

MAINE SCHOOL ADMINISTRATIVE DISTRICT NO. 33

AFFIRMATIVE ACTION PLAN

I. GENERAL POLICY STATEMENT

A. Statement of Nondiscrimination

MSAD #33 does not discriminate on the basis of race, age, color, ancestry or national origin, religion, sex, or physical or mental disability in admission to, access to, treatment in or employment in its programs and activities. The School Board has adopted a nondiscrimination policy (see Appendix A).

B. Compliance with Anti-Discrimination Laws

MSAD #33 recognizes its obligation to comply with the provisions of the Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et. seq.); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et. seq.); the Maine Human Rights Act of 1972 as amended (5 M.R.S.A. § 4571 et. seq.); Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et. seq.); the Age Discrimination in Employment Act of 1967 as amended (29 U.S.C. § 623 et. seq.); the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et. seq.); Section 504 of the Rehabilitation Act of 1973 ((29 U.S.C. § 794 et. seq.); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et. seq.); and 20-A MRSA §6553 (Prohibition of Hazing).

C. Contacts for Inquiries or Complaints

To make an inquiry or file a complaint concerning the above statement, an individual may contact one of the following:

Tammy LeBlanc, Principal
Affirmative Action Office/Title IX Coordinator/Section 504 Coordinator
MSAD #33
Wisdom Middle/High School
368 Main St., PO Box 69
St. Agatha, ME 04772
Telephone: (207) 543-7717

Dr. Fern Desjardins, Superintendent of Schools
Age Discrimination in Employment Act Coordinator/ADA Coordinator
MSAD #33
431 US Rte. 1, PO Box 9
Frenchville, ME 04745
Telephone: (207)543-7334

Office for Civil Rights
Regional Manager
U.S. Department of Health and Human Services
Government Center
J.F. Kennedy Federal Building – Room 1875
Boston, MA 02203
Telephone: (617) 565-1340

Maine Human Rights Commission
51 State House Station
Augusta, ME 04333-0051
Telephone: (207) 624-6050

D. Complaint Procedures

Employee and student complaint procedures (outlined in Appendix B) are available which provide for the prompt and equitable resolution of complaints alleging discrimination and harassment based on race, age, color, ancestry or national origin, religion, sex or physical or mental disability. Copies of the complaint procedures will be made available to any interested person upon request at the offices of the Affirmative Action Officer or the Superintendent of Schools.

II. DISSEMINATION PROCEDURES: NOTICE AND POSTING

A. General Notice and Posting

Notice of the contents of the Affirmative Action Plan shall be provided to all employees and students at the beginning of each school year and shall be posted on the District website.

Notice of MSAD #33's compliance with antidiscrimination laws shall be:

1. Posted in a conspicuous and accessible place in all school buildings of MSAD #33;
2. Included on job postings, advertisements, and application forms which are made available to applicants, and on enrollment forms made available to students and their parents;
3. Distributed to all personnel responsible for screening, recruiting, and selecting, hiring, and promoting employees; or applicants; and
4. Published annually in all school handbooks (student and employee handbooks).

B. Annual Notice of Employee Harassment and Sexual Harassment Policy/ Complaint Procedure

A copy of the Employee Harassment and Sexual Harassment Policy and Complaint Procedure in Appendix B shall be distributed annually to all District employees.

C. Posting on Sexual Harassment and Employment Discrimination

Workplace posters on sexual harassment and employment discrimination shall be posted in conspicuous and accessible places in MSAD #33 buildings where notices to employees are customarily posted.

D. Copies of Affirmative Action Plan Available

A copy of this Affirmative Action Plan, including all appendices, shall be made available to any interested person upon request at the office of the Affirmative Action Officer or Superintendent of Schools.

III. TRAINING

A. Gender Equity Training

MSAD #33 is responsible for developing plans for in-service training programs on gender equity for teachers, administrators, and the School Board.

B. Sexual Harassment Training

MSAD #33 shall conduct education and training programs on sexual harassment: (1) for all new employees within one year of commencement of employment; and (2) for supervisory and managerial employees within one year of commencement of supervisory or managerial employment status.

IV. RESPONSIBILITY FOR IMPLEMENTATION

A. The Superintendent of Schools holds ultimate responsibility for the operation, oversight, and success of MSAD #33's Affirmative Action Plan and nondiscrimination policies. These responsibilities will be delegated in whole or in part to an Affirmative Action Officer who will be appointed by and will report directly to the Superintendent.

B. The responsibilities of the Affirmative Action Officer include, but are not limited to, the following:

1. Managing the organization and implementation of the Affirmative Action Plan;

2. Disseminating the required notices, policies and information regarding federal and state anti-discrimination laws to employees, applicants, students and parents, and others, where applicable;
 3. Maintaining records, reports, and documents required to comply with federal and state record keeping requirements;
 4. Coordinating MSAD #33's efforts to comply with and carry out its responsibilities under all applicable federal and state anti-discrimination laws (including serving as the Title IX/ADA/Section 504/Age Discrimination Coordinator as required by those laws);
 5. Conducting and/or coordinating the investigation of complaints of discrimination based on race, age, color, ancestry or national origin, religion, sex, physical or mental disability;
 6. Reporting to the Superintendent when necessary any findings and recommendations for ensuring compliance with the Affirmative Action Plan;
 7. Developing, coordinating and implementing plans for in-service gender equity training programs; and
 8. Developing, coordinating, and implementing sexual harassment training programs for employees and supervisors.
- C. Each person charged with recruiting, screening, selecting, hiring, and/or promoting applicants or employees in MSAD #33 must adhere to the policy of nondiscrimination and equal employment opportunity established in the Affirmative Action Plan.

V. **ASSESSMENT OF CURRENT WORKFORCE: UTILIZATION ANALYSIS**

MSAD #33 shall periodically assess the numbers of minorities, women, and persons with disabilities in its workforce and determine where imbalances exist. Such assessment will determine whether there is underutilization of a particular gender or minority of persons with disabilities in different job categories in the district.

The term "underutilization" is defined by the Office of Federal Contract Compliance as having fewer minorities or women in a particular job classification than would reasonably be expected by their availability in the job market where an employer can reasonably expect to recruit new employees.

In determining whether underutilization in the workforce exists, the District shall consider relevant local workforce statistics, the District's workforce profile, the nature and validity of its job classifications, and the number, frequency, and category of vacancies.

A utilization analysis and survey of the MSAD #33 workforce was conducted in July 2010 to meet the requirements under this section.

VI. GOALS, PROCEDURES, AND TIMETABLES

If an assessment determines that imbalances exist in MSAD #33's workforce with respect to numbers of minorities, women, and persons with disabilities, the District will develop realistic goals for necessary action and related procedures and timetables for correcting such imbalances.

The following goals, procedures, and timetables have been adopted to increase the representation of minorities, women, and disabled at all levels and in all segments of MSAD #33's workforce where imbalances exist:

1. Recruitment:

It is the intent of MSAD #33 to ensure equal access to all employment opportunities.

Goal/Objective:

MSAD #33 will make continued efforts to recruit all segments of the population in the State of Maine, including women, minorities, and the disabled.

Responsibility:

Affirmative Action Officer/Superintendent of Schools

Timetable:

On-going

2. Selection:

Hiring of personnel is done through established policies and procedures, with interviews being monitored by the Affirmative Action Officer/Superintendent of Schools for compliance with the Affirmative Action Plan.

Goal/Objective:

When vacancies arise in job classifications where women, minorities, or the disabled are underrepresented, the Affirmative Action Officer will review interview questions prior to contacting candidates to ensure that the District presents an equal employment opportunity.

Responsibility:

Affirmative Action Officer/Superintendent of Schools

Timetable:

On-going

3. Wage and Salary Standards:

Job classifications and wage and salary standards are based solely upon the knowledge, skills, and abilities required by the position.

Goal/Objective:

Creation of new or upgrading of existing job classifications will be discussed with the Affirmative Action Officer/Superintendent of Schools prior to implementation.

Responsibility:

Superintendent of Schools

Timetable:

On-going

4. Complaint Procedure:

Internal and external complaints of discrimination will be treated seriously and promptly by MSAD #33.

Goal/Objective:

All complaints of discrimination shall be referred to the Affirmative Action Officer. The Affirmative Action Officer will attempt to settle informal complaints where appropriate and will pursue all other procedures necessary to effectively and appropriately address the complaint.

Responsibility:

Affirmative Action Officer

Timetable:

On-going

5. Reasonable Accommodation for Disabled Applicants and Employees:

It is MSAD #33's intent to provide reasonable accommodation to applicants and employees with disabilities consistent with the requirements of the Americans with Disabilities Act and the Maine Human Rights Act.

Goal/Objective:

Periodically review and assess hiring procedures and implementation of employee leave policies for compliance with the Americans with Disabilities Act and the Maine Human Rights Act.

Responsibility:

Affirmative Action Officer/Superintendent of Schools

Timetable:

On-going

VII. PROCEDURE ON RECRUITING AND HIRING OF ADMINISTRATIVE STAFF

The procedures in the following section are designed to establish a nondiscriminatory hiring practice for positions requiring administrative certification. The procedures are based upon the "Model Administrative Hiring Procedure" published by the Maine Department of Education in its "Final Report of the Equity Committee," April 1991.

A. Job Description Development/Review

Written job descriptions shall be developed for each position requiring administrative certification. To ensure that each job description accurately represents the current functions and projected needs in the event of a vacancy, the Superintendent/designee shall:

1. Conduct a review of the job description with input from those people affected by the position to ensure that the information contained in it is relevant to the position;
2. Develop the criteria (skills, knowledge, abilities) required to perform the duties and responsibilities of the position, and review and revise such criteria, as necessary;
3. Determine the minimum qualifications (training, education, and experience) for the position.

B. Recruitment

Except where special circumstances may warrant a departure from any or all of the following procedures, the Superintendent/designee shall:

1. Advertise to attract a wide pool of candidates;
2. Ensure wide media coverage with at least one statewide ad (e.g., ServingSchools.com) and with emphasis on media which targets underutilized classes as identified in the District's Affirmative Action Plan;
3. Post notification of the job vacancy internally in accordance with standard District procedures.

C. Screening

To ensure that a nondiscriminatory and efficient screening process will occur, the Superintendent/designee shall:

1. Eliminate all applicants who do not meet the minimum qualifications;
2. Ensure that all applications are reviewed by more than one individual with attention given to perceived conflicts of interest;
3. Provide orientation on confidentiality and equity issues to screeners;

4. Conduct a preliminary reference check, if appropriate;
5. Select candidates for interview based on the degree to which they meet the criteria and demonstrate the skills, knowledge, and abilities outlined in the job description.

D. Interviewing

The Superintendent/designee shall:

1. Appoint an interview panel with representation from various groups with whom the person selected for the position will work on a regular basis;
2. Provide orientation to the panel on the process, the weighing of criteria, and the nomination/hiring procedure;
3. Conduct training to ensure that panel members are aware of the legal aspects of interviewing, including confidentiality and equity issues.

The interview panel shall:

1. Design interview questions that match the duties/responsibilities of the position and the criteria outlined in the job description;
2. Provide the opportunity for each candidate interviewed to respond to the same questions.

E. Recommendation

The interview panel shall:

1. Assess each candidate on the same basis, including the criteria outlined in the job description;
2. Submit a selection recommendation to the Superintendent.

F. Selection/Employment

The Superintendent shall:

1. Have references contacted (and site visits made, if appropriate) to check perceived strengths and weaknesses of the candidate(s);
2. Review the material on the selected candidate(s) to determine whether additional information is needed;

3. Inform the interview panel of the final selection determination;
4. Nominate/employ the selected candidate(s) in accordance with established policies and procedures.

G. Notification

The Superintendent shall:

1. Offer the position to the selected candidate;
2. Ensure that unsuccessful candidates are notified once acceptance is assured.

H. Orientation and Support

To ensure that new administrators are provided with the proper information about the job expectations, the Superintendent/designee shall provide an orientation that includes expectations of the duties and responsibilities of the position and the policies and procedures of MSAD #33.

I. Record Keeping

To ensure that the confidentiality of employee and applicant records is properly maintained, the Superintendent shall provide for the maintenance in secure files of all applications and documentation of the hiring, screening, and interview process as well as hiring statistics for the District for a period of three (3) years.

VIII. PROCEDURE ON RECRUITING AND HIRING OF NON-ADMINISTRATIVE STAFF

The procedures in the following section are designed to establish a nondiscriminatory hiring practice for non-administrative staff positions.

A. Job Description Development/Review

Written job descriptions shall be developed for each non-administrative position. To ensure that each job description accurately represents the current functions and projected needs in the event of a vacancy, the Superintendent of Schools/designee shall:

1. Conduct a review of the job description with input from those people affected by the position to ensure that the information contained in it is relevant to the position;

2. Develop the criteria (skills, knowledge, abilities) required to perform the duties and responsibilities of the position, and review and revise such criteria, as necessary;
3. Determine the minimum qualifications (training, education, and experience) for the position.

B. Recruitment

Except where special circumstances may warrant a departure from any or all of the following procedures, the Superintendent/designee shall:

1. Post notification of the job vacancy internally in accordance with standard District procedures and applicable collective bargaining agreements;
2. Advertise as needed.

C. Screening

To ensure that a nondiscriminatory and efficient screening process will occur, the Superintendent/designee shall:

1. Eliminate all applicants who do not meet the minimum qualifications;
2. Ensure that all applications are reviewed by more than one individual with attention given to perceived conflicts of interest;
3. Provide orientation on confidentiality and equity issues to screeners;
4. Conduct a preliminary reference check, if appropriate;
5. Select candidates for interview based on the degree to which they meet the criteria and demonstrate the skills, knowledge, and abilities outlined in the job description.

D. Interviewing

The Superintendent/designee shall:

1. Appoint a supervisor/director or interview panel, as appropriate, with representation from various groups with whom the person selected for the position will work on a regular basis;
2. Provide orientation to the supervisor/director or panel on the process, the weighing of criteria, and the nomination/hiring procedure;

3. Conduct training to ensure that the supervisor/director or panel members are aware of the legal aspects of interviewing, including confidentiality and equity issues.

The interview panel shall:

1. Design interview questions that match the duties/responsibilities of the position and the criteria outlined in the job description;
2. Provide the opportunity for each candidate interviewed to respond to the same questions.

E. Recommendation

The supervisor/director or the interview panel shall:

1. Assess each candidate on the same basis, including the criteria outlined in the job description;
2. Check references regarding perceived strengths and weaknesses of the candidate(s);
3. Submit a selection recommendation to the Superintendent of Schools.

F. Selection/Employment

The Superintendent of Schools shall:

1. Review the material on the selected candidate(s) to determine whether additional information is needed;
2. Inform the interview panel of the final selection determination;
3. Nominate/employ the selected candidate(s) in accordance with established policies and procedures.

G. Notification

The Superintendent of Schools shall:

1. Offer the position to the selected candidate upon authorization from the School Board;
2. Ensure that unsuccessful interviewed candidates are notified once acceptance is assured.

H. Orientation and Support

To ensure that new non-administrative staff are provided with the proper information about the job expectations, the Superintendent/designee shall provide an orientation that includes expectations of the duties and responsibilities of the position and the policies and procedures of MSAD #33.

I. Record Keeping

To ensure that the confidentiality of employee and applicant records is properly maintained, the Superintendent of Schools/designee shall provide for the maintenance in secure files of all applications and documentation of the hiring, screening, and interview process as well as hiring statistics for the District for a period of three (3) years.

Appendix A

**Policy – Code: AC
Nondiscrimination/Equal Opportunity and
Affirmative Action**

**Policy – Code: AC-E
Discrimination/Harassment Complaint Form**

MAINE SCHOOL ADMINISTRATIVE DISTRICT #33

Nondiscrimination/Equal Opportunity and Affirmative Action

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

The Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students and individuals with disabilities having access rights to school premises and activities. The MSAD #33 Affirmative Action Plan will include designation of an Affirmative Action Officer who will be responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination. The Affirmative Action Officer will be a person with direct access to the Superintendent.

The Board directs the administration to provide notice of compliance with federal and state civil rights laws to all applicants for employment, employees, students, parents, and other interested persons, as appropriate.

The School Department will require all persons, agencies, vendors, contractors, and other persons and organizations doing business with or performing services for the school unit to subscribe to all applicable federal and state laws pertaining to contract compliance.

Legal References: 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 of 1972 (5 MRSA § 4571), as amended

Cross References: MSAD #33 Affirmative Action Plan
 ACAA - Harassment and Sexual Harassment of Students
 ACAB - Harassment and Sexual Harassment of School Employees

History: Adopted: Meeting #645 October 4, 1993
 Revised: Meeting #822 March 6, 2006

MAINE SCHOOL ADMINISTRATIVE DISTRICT NO. 33

Discrimination/Harassment Complaint Form

To: Superintendent of Schools Date of Receipt by Superintendent: _____
P.O. Box 9
Frenchville, ME 04745

Type of dispute resolution requested (select one):

_____ Mediation _____ Complaint

If requesting a complaint, are you willing to participate in mediation? ___ Yes ___ No
(A mediation will not interfere with the timelines for a complaint.)

Name: _____

Address: _____

Telephone: Home: _____ Work: _____ Fax: _____

Student's name (if this is being made for a student): _____

Date of Birth: ____ / ____ / ____ Disability: _____
(If Applicable)

Student's Residence (if different from parent): _____

School district the student attends: _____

School: _____ Grade: _____

Attorney/advocate: _____

Address: _____

Telephone: (____) _____ Fax: (____) _____

Describe the nature of the problem and any facts relating to the problem. (Attach additional pages if necessary.)

How could this problem be resolved? (Attach additional pages if necessary.)

What actions has the school taken to address the problem?

Whom did you notify? _____ Date notified: _____

How did you notify this person? _____

Signature of individual submitting request: _____ Date: _____

For additional information or assistance, you may wish to contact:

- The MSAD #33 Superintendent of Schools (Tel: 543-7334; Fax: 543-6242; e-mail: fdesjardins@msad33.net) or Affirmative Action Officer (Tel: 543-7717; Fax: 543-6316; e-mail: tamleblanc@msad33.net)
- The Maine Parent Federation – 1-800-870-7746
- The Maine Human Rights Commission – 624-6050

History:	Adopted	Meeting #822	March 6, 2006
	Revised	Meeting #890	September 1, 2010

Appendix B

**Policy – Code: ACAA
Harassment and Sexual Harassment of Students**

**Policy – Code: ACAA-R
Student Discrimination and Harassment
Complaint Procedure**

**Policy – Code: ACAB
Harassment and Sexual Harassment of School Employees**

**Policy – Code: ACAB-R
Employee Discrimination and Harassment
Complaint Procedure**

MAINE SCHOOL ADMINISTRATIVE DISTRICT #33
Harassment and Sexual Harassment of Students

Harassment of students because of race, color, sex, sexual orientation, 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.

Harassment

Harassment includes but is not limited to verbal abuse based on race, color, sex, sexual orientation, religion, ancestry or national origin, or disability. Harassment that rises to the level of physical assault, battery and/or abuse is also addressed in the Board policy JICI – Dangerous Weapons in Schools.

Sexual Harassment

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors or pressure to engage in sexual activity, physical contact of a sexual nature, gestures, comments, or other physical, written or verbal conduct that is gender-based that interferes with a student’s education. School employees, fellow students, volunteers and visitors to the school, and other persons with whom students may interact in order to pursue school activities are required to refrain from such conduct.

Harassment/sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment/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.

The Superintendent or the employee designated as the Title IX Coordinator will investigate complaints of harassment in accordance with the Student Harassment Complaint Procedure. School employees, students, and parents shall be informed of this policy/procedure through handbooks and/or other means selected by the school administration.

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 § 2000(d))
5 MRSA §§ 4602; 4681 et seq.
20-A MRSA § 6553

Cross Reference: ACAA-R - Student Harassment Complaint Procedure
AC - Nondiscrimination/Equal Opportunity and Affirmative Action
AC-E – Discrimination/Harassment Complaint Form
ACAD – Hazing
JICI – Dangerous Weapons in Schools

History: Adopted: Meeting #597 June 18, 1990 (as policy ACC & JFAB)
 Meeting #645 October 4, 1993 (as policy JFAC)
 Revised: Meeting #822 March 6, 2006
 Meeting #823 April 13, 2006

MAINE SCHOOL ADMINISTRATIVE DISTRICT #33

Student 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 student complaints of discrimination or discriminatory harassment as described in policies AC – Nondiscrimination/Equal Opportunity and Affirmative Action and ACAA – Harassment and Sexual Harassment of Students.

Definitions

For purposes of this procedure:

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

How to Make a Complaint

- A. Any student who believes he/she has been discriminated against or harassed should report his/her concern promptly to the school principal or guidance counselor. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the school principal or guidance counselor.
- B. School staff is expected to report possible incidents of discrimination or harassment of students. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.
- C. Students and others will not be retaliated against for making a complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.
- D. Students are encouraged to utilize the school unit’s complaint procedure. However, students are hereby notified that they also have the right to report complaints 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 Manager, U.S. Department of Health and Human Services, Government Center, J.F. Kennedy Federal Building – Room 1875, Boston, MA 02203 (telephone: 617-565-1340).

Complaint Handling and Investigation

- A. The school principal shall promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.
- B. The school principal 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 the particular circumstances and applicable policies and laws.
- C. The complaint will be investigated by the school principal or the Affirmative Action Officer, unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the School Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
 - 1. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
 - 2. If the complaint is against an employee of the school unit, any applicable individual or collective bargaining contract provisions shall be followed.
 - 3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
 - 4. The school administrator conducting the investigation shall keep a written record of the investigation process.
 - 5. The school principal, Affirmative Action Officer, or Superintendent may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
 - 6. The school principal or Affirmative Action Officer shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
 - 7. The investigation shall be completed within 21 calendar days of receiving the complaint, if practicable.

- D. If the school principal or Affirmative Action Officer determine that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
1. Determine what remedial action is required, if any; Code: ACAA-R
 2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
 3. Inform the student who made the complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- E. If the student's parents/legal guardians are dissatisfied with the resolution, an appeal may be made in writing to the Superintendent within 14 calendar days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation, if deemed appropriate, to render a decision.
- F. If the student's parents/legal guardians are dissatisfied with the decision of the Superintendent, an appeal may be submitted in writing to the Board within 14 calendar days after receiving notice of the decision. The Board will consider the appeal in executive session, to the extent permitted by law, at its next regular meeting or a special meeting. The Superintendent shall submit the investigation report and any other witnesses or documents that he/she believes will be helpful to the Board. The student, his/her parents/legal guardians and his/her representative shall be allowed to be heard. The person(s) against whom the complaint was made shall be invited and allowed to be heard. The Board's decision shall be final.

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07)
 Section 504 of the Vocational Rehabilitation Act (34 CFR § 104.7)
 Title IX of the Education Amendments of 1972 (20 SC § 1681 et seq.)
 Title VI of the Civil Rights Act of 1964 (PL 88-352)
 20 USC § 1232g;
 34 CFR Part 99
 5 MRSA §§ 4571; 4602; 4681 et seq.
 20-A MRSA §§ 6001 et seq.

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action
 AC-E – Discrimination/Harassment Complaint Form
 ACAA - Harassment and Sexual Harassment of Students

History: Adopted: Meeting #645 October 4, 1993 (as policy AC-R)
 Revised: Meeting #822 March 6, 2006
 Revised: Meeting #890 September 1, 2010

MAINE SCHOOL ADMINISTRATIVE DISTRICT #33

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
AC-E – Discrimination/Harassment Complaint Form
ACAD – Hazing

History: Adopted: Meeting #597 June 18, 1990 (as policy ACC & JFAB)
Adopted: Meeting #618 December 2, 1991 (as policy ACB)
Revised: Meeting #822 March 6, 2006

MAINE SCHOOL ADMINISTRATIVE DISTRICT #33

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 formal complaint.
- B. Any employee who believes he/she has been discriminated against or harassed should report their concern promptly to the building principal, Affirmative Action Officer, or the Superintendent.

Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the building principal, Affirmative Action Officer, or the Superintendent. 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 Manager, U.S. Department of Health and Human Services, Government Center, J.F. Kennedy Federal Building – Room 1875, Boston, MA 02203 (telephone: 617-565-1340).

Complaint Handling and Investigation

- A. The school principal or Affirmative Action Officer will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.
- B. The school principal or Affirmative Action Officer 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 school principal or Affirmative Action Officer, 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 school principal, Affirmative Action Officer, or the Superintendent shall keep a written record of the investigation process.

5. The school principal, Affirmative Action Officer, or the Superintendent 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 school principal or Affirmative Action Officer shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
 7. The investigation shall be completed within 21 calendar days of receiving the complaint, if practicable.
- D. If the school principal or Affirmative Action Officer determine that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
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, to render a decision.
- F. If the employee is dissatisfied with the decision of the Superintendent, he/she may appeal to the School Board within 14 calendar days after receiving notice of the Superintendent's decision.

The Board will consider the appeal in executive session, at its next regular meeting or a special meeting. The Superintendent shall submit to the Board his/her decision, the complaint, any responses, the investigation report and related documents. The complainant shall be allowed to be heard. The person(s) against whom the Complaint was made shall be invited and allowed to be heard. If present, the complainant's representative and the representative of the person(s) against whom the complaint was made will also be given the opportunity to be heard.

After reviewing the Superintendent's submissions and hearing from the parties, the Board shall make a decision as to whether to affirm or modify the Superintendent's conclusions. The Board's decision shall be final.

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07)
Section 504 of the Vocational Rehabilitation Act (34 CFR § 104.7)
Title IX of the 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.)

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action
AC-E – Discrimination/Harassment Complaint Form
ACAB - Harassment and Sexual Harassment of School Employees

History: Adopted: Meeting #618 December 2, 1991 (as policy ACB)
Adopted: Meeting #645 October 4, 1993 (as policy AC-R)
Revised: Meeting #822 March 6, 2006
Revised: Meeting #890 September 1, 2010

Appendix C

Numerical Analysis of Workforce

Table 1 – Numerical Review Analysis

Table 2 – Ethnicity

Table 3 – Age Over 40

Numerical Analysis of Workforce

This section of the Affirmative Action Plan reflects a numerical analysis of the MSAD #33 workforce demographics.

The following three tables contain a numerical study of the District's workforce. The term "underutilization" as used in this plan means having fewer members of an affected group in a particular job category than reasonably would be expected based upon their availability. The statistical comparisons in this section involve the use of workforce statistics for geographic areas relevant to MSAD #33 derived from public census reports. Most of these reports are available at the following websites:

<http://www.state.me.us/labor/>

http://www.state.me.us/spo/economics/census/docs/profl_4datame.xls

The use of such geographic areas and statistics is intended only for the purpose of implementing this plan and facilitating identification of areas of potential underutilization. These statistical comparisons do not have any independent legal or factual significance. The statistics and geographic areas have been selected and used in good faith with respect to this plan.

Availability Study

To research and prepare information for the District's Utilization Analysis, an availability analysis was conducted based on Maine and Aroostook County census reports and statistical population studies from various sources for the minority, female, disabled, veteran, and aged workforce. The resources used for this data of the State of Maine and Aroostook County population are based on Census 2000 and the Maine Department of Labor.

Utilization Analysis by Job Category – Identification of Problem Areas

Job categories for MSAD #33 do not appear to be underutilized for women or for persons over age 40.

Persons with disabilities may be underutilized in MSAD #33. The District relies on voluntary reporting for these affirmative action numbers. Employees may be more reluctant to self-report disability status than other demographic information, as a matter of privacy. The District is nevertheless committed to its policy of nondiscrimination on the basis of disability.

Persons in the armed forces or veterans of the armed forces may be underutilized in the District. Again, the District relies on voluntary reporting and does not request the information on any of its forms. Nevertheless, the District remains committed to equal employment opportunities for all veterans, including disabled veterans.

These findings will be considered as MSAD #33 plans and implements its future recruitment efforts to ensure that members of the underutilized groups are reached by such efforts.

This analysis indicates that representation of women and persons over 40 in our job classifications are utilized to an acceptable standard. There may be an underutilization of ethnic minorities, disabled, and veterans.

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