

**AFFIRMATIVE ACTION PLAN**

**2017-2018**

**DEVELOPED BY**

**RSU 54/MSAD 54**

**This Pamphlet Contains:**

- **RSU 54/MSAD 54 Nondiscrimination Policy/  
Equal Opportunity and Affirmative Action**
- **Harassment of Employees Policy**
- **Affirmative Action Plan**
- **Notification of Rights**
- **Grievance Procedure**
- **Grievance Form**

**Jonathan Moody, Assistant Superintendent  
and Affirmative Action Officer**

**August 2017**

**NONDISCRIMINATION/EQUAL OPPORTUNITY AND  
AFFIRMATIVE ACTION**

The RSU 54/MSAD54 Board is committed to maintaining a workplace and learning environment that is free from illegal discrimination and harassment.

In accordance with applicable Federal and/or State laws and regulations, RSU 54/ MSAD54 prohibits discrimination against and harassment of employees, candidates for employment, students and others with rights to admission or access to school programs, activities or premises on the basis of race, color, sex, sexual orientation, religion, ancestry or national origin, age, or disability. For the purpose of this policy, sexual orientation means a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression.

The Board delegates to the Superintendent the responsibility for implementing this policy. The RSU 54/MSU 54 Affirmative Action Plan will include designation of an Affirmative Action Officer who will be responsible for ensuring compliance with all Federal and State requirements related to nondiscrimination. The Affirmative Action Officer will be appointed by the Superintendent and will be a person with direct access to the Superintendent.

The Superintendent/Affirmative Action Officer shall be responsible for ensuring that notice of compliance with Federal and State civil rights laws is provided to all applicants for employment, employees, students, parents and others, as appropriate.

Legal Reference: Equal Employment Opportunities Act of 1972 (P.L. 92-261) amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e) et seq.)  
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (P.L. 88-352)  
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.)  
Equal Pay Act of 1963 (29 U.S.C. § 206)  
Vocational Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.)  
Americans with Disabilities Act (42 U.S.C. § 12101 et seq.)  
Maine Human Rights Act (5 MRSA § 4551, et seq.)

Cross Reference: RSU 54/MSAD 54 Affirmative Action Plan  
ACAA-Harassment and Sexual Harassment of Students

**Adopted: September 15, 1994**  
**Reviewed: November 21, 2002**  
**Revised: March 5, 2010**

**FILE: ACAB**

## **HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES**

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

### **Harassment**

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

### **Sexual Harassment**

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

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

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

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

## Notice and Training

Annually, each employee shall receive a copy of this policy and the School Employee Discrimination and Harassment Complaint Procedure. This may be accomplished by including the policy/procedure with employee paychecks or by using other appropriate means to ensure that each employee receives a copy. All newly hired employees shall be provided training about sexual harassment in accordance with Maine law.

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

Legal Reference: Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.)

Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)

Americans with Disabilities Act (42 USC § 12101 et seq.)

Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC § 794 et seq.)

Title VII (42 USC § 2000c-2; 29 CFR § 1604.11)

Age Discrimination in Employment Act (29 USC § 623)

5 MRSA §§ 4602; 4681 et seq.

20-A MRSA § 6553

26 MRSA §§ 806-807

Cross Reference: ACAB-R - School Employee Discrimination and Harassment Complaint Procedure

AC - Nondiscrimination/Equal Opportunity and Affirmative Action

ACAD - Hazing

## **AFFIRMATIVE ACTION PLAN**

### **A. Responsibility for Implementation**

The Superintendent holds primary responsibility for the successful implementation and administration of this Plan. However, the following specific responsibilities have been delegated to Assistant Superintendent who has been designated as Affirmative Action Officer:

1. To implement and administer the Affirmative Action Plan including providing assistance to staff who have responsibilities that affect Affirmative Action.
2. To maintain records and personnel transactions necessary for compliance with State and Federal requirements.
3. To prepare such reports as may be required by State and Federal agencies.
4. To recommend to the Superintendent and/or the Board of Directors revisions to current personnel practices that are inconsistent with the procedures outlined in this Plan for correcting the under-utilization of women and minorities.
5. To monitor and evaluate the Plan on an annual basis.
6. To inform students, parents, and employees of RSU 54/MSAD 54's non-discrimination policy through school handbooks and postings on the district website.
7. To inform all contractors providing services to students and employees of RSU 54/MSAD 54's non-discrimination policy.
8. To administer complaints and grievances arising from the Maine Human Rights Act or related State/Federal laws.
9. The Board of Directors will provide adequate resources for the Affirmative Action Officer to assure that s/he is given the time and assistance necessary to fulfill this responsibility.
10. The Affirmative Action Officer will have direct access to the Superintendent concerning affirmative action matters and will be given the authority to appoint an Affirmative Action Committee for advice in the implementation of this policy.

## **B. Utilization Analysis**

Based on the tables prepared for this report, RSU 54/MSAD 54 follows a profile similar to that of the State of Maine both in terms of salaries for male and female staff and in relative percentages for teaching staff.

Minorities are under-utilized in the current work force and reflect the community population as a whole. The pool of workers available for these jobs is basically within the towns, since few people cannot afford to move to this area for an hourly employee position.

The following observations are made concerning male/female distributions on the work force:

1. Women are slightly under-represented in the hourly employee category of custodians.
2. Men are under-represented in the hourly employee categories of: Educational Technicians, Secretaries and Cafeteria Workers.
3. At the 9-12 teaching level MSAD54 has attained a relative balance between women and men in the workforce, which represents improvement from past analysis which indicated less women in the workforce at the high school level.

## **B. Category Goals**

1. Minorities: RSU 54/MSAD 54 continues to have a goal of hiring as many qualified minorities as possible to ensure a broad and diverse workforce.
2. Hourly Employees: Efforts will be made over the next five years to increase the number of men and women where they are under-represented in each hourly employee category.
3. RSU 54/MSAD 54 will continue its non-discriminatory hiring practices.

## **C. Dissemination of the Plan**

In September of each school year, the Superintendent shall cause to be posted in conspicuous locations within each building of the RSU 54/MSAD 54 School District, 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 the RSU 54/MSAD 54 School District. Copies of the plan shall be placed in:

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

Timetable: Ongoing

All new staff will review the affirmative action plan and will participate in a training on appropriate behaviors in the workplace as they relate to the plan/policy.

### **NOTIFICATION OF RIGHTS**

RSU 54/MSAD 54 does not discriminate on the basis of race, color, national origin, disability, sex or age in admission to, access to, treatment in, or employment in its services, programs and activities. The person(s) identified below has (have) been designated to address inquiries regarding RSU 54/MSAD 54 Public Schools' nondiscrimination policies:

Jonathan Moody  
Assistant Superintendent/Affirmative Action Coordinator  
RSU 54/MSAD 54  
196 W. Front St.  
Skowhegan, ME 04976  
(207) 474-9508

Inquiries concerning the application of RSU 54/MSAD 54's Public Schools' nondiscrimination policies also may be referred to the U.S. Department of Education, Office for Civil Rights (OCR), 400 Maryland Ave, SW Washington, DC 20202-1100 (800) 421-3481, FAX (202) 245-6840.

**EMPLOYEE DISCRIMINATION AND HARASSMENT  
COMPLAINT PROCEDURE**

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

**Definitions**

For purposes of this procedure:

- A. “Complaint” is defined as an allegation that an employee has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin or disability; and
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin or disability.

**How to Make a Complaint**

- A. Any employee who believes he/she has been harassed or discriminated against is encouraged to try to resolve the problem by informing the individual(s) that the behavior is unwelcome or offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate informal or formal complaint.
- B. Any employee who believes he/she has been discriminated against or harassed should report their concern promptly to the building administrator. If the employee is uncomfortable reporting concerns to the building administrator, he/she may report the concern to the Assistant Superintendent. The report should be made in writing.

Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the building administrator. Employees will not be retaliated against for reporting suspected discrimination or harassment.



- C. Any employee who believes he/she has been discriminated against or harassed is encouraged to utilize the school unit's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, S.W. McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9622).

### **Complaint Handling and Investigation**

- A. The building administrator will promptly inform the Superintendent or his designee and the person who is the subject of the complaint that a complaint has been received.
- B. The building administrator may pursue an informal resolution of the complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the Superintendent, who shall consider whether the informal resolution is in the best interest of the school unit in light of applicable policies and law.
- C. The complaint will be investigated by the building administrator, unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the School Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
  - 1. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
  - 2. If the complaint is against an employee of the school unit, any rights conferred under an applicable collective bargaining agreement shall be applied.

3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
  4. The building administrator shall keep a written record of the investigation process.
  5. The building administrator may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further harassment while the investigation is pending.
  6. The building administrator shall consult with the Superintendent or his designee concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
  7. The investigation shall be completed within 21 business days of receiving the complaint, if practicable.
- D. If the building administrator determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent or designee:
1. Determine what remedial action is required, if any;
  2. Determine what disciplinary action should be taken against the person(s) who engaged in harassment, if any; and
  3. Inform the employee who made the complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- E. If the employee who made the complaint is dissatisfied with the resolution, he/she may appeal to the Superintendent within 14 calendar days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07)  
Section 504 of the Vocational Rehabilitation Act (34 CFR §  
104.7)  
Title IX of the Educational Amendments of 1972 (34 CFR §  
106.8(b))  
Age Discrimination in Employment Act (34 CFR § 110.25)  
Maine Human Rights Act (5 MRSA § 4571 et seq., 4681 et  
seq.)

**GRIEVANCE FORM**

**RSU 54/MSAD 54**

**Name of Grievant:** \_\_\_\_\_

**Statement of Grievance:**

**Relief Sought:**

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_