

FILE: AC-R

**M.S.A.D. NO. 56
AFFIRMATIVE ACTION PLAN**

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NOTE: This Affirmative Action Plan is part of policy File: AC, Nondiscrimination.

Revised:January 12, 1993
December 13, 1994
May 5, 1998
November 14, 2000

NOTICE OF NONDISCRIMINATION
POLICY STATEMENT

M.S.A.D. No. 56 does not discriminate on the basis of race, age, religion, color, national origin, sex, sexual orientation, mental and/or physical disability in admission to, access to, treatment in or employment in its programs and activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies:

Sharon Goguen
Director of Special Services
MSAD #56
30 Mortland Road
Searsport, ME 04974

(207) 548-2312

Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Education, S.W. McCormack POCH Room 222, Boston, MA 02109-4557.

This notice is available in large print and on audio tape from the Compliance Coordinator.

DISSEMINATION OF THE POLICY STATEMENT FOR AFFIRMATIVE ACTION PROGRAM

The Board of Directors of Maine School Administrative District No. 56 approves and directs the release of a policy statement of affirmative action that clearly identifies the Board's intent not to discriminate.

In keeping with the Affirmative Action/Title IX/Section 504/ADA regulations, it is the intent of the School Department that notification of the policy shall be an ongoing process; i.e. all applications, all general announcements and bulletins, all student handbooks, and all advertisements and materials used in the recruitment of employees shall contain the policy statement.

DISSEMINATION OF THE AFFIRMATIVE ACTION PLAN

In September of each school year, the Superintendent shall cause to be posted in conspicuous locations within each building of MSAD #56, a notice to the effect that a copy of the plan shall be available to any interested employee, student, or parent of a student in MSAD #56. Copies of the plan shall be placed in:

1. School libraries
2. Principals' offices
3. Superintendent's office

DEFINITIONS

Affirmative Action:

A plan to effect the elimination of all discriminating educational policies and practices, whether unintentional or otherwise, relating to employment, curriculum, role modeling and all other departmental concerns. A draft document was produced pursuant to the Federal Executive Orders 11246-11375 as amended, the 1972 Equal Employment Opportunity Act under Title VII of the Civil Rights Act and Title IX of the Education Amendments of 1972, updated March 31, 1975.

Title IX:

The Implementing Regulation of the Education Amendments of 1972, prohibiting discrimination on the basis of sex. The regulation became effective July 21, 1976.

Section 504 of the Rehabilitation Act:

A law prohibiting discrimination on the basis of disability.

Americans with Disabilities Act:

Extends Section 504 and prohibits public entities from discriminating against or excluding people from programs, services, or activities on the basis of disability. This regulation became effective July 26, 1990.

Sex: Male or female gender

STATEMENT OF INTENT

STUDENTS

In addition to the Affirmative Action/Title IX/Section 504/ADA Program, the Board of Directors affirms the following student rights:

No person on the basis of race, sex, sexual orientation, color, national origin, marital status, age, mental or physical disability, or religion is excluded from participation in, denied the benefits of, or subjected to discrimination under any educational program or activity.

1. Course offerings:

All course offerings are open to all students meeting established prerequisites.

2. Textbooks and curriculum materials:

New textbooks and materials shall be reviewed prior to selection, in an attempt to ensure that there is no bias and stereotyping.

3. Guidance services:

- a. Guidance counselors shall provide counseling services and informational materials which do not: differentiate by sex, sexual orientation, mental or physical disability, color, religion, national origin, marital status, or socio-economic background in career counseling and personal counseling, or suggest the appropriateness of courses by sex, sexual orientation, mental or physical disability, color, national origin, religion, race, marital status, or socio-economic background.
- b. Testing materials will be examined and those found to be discriminatory will be replaced as rapidly as possible.
- c. Guidance counselors, whenever responding to an employer's requests for students to fill jobs, will to the best extent possible seek to provide candidates without regard to race, sex, sexual orientation, color, national origin, marital status, mental or physical disability, or religion.
- d. The guidance department will not provide assistance to organizations and employers who discriminate in their employment practices.

4. Physical education:

Students may be grouped in physical education classes by ability as assessed by objective standards of individual performance developed and applied without regard to sex. See Maine Human Rights commission 05-071 Department of Education, Chapter 4: Equal Educational Opportunity, 4.08 Physical Education.

5. Athletics and other extracurricular activities:

- a. Comparable sports are offered to meet the interest and ability of members of each sex. Girls who are interested in participating in a team that has been previously boys only, where no comparable girls' team exists, may try out for that team. Boys who are interested in participating in a team that has been previously girls only; where no comparable boys' team exists it is recommended, but not required, that such boys speak with the district's compliance officer to discuss current

Maine Principals' Association policy and Maine Human Rights findings on such matters.

- b. Selection of teams is based upon competitive skills.
- c. All other extra-curricular activities shall be open to students without regard to sex, sexual orientation, mental or physical disability, race, color, religion, national origin, age, marital status, or socio-economic background.
- d. Students' suggestions for new sports or activities will be solicited on an annual basis. These may be offered if there is sufficient student interest, a schedule of games can be arranged, and the School Board approves and funds the activity, if funding is necessary.
- e. Boys and girls shall have equal access to facilities and equipment used for sports and athletic activities. Facilities and equipment shall be available for equal lengths of time if there is sufficient demand. Transportation shall be equally available to boys and girls as shall games and practice time be equally apportioned.

6. Marital and parental status:

No student is discriminated against because of marital or parental status.

EMPLOYEES

The Board of Directors of MSAD #56 affirms that it employs without discrimination on the basis of race, sex, sexual orientation, color, national origin, marital status, age, mental or physical disability, or religion the best qualified persons available at the salary levels established for school employment. The Board of Directors recognizes its obligation to take affirmative action in employment practices for compliance with the Maine Human Rights Act and Section 504.

1. Recruitment:

- a. Whenever seeking candidates for any position, MSAD #56 will offer equal opportunity to every candidate regardless of sex, sexual orientation, color, race, national origin, marital status, age, mental or physical disability, or religion. The District will advertise the jobs widely enough to ensure that candidates will have an opportunity to apply.
- b. Application forms for teaching and non-teaching positions have been revised to eliminate questions or requirements which discriminate by race, sex, sexual orientation, color, age, national origin, marital status, mental or physical disability, or religion.

2. Applicant flow data:

MSAD #56 will maintain records of inquiries and applications for employment for two years. Such records will be made available to the Affirmative Action Coordinator for periodic analysis.

Applicant flow data shall include:

- a. Name of applicant or inquirer

- b. Date of application or inquiry
- c. Position applied for
- d. Action taken on application or inquiry

3. Statement of Equal Opportunity:

MSAD #56 will cause to be printed on any notices of open positions and on any correspondence to candidates for positions, the following:

"EOE/AA employer"

4. Promotion, transfer, layoffs, benefits, compensation, demotions, suspensions, terminations, hiring, training:

- a. MSAD #56 does not discriminate on the basis of race, sex, sexual orientation, color, age, national origin, mental or physical disability, marital status, or religion concerning promotions, demotions, transfers, layoffs, benefits, compensation, suspensions, hiring, training, or termination.

5. Pregnancy:

MSAD #56 will not discriminate in employment and/or benefits on the basis of pregnancy or related conditions.

HARASSMENT POLICY

MSAD #56 is committed to the prevention of harassment based on sex, race, color, national origin, religion, age, disability, or sexual orientation. This policy has been developed to ensure that the educational opportunities of all students, and the employment conditions of all employees, are not threatened or limited by such harassment, and to ensure that individuals are free to work, learn and develop in an atmosphere free from intimidation, humiliation, hostility and offensiveness. This policy applies to any employee or student of MSAD #56 and makes it illegal to harass another employee, student, applicant for employment or other person with business to conduct with MSAD #56, through conduct and communications as defined below. It shall also be a violation of this policy for students to harass other students or staff through conduct or communications of a harassing nature as defined below.

This policy defines: unlawful and prohibited conduct while the district's grievance procedure outlines reporting and investigation procedures and disciplinary sanctions.

UNLAWFUL AND PROHIBITED CONDUCT DEFINED:

Unlawful and prohibited conduct includes, but is not limited to, actions which are related to a person's sex or gender, race, color, national origin, religion, age, disability or sexual orientation when such actions are unwelcome and unwanted by the recipient.

Harassment based on a person's race, color, national origin, religion, age, disability or sexual orientation consists of conduct that:

1. Has the purpose or effect of creating an intimidating, hostile, humiliating, or offensive work or education environment;
2. Has the purpose of substantially or unreasonably interfering with a person's work or academic performance;
3. Or otherwise adversely affects a person's academic standing or employment opportunities.

Sexual or gender harassment: Unlawful and prohibited conduct, consisting of unwelcome and/or unwanted sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct, or communication of a sexual nature when:

1. Submission to, or rejection of, such conduct or communications is made explicitly or implicitly a term or condition of employment, or education or academic achievement;
2. Submission to, or rejection of, such behavior is used as a basis for employment or academic or educational decisions;
3. Such behavior unreasonably interferes with an individual's work or academic or educational performance, or creates an intimidating, hostile, humiliating, or offensive work or educational environment.

Examples of prohibited behaviors shall include, but not limited to, the following examples:

Verbal conduct: name calling, teasing, jokes, slurs, ridicule or other derogatory remarks or comments.

Physical conduct: unwelcome touching of a person or a person's clothing or any other act of physical intimidation or threats which imply physical abuse.

Written conduct: notes, cartoons, graffiti, offensive or graphic posters, computer terminal messages of an offensive nature.

Visual conduct: suggestive looks, leering, gesturing of a suggestive nature.

The above cited is given to provide guidance but is not meant to be all inclusive.

RESPONSIBILITIES:

All students, teachers, administrators and other personnel of MSAD #56 are responsible for creating and maintaining an environment that is free from harassment and other offensive behaviors and for conducting themselves in a manner consistent with the spirit and intent of this policy and in cooperating with any investigation of alleged harassment. In addition, volunteers, visitors to the school district and other persons with whom students and employees may interact are to refrain from such conduct.

Students, employees, and others who believe they have been harassed should be advised of the importance of informing the harasser that his/her behavior is unwelcome, offensive, and unwanted. If students feel uncomfortable with confronting the harasser, they are encouraged to inform a teacher, counselor, a school administrator or the district's compliance Coordinator at the earliest opportunity. All MSAD #56 employees must respond to student's complaints of harassment or discrimination by notifying the building principal or Compliance Coordinator. They must take every complaint of sexual harassment or discrimination seriously. In the case of an employee they should report their complaint to their immediate supervisor, principal or the district's Compliance Coordinator. If the complaint involves their immediate supervisor, they should inform the district's Compliance Coordinator. If the complaint is against an employee any rights conferred under applicable collective bargaining agreements shall be applied consistent with state and federal law.

Nothing in this policy shall prevent any person reporting the alleged prohibited conduct directly to the Compliance Coordinator or to the Superintendent of Schools. If the complaint involves an administrator, principal, or Compliance Coordinator, the complaint shall be made or filed with the Superintendent. If a complaint involves the Superintendent, the report should be filed directly with the Board of Directors.

It is recommended that complaints be filed as soon as possible after the alleged discriminatory or harassing act has occurred but no later than 120 days after the event. This limitation does not affect the right of the person to file a discrimination claim with state or federal agencies charged with investigating such matters. Claiming parties are advised to contact such agencies to ascertain any time limitations to such complaints.

The Compliance Coordinator and school administrators will provide information to students, employees and others about the district's policies and procedures against harassment. The Coordinator will be available to discuss any concern a student, parent, employee or others may have.

Any and all documentation will be maintained by the building principals and/or Compliance Coordinator. Important information will be documented, including the nature of the allegation(s), and the circumstances surrounding the complaint, the individual(s) involved, the chronology of events, and the investigation summary with outcomes and recommendations. Irrelevant information will be expunged from any and all formal records. Information may be

shared with and among the Superintendent of Schools, Compliance Coordinator, and/ or the supervisor or building principal on an as needed basis.

INVESTIGATION PROCEDURES:

MSAD #56 has adopted these reporting and grievance procedures to provide a local avenue for persons to raise concern as to whether discrimination or harassment is occurring within the district against students, employees or members of the school community based upon race, religion, age, color, national origin, sex, sexual orientation or physical or mental disability in any of the district's programs or activities. Questions about this reporting and grievance procedure or alternative for pursuing harassment or discrimination complaints may be directed to the district's Compliance Coordinator, or to a building principal/supervisor or the Superintendent of Schools.

MSAD #56 will investigate all forms of harassment based on our policy of non-discrimination. Such investigation may include discussions with all involved parties, identification and questioning of witnesses, and other appropriate actions. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.

Reports of harassment and related information will be kept confidential to the extent consistent with the district's obligations under law, to the extent possible, without deterring the ability to perform an investigation or the need to take appropriate action to fulfill the obligation of others.

Attempts will be made to resolve the complaint informally. MSAD #56 may elect to utilize a formal or informal process, depending upon the nature and severity of the conduct alleged.

MSAD #56 will employ interim steps to protect parties and to prevent the possible continuation of harassment during the informal and formal investigations. The complainant and respondent will be apprised of the status of the processing and on-going investigation regularly throughout the process.

The Compliance Coordinator will put in writing any recommendation(s) for resolving the complaint and present it to the Superintendent of Schools. The Compliance Coordinator will inform the complainant, the respondent, and the respective principal and/or supervisor(s) of the recommendation.

All materials gathered in the course of the investigation, including the complaints, response, witness statements, investigator's notes, and supporting documentation will be maintained in a separate, confidential, investigative file in the Compliance Coordinator's office.

INFORMAL COMPLAINTS

Informal complaints will be given to the district's Compliance Coordinator. They may be in written or verbal form.

The Compliance Coordinator will explain to the complainant and respondent the normal course of action and explain to both parties the prohibition against retaliation.

The Compliance Coordinator will investigate the complaint and will respond within ten (10) working days.

If all the parties involved withing the complaint process agree to extend the informal process, the normal ten (10) working day process requirement may; be waived.

The complainant and the respondent will receive a written notice of the Coordinator's decision and recommendations to resolve the complaint at the conclusion of the informal review level.

The Superintendent of Schools and appropriate supervisor(s) or principal will be informed of the Compliance Coordinator's decision. The Compliance Coordinator will monitor that any sanction or recommended action be implemented..

FORMAL COMPLAINTS

If the Compliance Coordinator's response under the informal complaint procedure was insufficient to satisfy the complainant or the respondent, the formal procedure will be instituted at the request of either party. In addition , a person with a discrimination or harassment claim based on race, religion, age, color, national origin, sex, sexual orientation or an identified physical or mental disability, or someone acting on that person's behalf may file a written grievance regarding compliance with district policy, state or federal anti-discrimination laws.

The allegation(s) will be drafted in written form and the formal complaint investigative procedures and processes will be explained to the complainant and respondent.

The complainant or respondent may file a formal grievance with the Compliance Coordinator within ten (10) working days of the date the response to an informal complaint was made by the Compliance Coordinator.

If the complainant had previously lodged an informal complaint with the Compliance Coordinator and either the complainant or respondent is dissatisfied with the Compliance Coordinator's decision, the formal complaint will be forwarded to the Superintendent of Schools for review. In cases where no informal complaint was filed with the Compliance Coordinator, the first review level of the formal procedure will rest with the Compliance Coordinator who will respond to the grievant and respondent within ten (10) working days.

Once the allegations are forwarded to the Superintendent of Schools for review and investigation, the Superintendent of Schools must respond, in writing, within ten(10) calendar days. The Superintendent reserves the right to extend the ten(10) day calendar response period where business needs so require, upon notice to the parties.

If the complainant or respondent is dissatisfied with the findings of the Superintendent of Schools, either party may appeal the decision to the Board of Directors within ten (10) working days of the Superintendent's decision.

The Board of Directors shall have a reasonable time to schedule a Board meeting and after consultation with appropriate individuals, as well as the complainant and respondent, will review the findings of the Superintendent and respond within fifteen (15) working days after such Board meeting. The Board's decision shall be final.

RESPONSE

If MSAD #56 determines that harassment or discrimination has occurred, it will take appropriate corrective action to end the harassment or discrimination. Steps which may be taken include, but are not limited to, an apology, direction to stop the offensive behavior, counseling or training, warnings, suspensions, expulsion from school-related activities, transfer, remediation, expulsion from schools, or termination from employment.

The Compliance Coordinator shall advise all parties of the various options provided by MSAD #56 by appropriate officials as well as the right of any individual to pursue other avenues of recourse which may include filing charges with the Maine Human Rights Commission, Equal Employment Opportunity Commission, the Office of Civil Rights of the United States Department of Education, initiating a civil action or seeking redress under criminal statutes and/or state law.

MSAD #56 is responsible for the dissemination of this policy and education of students, parents, teachers, administrators, and their employees. The district responsibilities will ensure:

1. That this policy shall be conspicuously posted throughout each school in MSAD #56 in an area accessible to students, parents, and employees;
2. The policy shall appear in student and employee handbooks;
3. The school district shall develop a method of discussing this policy with students, parents, and employees;
4. MSAD #56 will appropriately train administrators and others who are responsible to implement the procedures of this policy.

ADVISORY COMMITTEE

- A. An Affirmative Action/Title IX/Section 504/ADA Advisory Committee will be formed including representation from non-supervisory personnel and supervisory-administrative personnel, school board members, students, and community members.
- B. The Committee will be appointed annually. Meetings may be called by the chairperson and the Affirmative Action/Title IX/Section 504/ADA Coordinator jointly.
- C. The Committee shall elect its chairperson.
- D. The Committee will, on an annual basis, review the Affirmative Action Plan, set goals in specific areas, and oversee progress towards those goals.

MSAD #56
**PROCEDURE FOR PERSONS ALLEGING
HARASSMENT OR DISCRIMINATION**

Name of Grievant

Date/Time of Event

STATEMENT OF GRIEVANCE:

WITNESSES:

RELIEF SOUGHT:

SIGNED _____

DATE _____

Grievance	Date Received	Date Answered	Submitted to
Step One			
Step Two			Superintendent
Step Three			School Board

Date Resolved/dropped: _____

Original to Administrator - Duplicate to Compliance Coordinator - Triplicate to Grievant

**AFFIRMATIVE ACTION/TITLE IX/504/ADA COORDINATOR
JOB DESCRIPTION**

The responsibility for assuring the AA/Title IX/504/ADA program implementation will be delegated by the Superintendent, with School Board approval, to the Compliance Coordinator. The responsibility for assuring the continuing success of AA/Title IX/504/ADA rests in the hands of the Superintendent and members of the School Board.

The AA/Title IX/504/ADA Coordinator shall be appointed by the Superintendent and School Board. The Coordinator's duties will include but not be limited to the following:

1. Review district Affirmative Action Plan and update annually.
2. Work with Affirmative Action/Title IX/504/ADA Advisory Committee to set and meet annual goals.
3. Work with administrators and other supervisors directly responsible for personnel actions and educational programs to assure compliance with AA/Title IX/504/ADA regulations.
4. Maintain a flow of accurate information about recruitment, hiring, interviews, disciplinary action, promotion, transfer, and termination in order to comply with existing requirements.
5. Disseminate information and guidelines and interpret federal and state requirements as may apply to students and employees.
6. Implement investigation procedure when a complaint is received.
7. Initiate remedial action and correct any practices where necessary; and
8. Prepare all reports as required by state and federal compliance agencies.

The Affirmative Action Coordinator will involve herself/himself in disciplinary or potential disciplinary matters only when the instance in question has equal educational or employment implications.

Each person charged with screening, selection, hiring, and promotion of applicants or employees in the District is responsible to the Superintendent of Schools for:

1. prevention of unlawful discrimination and enforcement of the District's Affirmative Action/Title IX/Section 504/ADA policy;
2. identification and reporting to the Affirmative Action/Title IX/Section 504/ADA Coordinator problem areas in interpretation or application of policy guidelines and the disposition of any charges or grievances involving alleged discrimination;
3. maintenance of such records, reports, and documents as are required to conform with existing law.

ADOPTED: May 5, 1998

REVISED: November 14, 2000