

AFFIRMATIVE ACTION PLAN

I. General Policy Statement

A. Statement of Nondiscrimination

Per School Board Policy AC – Nondiscrimination/Equal Opportunity and Affirmative Action, the Cape Elizabeth School Department does not discriminate on the basis of race, age, color, ancestry or national origin, religion, sex, sexual orientation, gender identity and expression, genetic information, or physical or mental disability in admission to, access to, treatment in, or employment in its programs and activities.

B. Compliance with Nondiscrimination Laws

The Cape Elizabeth School Department 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. and 34 C.F.R. Part 106); 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.); 20-A MRSA §6553 (Prohibition of Hazing) and 20-A M.R.S.A. § 6554 (Prohibition on Bullying in Public Schools).

C. Contacts for Inquiries or Complaints

To make an inquiry regarding the Cape Elizabeth School Department's compliance with the above statement or to file a complaint concerning an alleged violation, an individual may contact one of the following:

Cathy Stankard, Affirmative Action Officer/Title IX Coordinator
Cape Elizabeth School Department
320 Ocean House Road
Telephone: (207) 799-2218
Email: cstankard@capeelizabethschools.org

Del Peavey, Section 504/ADA Coordinator [regarding disability matters]
Cape Elizabeth School Department
320 Ocean House Road
Telephone: (207) 799-2217
Email: dpeavey@capeelizabethschools.org

Office for Civil Rights
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: (617) 289-0111; TDD: (877) 521-2172
Email: ocr.boston@ed.gov

Maine Human Rights Commission
51 State House Station
Augusta, ME 04333
Telephone: (207) 624-6290
Email: info@mhrc.maine.gov

D. Complaint Procedures

Student and employee complaint procedures (ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures; ACAB-R – Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures) are available which provide for the prompt and equitable resolution of complaints alleging discrimination and harassment based on race, color, age, ancestry or national origin, religion, sex, sexual orientation, gender identity and expression, physical or mental disability, and genetic information. These complaint procedures are available on the Cape Elizabeth School Department’s website and upon request at the Superintendent’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 and posted on the Cape Elizabeth School Department’s website.

Notice of the Cape Elizabeth School Department's compliance with nondiscrimination laws shall be:

1. Posted in a conspicuous and accessible place in all school buildings of the Cape Elizabeth School Department;
 2. Included on job postings, advertisements, and application forms that are made available to applicants and on enrollment forms that are provide to students and their parents/guardians;
 3. Distributed to all personnel responsible for recruiting and screening applicants, and selecting, hiring, and promoting employees; and,
 4. Posted on the Cape Elizabeth School Department's website.
- B. Annual Notice of ACAB-R – Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures

A copy of ACAB-R – Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures shall be distributed annually to all Cape Elizabeth School Department employees.

C. Postings on Sexual Harassment and Employment Discrimination

Required federal and state workplace posters on sexual harassment and employment discrimination shall be posted in conspicuous and accessible places in school buildings where notices to employees are customarily posted.

D. Copies of Affirmative Action Plan Available

A copy of this Affirmative Action Plan shall be made available to any interested person upon request at the Superintendent's office.

E. Updates of Affirmative Action Plan

The Cape Elizabeth School Department shall provide any updates to the Affirmative Action Plan to the Maine Commissioner of Education.

III. Training

A. Gender Equity Training

The Cape Elizabeth School Department is responsible for developing plans for in-service training programs on gender equity for teachers, administrators, and the School Board.

B. Sexual Harassment Training

The Cape Elizabeth School Department shall conduct education and training programs on sexual harassment as required under Maine law: (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.

The Cape Elizabeth School Department shall also conduct all training required under Title IX sexual harassment regulations for individuals involved in addressing such reports and complaints.

IV. Responsibility for Implementation

A. The Superintendent holds ultimate responsibility for the operation, oversight, and success of the Cape Elizabeth School Department's Affirmative Action Plan and nondiscrimination policies. These responsibilities will be delegated in whole or in part to the Affirmative Action Officer/Title IX Coordinator who is appointed by and reports directly to the Superintendent.

B. Responsibilities of Affirmative Action Officer/Title IX Coordinator

1. Day-to-day responsibility for implementing and managing the Cape Elizabeth School Department's Affirmative Action Plan and compliance with state and federal nondiscrimination laws and regulations.
2. Disseminate required notices, policies and information regarding federal and state nondiscrimination laws to employees, applicants, parents and others as applicable, including postings on the school unit's website.
3. Assess discrimination, harassment and other related complaints received by the Cape Elizabeth School Department to ensure the appropriate policies and procedures are followed, consulting with the Superintendent and others as appropriate.

4. Coordinate and/or conduct investigations of discrimination and harassment complaints as appropriate.
5. Overall responsibility for ensuring that discrimination and harassment complaint procedures are followed.
6. Coordinate and implement appropriate training for Cape Elizabeth School Department employees on nondiscrimination and harassment laws, policies, procedures, and duty to report.
7. Ensure that persons involved in recruiting and hiring processes adhere to nondiscrimination and confidentiality requirements.
8. Ensure that School Board members and employees receive gender equity training.
9. Compile data and reports for the Superintendent and School Board members as requested.
10. Advise the Superintendent of any needed revisions to the Affirmative Action Plan or related policies/procedures.
11. Comply with all recordkeeping requirements.
12. Any other duties related to the Affirmative Action Plan assigned by the Superintendent.
13. Day-to-day responsibility for implementing and managing the Cape Elizabeth School Department's compliance with all aspects of state and federal sex/gender-based discrimination and harassment laws and regulations, including Title IX.
14. Ensure that required notices, policies and information regarding federal and state sex/gender-based discrimination and harassment laws and regulations are disseminated to employees, applicants, parents, unions, and others as applicable, including postings on the Cape Elizabeth School Department's website.
15. Assess discrimination, harassment and other related complaints received by the Cape Elizabeth School Department to ensure the appropriate policies and procedures are followed, consulting with the Superintendent and others as appropriate.
16. Receive and process all reports and formal complaints of sex/gender-based discrimination, including sexual harassment complaints.
17. Provide support for parties when sexual harassment is reported and throughout the complaint investigation and resolution process.
18. Coordinate and/or conduct investigations of sex/gender-based discrimination and harassment complaints as appropriate.
19. Facilitate or coordinate informal resolutions of sexual harassment formal complaints as appropriate.
20. Overall responsibility for ensuring that sex/gender-based discrimination and harassment complaint procedures are followed.
21. Implement any remedies after findings of responsibility for sexual harassment.

22. Coordinate and implement appropriate training for Cape Elizabeth School Department employees on sexual harassment laws, policies, procedures, and duty to report.
23. Ensure compliance with all other aspects of state and federal sex/gender-based discrimination and harassment laws and regulations, including Title IX requirements pertaining to education, athletics, and other school programs.
24. Compile data and reports for the Superintendent and School Board members as requested.
25. Advise the Superintendent of any needed revisions to discrimination/harassment policies/procedures.
26. Comply with all recordkeeping requirements.
27. Any other duties related to sex/gender-based discrimination and harassment laws and regulations assigned by the Superintendent.

V. Assessment of Current Workforce

The Cape Elizabeth School Department 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 Cape Elizabeth School Department can reasonably expect to recruit new employees.

In conducting this analysis, the Cape Elizabeth School Department shall consider relevant local workforce statistics, its workforce profile, its job classifications, and its recruiting practices.

VI. Goals, Procedures, and Timetables

If an assessment determines that imbalances exist in the Cape Elizabeth School Department's workforce with respect to numbers of minorities, women, and persons with disabilities, the Cape Elizabeth School Department 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 the Cape Elizabeth School Department's workforce where imbalances exist:

A. Recruitment

It is the intent of the Cape Elizabeth School Department to ensure equal access to all employment opportunities.

Goal/Objective: The Cape Elizabeth School Department will make continued efforts to recruit all segments of the population in the State of Maine, including women, minorities, and individuals with disabilities.

Responsibility: Affirmative Action Officer

Timetable: Ongoing

B. Job Descriptions

It is the intent of the Cape Elizabeth School Department that job descriptions will accurately reflect the needed qualifications, training, experience, and duties.

Goal/Objective: The Cape Elizabeth School Department will review and update job descriptions periodically and as vacancies occur.

Responsibility: Affirmative Action Officer

Timetable: Ongoing

C. 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

D. 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

E. Complaint Procedure

Internal and external complaints of discrimination will be treated seriously and promptly by the Cape Elizabeth School Department.

Goal/Objective: All discrimination complaints shall be processed in accordance with established complaint procedures.

Responsibility: Affirmative Action Officer

Timetable: Ongoing

F. Reasonable Accommodation for Applicants and Employees with Disabilities

It is the Cape Elizabeth School Department's intent to provide reasonable accommodation to applicants and employees with disabilities consistent with the requirements of the Americans with Disabilities Act, Section 504 of the Rehabilitation 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, Section 504 of the Rehabilitation 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.

APPENDICES

- A – Policy AC – Nondiscrimination/Equal Opportunity and Affirmative Action
- B – Policy ACAB – Harassment and Sexual Harassment of School Employees; Procedure ACAB-R – Employee Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
- C – Policy ACAA – Harassment and Sexual Harassment of Students; Procedure ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
- D – Policy ACAD – Hazing
- E – Policy JICK – Bullying and Cyberbullying Prevention in Schools; Procedure JICK-R – Bullying and Cyberbullying Prevention in Schools Administrative Procedure
- F – Policy GCFB – Recruiting and Hiring of Administrative Staff; **Procedure GCFB-R – Recruiting and Hiring of Administrative Staff Procedures**