicles used to transport students, and during school-sponsored events and activities, wherever they take place.

Employees and all other persons are strictly prohibited, under law and Board policy, from selling, distributing or in any way dispensing tobacco products or electronic smoking devices to students. Employees may not use tobacco products or electronic smoking devices at any time while supervising students, whether on or off school property.

In enacting P.L. Ch. 308 (2017), *"An Act to Reduce Youth Access to Tobacco Products,"* the Maine Legislature raised the age for sales of tobacco products (including electronic smoking devices) from 18 to 21 (with the exception of persons who had reached 18 years of age as of July 1, 2018).

[Policy Communication:]

This policy will be communicated through a variety of efforts to educate students, school staff, parents, and visitors. Tobacco-free signs posted in highly visible areas at facility entrances and

throughout the school property, including athletic facilities. The policy will be listed on the school website and printed in employee, student and adult education booklets on an annual basis.

[Policy Enforcement]:

Everyone is required to comply with the RSU 1 tobacco-free policy. Enforcement of this policy will follow the standard procedures of the school for each audience. All school staff are expected to enforce the policy under the direction of the Principal. The Principal shall report any violations of this policy/procedure, as promptly as practicable, to the Superintendent.

Legal Reference: 22 MRSA §§ 1541, 1551, 1578-B

Me. PL Ch. 61 (2019) (*An Act to Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds*)

20 USC 6081-6084 (*Pro-Children Act of 1994*)

Cross Reference: JICA -- Student Dress

JL -- Student Wellness

KF -- Community Use of School Facilities

KHB -- Advertising in the Schools

Adopted: April 28, 2014

Revised: March 26, 2018; January 25, 2020

**Information regarding tobacco treatment resources, such as onsite counseling and the Maine Tobacco HelpLine (1-800-207-1230) will be available for tobacco users who are interested in quitting.**

*This is a required policy.*

# ADC-R Tobacco Use and Possession Administrative Procedure

The purpose of the following administrative procedure is to implement the mandates imposed by the various federal and state laws in addition to this Board's "Tobacco Use and Possession" policy.

It also applies to electronic cigarettes and other devices designed to deliver nicotine through inhalation or "vaping," or used to simulate smoking.

## I. PROHIBITED CONDUCT

A. Students The use, possession, sale, dispensing or distribution of tobacco products by any students is prohibited in school buildings and facilities, during school-sponsored events, on school grounds and buses, and at any time.

B. Employees and All Other Persons The use of tobacco products by employees and all other persons is prohibited in school buildings, facilities and on school buses during school-sponsored events and at any time on school grounds.

## ENFORCEMENT

In order to enforce the tobacco products policy, the following guidelines shall be utilized by the Principal of a school in which prohibited conduct occurs. The Principal shall report any violations of this policy/procedure, as promptly as practicable, to the Superintendent.

A. Student Violations The Superintendent and administrators shall develop age-appropriate disciplinary guidelines for students violating this policy/administrative procedure, which can be found in the appropriate school handbook.

B. Student Referral to Law Enforcement Agency The Superintendent or his/her designee reserves the right to refer students to a law enforcement agency, on a case-by-case basis, as he/she may deem necessary. However, the Superintendent/designee shall refer to a law enforcement agency

any student reasonably suspected of selling, dispensing or distributing tobacco products and/or electronic smoking devices.

C. Other Persons in Violation All other persons violating this policy, e.g. employees, visitors, shall be immediately directed to cease the behavior. Visitors who violate this policy will be asked to cease the behavior and may be asked to leave the activity or premises. Violations may also be referred to law enforcement, depending on the facts of the particular case. Employees who violate this policy may be disciplined in accordance with any applicable collective bargaining contract and/or policy, and violations may be referred to law enforcement if they involve students.

## NOTICES

The Board's policy and corresponding disciplinary actions for infractions of this policy shall be included in employee, and student handbooks. Legal References: 20 USC § 6081-6084 (Pro-Children Act of 1994) 22 MRSA § 1578-B Me. PL 470 (An Act to Reduce Tobacco Use by Minors) Adopted: April 9, 2001 Reviewed by Board: October 10, 2005 Revised: April 28, 2014; March 26, 2018

# ADF School District

## Commitment to Learning Results

The RSU #1 Board hereby adopts the system of Learning Results and the Maine Department of Education's applicable rules. The Learning Results is intended to serve as a foundation for education reform and to promote and provide assessment of student learning, accountability and equitable opportunities for all students to access the content standards. The Board recognizes that the legislative intent of the Learning Results system is to provide children with schools that reflect high expectations and create conditions where these expectations can be met.

The Board understands that implementation of the Learning Results has broad implications for the school unit, including curriculum, budget, professional development, student assessment, professional evaluation, and graduation requirements. Therefore, the Board is committed to examining its policies to ensure that they are consistent with the intent and goals of the Learning Results system. This will require a concerted and coordinated effort involving the Board, the Superintendent, administrators, teachers, parents, students and the community.

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

Legal References: 20-A MRSA 6208-6209

L.D. 1536, Chapter 51 Resolves

Chapter 125,127,131 (Maine Dept. of Ed. Rules)

Adopted: July 21, 2008

# AEC Accountability - Reporting to the Public

The RSU 1 Board is conscious of its responsibility for making informed decisions that will impact student learning and school system operations. As an elected body, the Board recognizes that it is accountable to the citizens of the school unit for its decisions and the educational achievement of its students. Basic to accountability is the reporting of data concerning student achievement and, in general, the operations of the schools.

The Board directs the Superintendent to prepare appropriate reports that will provide the Board with the information it needs to make appropriate policy and planning decisions and to keep the public informed regarding the academic progress of its students, the effectiveness of school programs, and the needs of the school system. As practicable, the Superintendent may combine such reports into a single document and/or presentation or use multiple reporting processes, depending upon the nature of the information. Such reports shall be made available to the public.

The Superintendent shall also be responsible for gathering and submitting data to the Maine Department of Education (DOE) and other agencies as required by law and/or regulations and for preparing and disseminating reports to the Board and the public in compliance with applicable laws and/or regulations. Data collated by the State shall be incorporated into reports to the Board and/or public as mandated by law and/or regulations.

## A. State of the District Report

Each year the Superintendent shall prepare and present to the Board an annual report addressing the activities of the school unit and his/her recommendation(s) for improving student learning and school system operations. The report shall be made available to the public as a means of informing parents and citizens of the school system's goals, plans, programs, and operations.

## B. Comprehensive Plan Report



Each school unit must develop and implement a Comprehensive Education Plan that is aligned with Maine's system of Learning Results, focused on the learning of all students, and oriented to continuous improvement and includes the elements listed in Chapter 125, Section 4.02, of the Department of Education Rules. The Superintendent shall make an annual report to the Board and public on the school system's Comprehensive Education Plan and school improvement progress. The Board shall annually review and approve the Comprehensive Education Plan.

## C. Local Assessment System

The Superintendent/designee, with the assistance of appropriate staff, will prepare for the Board's review and for dissemination to the public on an annual basis the results of the Local Assessment System. The purpose is to enable the Board and public to monitor student progress in achieving the content standards of the system of Common Core/Learning Results and to make informed decisions concerning the instructional program and allocation of resources.

## D. District Report Cards

In compliance with federal law and regulations and to provide relevant information concerning the academic performance of the school system and of its individual schools, the Superintendent shall be responsible for annually collecting and submitting required data and for preparing and making available to schools, the parents of children in those schools, and the public a "district report card" containing the information required by law.

## E. Financial Reports

The Superintendent/designee shall provide to the Board and public monthly reports concerning the financial condition of the school system.

### F. Other Reports

The Board may request and the Superintendent/designee shall provide to the Board and/or public other reports related to school system goals and objectives, the instructional program, and operations of the schools.

Legal Reference: 20 U.S.C. § 6311 (No Child Left Behind Act)

20-A M.R.S.A. §§ 4502(1), (6)

Ch. 125, 127 (Me. Dept. of Ed. Rules)

Cross Reference: ADF -- School District Commitment to Learning Results ILA -- Student Assessment  
KD - Public Information and Communications

Adopted: February 24, 2014