

## MSAD 35

### AFFIRMATIVE ACTION PLAN

#### I. GENERAL POLICY STATEMENT

##### A. **Statement of nondiscrimination**

MSAD 35 does not discriminate on the basis of race, age, color, ancestry or national origin, religion, sex, sexual orientation, genetic information, 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 35 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. § 4551 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. § 621 et seq.); the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.); the Equal Pay Act of 1963 (29 U.S.C. § 206); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 et seq.); the Americans with Disabilities Act of 1990, as amended (42 U.S.C. § 12101 et seq.); the Genetic Information Nondiscrimination Act (42 U.S.C. § 2000ff 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:

Heidi Early-Hersey  
Affirmative Action Officer  
MSAD 35  
180 Depot Road, Eliot, ME 03903  
(207) 439-2438

Office for Civil Rights  
U.S. Department of Education  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Telephone: (617) 289-0111; TDD: (877) 521-2172

Maine Human Rights Commission  
State House Station 51  
Augusta, ME 04333  
Telephone: (207) 624-6290

**D. Complaint procedures**

Employee and student complaint procedures 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, sexual orientation, physical or mental disability (and genetic information for employees). Copies of the complaint procedures will be made available on the school unit's website and upon request at the Superintendent or Affirmative Action Officer's office.

**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 by means chosen by the Superintendent.

Notice of **MSAD 35's** compliance with anti-discrimination laws shall be:

1. Posted in a conspicuous and accessible place in all school buildings of the school unit;
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 recruiting and screening applicants, and selecting, hiring and promoting employees;
4. Published on District Web Site.

**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 school unit employees.

**C. Posting on sexual harassment and employment discrimination**

Workplace posters on sexual harassment and employment discrimination shall be posted in each school's Main Office and Teacher Workrooms as well as the Superintendent's Office.

**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 Superintendent or Affirmative Action Officer.

**III. TRAINING**

**A. Gender equity training**

**MSAD 35** 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 35** 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 35's** Affirmative Action Plan and nondiscrimination policies. These responsibilities will be delegated in whole or in part to an Affirmative Action Officer who is appointed by and reports 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 recordkeeping requirements;

4. Coordinating MSAD 35'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 discrimination complaints based on race, age, color, ancestry or national origin, religion, sexual orientation, sex, genetic information, or 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;
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 35 must adhere to the policy of nondiscrimination and equal employment opportunity established in the Affirmative Action Plan.

## V. **ASSESSMENT OF CURRENT WORKFORCE**

**MSAD 35** shall periodically assess the numbers of minorities, women and persons with disabilities in its workforce, and determine whether there are fewer employees from these groups than one would reasonably expect given availability in the job market where the school unit can reasonably expect to recruit new employees.

In conducting this analysis, the school unit shall consider relevant local workforce statistics, the school unit's workforce profile, its job classifications, and recruiting practices.

## VI. **GOALS, PROCEDURES AND TIMETABLES**

If an assessment determines that imbalances exist in **MSAD 35's** workforce with respect to numbers of minorities, women and persons with disabilities, the school unit 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 35**'s workforce where imbalances exist:

1. Recruitment:  
It is the intent of **MSAD 35** to ensure equal access to all employment opportunities.  
Goal/Objective: **MSAD 35** 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. Timetable: Ongoing.
2. Job Descriptions:  
It is the intent of **MSAD 35** that job descriptions will accurately reflect the needed qualifications, training, experience and duties.  
Goal/Objective: **MSAD 35** will review and update job descriptions periodically and as vacancies occur. Responsibility: Human Resource Officer. Timetable: Ongoing.
3. Selection:  
Hiring of personnel is done through established policies and procedures, with interviews being monitored by the Affirmative Action Officer 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 school unit presents an equal employment opportunity. Responsibility: Affirmative Action Officer. Timetable: Ongoing.
4. 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: Wages and salaries for particular positions or job categories will be discussed with the Affirmative Action Officer prior to implementation. Responsibility: Superintendent. Timetable: Ongoing.
5. Complaint Procedure:  
Internal and external complaints of discrimination will be treated seriously and promptly by **MSAD 35**.  
Goal/Objective: All discrimination complaints shall be processed in accordance with established complaint procedures. Responsibility: Affirmative Action Officer. Timetable: Ongoing.
6. Reasonable Accommodation for Disabled Applicants and Employees:  
It is **MSAD 35**'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 policies for compliance with the Americans with Disabilities Act and the Maine Human Rights Act. Responsibility: Affirmative Action Officer and Superintendent. Timetable: Ongoing.

## **VII. RECRUITING AND HIRING OF ADMINISTRATIVE STAFF PROCEDURE**

The School Board has adopted a policy and procedure concerning the recruitment and hiring of administrative staff. The procedures are based upon the “Model Administrative Hiring Procedure” published by the Maine Department of Education in its “Final Report of the Equity Board,” April 1991 (see Appendix E).

### **NOTE: INCLUDE THE FOLLOWING POLICIES/PROCEDURES IN APPENDICES**

**A – Nondiscrimination/Equal Opportunity and Affirmative Action**

**B - Harassment and Sexual Harassment of School Employees Policy/Employee and Third-Party Discrimination and Harassment Complaint Procedure**

**C - Harassment and Sexual Harassment of Students Policy/Student Discrimination and Harassment Complaint Procedure**

**D - Hazing**

**E - Recruiting and Hiring of Administrative Staff/Procedure**

Cross Reference: AC-Nondiscrimination/Equal Opportunity and Affirmative Action

Revised: December 18, 2019