

# REGIONAL SCHOOL UNIT 57

## AFFIRMATIVE ACTION HANDBOOK

- TITLE IX COMPLIANCE
- STEREOTYPING
- SEXUAL HARASSMENT

JULY 2015  
(Reviewed July 2020)

### The Affirmative Action Handbook

This handbook for providing equal employment opportunity and educational opportunity is aligned to RSU 57 Board policy and is for the use of the Superintendent of Schools in the administration of personnel activities for all employees.

#### I. Equal Employment Opportunity Policy

- a. The School Board reaffirms its desire that RSU 57 employ, without discrimination on the basis of race, color, religion, sex, national origin, physical handicap, age, or socioeconomic status the best qualified persons who are available at the salary levels established for school employment.
- b. The School Board 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 Acts of 1964 (42 U.S.C.A., S2000e; HEW: Title IX Regulations; and the Maine Human Rights Act of 1972 (5 M.R.S.A. S4571), as amended, which prohibit such discrimination in employment.
- c. The School Board further recognizes its obligation to comply with the provisions of Title VI of the Civil Rights Act of 1964 (P.L. 88-352): and has filed an Assurance of Compliance with the U.S. Department of Health, Education and Welfare on March 12, 1965.
- d. Therefore, RSU 57 will take such affirmative action as is necessary to enforce and promote the School Board's policy of equal employment opportunity by implementing a continuing program which:
  - i. Prevents any unlawful discrimination in advertising, recruitment, hiring, layoff, termination, upgrading, demotion, transfer, compensation or other terms, conditions, or privileges of RSU 57 employment;
  - ii. Determine whether any qualified applicants or employees are being subjected to unlawful discrimination because of race, color, age, religion, sex, national origin, physical handicap, or socioeconomic status and provide for appropriate corrective action;
  - iii. Identifies and corrects those techniques, and procedures which have or may have an adverse effect upon the employment opportunities or status of such applicants or employees;
  - iv. Achieves the fullest and most effective utilization of skills which may be identified and developed among all school employees, for the purpose of rendering better service to the students; and
  - v. Recognizes that under Title VII, standards for termination, layoff, demotion or discipline must be the same for all employees, and will not create a disparity regarding race, color, age, religion, sex, national origin, physical handicap, or socioeconomic status.

#### II. Employment Program

##### a. Recruitment

- i. Advertisement for all job vacancies will be complete and will include clear statements of basic information that is required by the candidate to make application. This basic

- information will include name, address, telephone number of the contact person and a statement that RSU 57 is an equal opportunity/affirmative action employer.
- ii. All advertisements will be presented in neutral language such as “candidate” or “person”.
  - iii. Language showing preference for one sex will not be used.
  - iv. Job opening positions will be made known to all employees and effort will be made to encourage applications from minorities.
  - v. Whenever possible, all professional positions will be advertised statewide via a web based education employment site. Whenever possible, all non-professional positions will be advertised locally.
- b. Application Forms
- i. Questions on application forms will contain no reference to marital status, titles, sex, race, or age.
  - ii. Questions contained in the application forms will be job related only.
- c. Selection
- i. No step of the screening process, including job requirements, hiring standards, advertising, or other procedures will discriminate against women or minorities.
  - ii. All screening procedures will be job related.
  - iii. When feasible, all selection committees will include female or minorities as representatives.
  - iv. When applicants are interviewed, the questioning will relate to capacity for job performance. Questions related to family, spouse, children, will not be asked.
- d. Promotion
- i. Promotion from one job classification to another or from one level to another within the same classification will be on the basis of merit and directly related to successful performance of the jobs involved. No person will be overlooked for promotion on the basis of color, age, religion, sex, national origin, physical handicap, or socioeconomic status.
- e. Training
- When provided training opportunities programs for all support, service, administrative, and instructional staff members will be available for all employees regardless of color, age, religion, sex, national origin, physical handicap, or socioeconomic status.
- f. Job Descriptions
- Job descriptions will include minimum qualifications in education, training, and experience. They will reflect major job functions and not require higher qualifications than are really necessary.
- g. Recordkeeping
- i. RSU 57 will maintain a record of employment inquiries made via telephone, personal contact, and written contact. These records contain the name, sex, race, (if known), position desired, action taken, and the date of inquiry.
  - ii. RSU 57 will maintain a record of interviews conducted with prospective candidates. These records contain sex, race (when known), position interviewed for, job related reasons for rejection or selection. The interviewing form is attached to records.
- h. Responsibilities of the Affirmative Action Officer
- The Superintendent will recommend and the School Board will appoint a person who shall be called the Affirmative Action Officer.

- i. To oversee the implementation of all aspects of RSU 57's Affirmative Action Program.
- ii. To report at as necessary to the School Board on the status and programs of Affirmative Action.
- iii. To inform aggrieved persons of the procedures for grievance.
- iv. To investigate any complaint of discrimination, sexual harassment, stereotyping, and/or Title IX violations, from a staff member or a student.
- v. To report to the appropriate individual, or body, any violation of the Affirmative Action Policy.
- vi. To propose new policies and update the existing policies when appropriate.
- vii. To aid in planning and organizing in-service and/or community awareness programs.

### III. Education

- Title IX of the Educations Amendments of 1972 as Amended by P. L. 93-568 Effective Date July 21, 1975.
- Title IX provides that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financing assistance, " other than what is allowed by law.
- a. Assurance Required

Every application for Federal financial assistance for any education program or activity shall, as condition of approval, contain an assurance that the education program or activity will be operated with these regulations.
- b. Comparable Facilities

RSU 57 shall continue to provide separate toilet, locker room and shower facilities for each sex, and such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.
- c. Access to Course Offerings
  - i. Physical Education: RSU 57 shall use appropriate standards of increasing skill or progress that do not have an adverse effect on members of one sex in a physical education class. This section does not prohibit separation of students by sex within physical education classes or activities in which the major activity involves body contact.
  - ii. Sex Education: RSU 57 classes will not be divided upon the basis of sex except that those portions of classes which deal exclusively with human sexuality may be conducted in separate sessions.
  - iii. Vocal Music: RSU 57 will not discriminate on the basis of race or sex in the selection of students for its vocal music programs.
  - iv. Technical and Cooperative Education: RSU 57 shall admit any student to any vocational or cooperative education program without discrimination in regard to sex.
- d. Access to School Programs
  - i. Counseling and Counseling Material: RSU 57 shall provide counseling or guidance to students without discrimination on the basis of sex. The guidance office of the RSU 57 shall use testing and appraisal materials which eliminate a sex bias, and, and shall encourage students to pursue careers on the basis of choice, interests and abilities.

- ii. Employment Assistance to students: If RSU 57 assists any agency, organization or person in making employment available to any of their students:
  - 1. They shall be assured that such employment is made available without discrimination on the basis of sex; and
  - 2. It shall only render such services to any agency, etc., which does not discriminate on the basis of sex; and
  - 3. If RSU 57 employs any of its students, it shall do so in a non-discriminatory way.
- iii. Health and Insurance Benefits and Services: When RSU 57 provides insurance of any kind, it shall do so in a non discriminatory way even though the insurance may be used by a disproportionate number of persons of one sex.
- iv. Marital or parental status: Any married or pregnant student in RSU 57 shall be included as any other student in all programs and activities. Those in need of special programs shall be provided for according to the recommendations of the IEP Team.
- v. Athletics: No student shall be denied the opportunity to participate in interscholastic sports because of race, color, sex, religion, or national origin except that schools may provide separate but equal teams for males and females in any particular sport. In determining whether equal opportunities are available, the following factors will be considered:
  - 1. Whether the selection of sports and levels of competition effectively accommodate the interest and abilities of members of both sexes;
  - 2. The provision of equipment and supplies;
  - 3. Scheduling of games and practice time;
  - 4. Travel and per diem allowance;
  - 5. Opportunity to receive coaching and academic tutoring;
  - 6. Assignments and compensation of coaches and tutors;
  - 7. Provision of locker rooms, practice and competitive facilities;
  - 8. Provision of housing and dining facilities and services;
  - 9. Publicity expenditures for girls' and boys' teams, operated separately, shall be adjudged equal if both teams are provided the same level of equipment and facilities.
- e. Textbook and Curricular Materials  
In purchasing, an attempt will be made to purchase materials of a non-discriminatory nature.
- f. Scholarships and Grants  
RSU 57 assures that the overall effect of the scholarship program will not discriminate on the basis of sex.
- g. Stereotyping  
RSU 57 supports the pursuit of non-traditional roles for both males and females and will not condone stereotyping of males or females at any level of the educational process.

#### IV. Grievance Procedure for All Employees and Students Enrolled in RSU 57.

- a. The purpose of this procedure is to secure fair solutions to problems that may arise involving conditions and terms of the Affirmative Action Policy of RSU 57.
- b. A grievance shall be a complaint by a person presently employed by RSU 57, an applicant for any position in the RSU 57, or any student. (A representative staff member or Association

representative of the person's choice may accompany the aggrieved person at all discussions and meetings involving the case.)

- c. When an individual feels there has been discrimination, that person may file a grievance by the following procedure:
  - i. Informal Procedure
    1. The aggrieved person must within five (5) days of the alleged violation informally discuss the grievance with an immediate supervisor or instructor in an attempt to resolve the grievance. *If the grievance is one of sexual harassment, this section may be by-passed if the grievant chooses.*
    2. If a satisfactory solution cannot be reached, the grievance may be taken to the Affirmative Action Officer within five (5) days of the informal discussion. The Affirmative Action Officer shall advise the aggrieved person on the procedures for continuing the grievance at the formal level.
  - ii. Formal Procedure
    1. If the aggrieved person is not satisfied with the outcome of informal procedures, he/she shall submit the grievance in writing, within five (5) days of the contact with the Affirmative Action Officer, to their immediate supervisor or instructor. The aggrieved person shall receive a reply in writing from the supervisor or instructor within five days of the presentation of the written grievance.
    2. If the grievance remains unsettled, it shall be returned to the Affirmative Action Officer within five (5) days of the immediate supervisor's or instructor's reply to be considered in consultation with the appropriate State Officer. At the discretion of the Affirmative Action Officer, an ad hoc committee of appropriate representatives will be formed to assist in any necessary investigation of the complaint and to assist the Affirmative Action Officer in determining what recommendations will be made in an attempt to resolve the grievance. Those recommendations shall then be made to the Superintendent of Schools who will then reply to the aggrieved within five (5) days after receipt of such recommendation from the Affirmative Action Officer.
    3. If the grievance continues to be unsettled, then the case may be presented to the State (Maine Human Rights Commission) or Federal (Office of Civil Rights, Washington, DC) Agency having jurisdiction over these matters.
  - iii. External Procedure
    1. A grievance involving just Title IX individuals may choose to by-pass the internal grievance procedure and contact directly the Office of Civil Rights, Washington, DC.

## V. Sexual Harassment

- Whereas sexual harassment undermines the integrity of the workplace and school environment and the personal dignity of the individual; and
- Whereas sexual harassment may involve a person of either sex against a person of the same or opposite sex; and

- Whereas it is the policy of RSU 57 to prevent and eliminate sexual harassment in employment and education, to ensure that employees and students are permitted to work and learn in an atmosphere free from sexual harassment;
- Therefore, RSU 57 implements the following guidelines for recognition and dealing with sexual harassment:
  - a. Definition:
    - i. Sexual harassment is any overt or unwelcome sexual advances, gestures, comments, or contact from peers, subordinates, or supervisors, or anyone the victim may interact with in order to fulfill job or school duties, where the victim's responses may be restrained by fear of reprisals.
    - ii. Sexual harassment is a problem in every school as well as in every workplace. Students experience it from other students and occasionally from faculty members. Faculty members experience it from other faculty members.
    - iii. Court cases have found sexual harassment in the workplace to be a violation of Title VII of the Civil Rights Act of 1964. This is the law that protects workers in a school. Students are protected from sexual harassment under the provisions of Title IX since courts have found sexual harassment to be a form of sex discrimination. If sexual harassment involves a minor student in a school setting, it can also be considered a criminal offence under laws relating to child abuse.
  - b. Grievance Procedures: Title IX requires that specific grievance procedures be published. These relate to the manner in which suspected violations of the law are handled. The Grievance Procedure is outlined in Section IV of this policy. Because of the sensitive nature of complaints relating to sexual harassment, certain special provisions need to be made for these procedures. They are as follows:
    - i. Any complaints relating to sexual harassment should be referred to the Affirmative Action Officer for investigation.
    - ii. When the complaint has come from either a student or faculty member, a counselor or staff member of the complainant's choosing may be present at all discussions and meetings involving the case.
    - iii. It is particularly important when a complaint has been brought by a student to have a supportive counselor or staff member present during the investigation to make it easier for the student to discuss such a delicate issue and to be sure that the elements of the complaint are properly represented and fair to both parties.
    - iv. The investigating group should be kept as small as possible to protect the confidentiality of the information and to keep the investigation from becoming an inquisition.
    - v. Retaliation in any form against any person who has filed a complaint relating to sexual harassment is forbidden. If it occurs, it could be considered grounds for disciplinary action under the provisions of the negotiated agreement for contracted personnel or dismissal of non-contracted personnel. Retaliation by a student may result in removal from the educational setting.
    - vi. It is expected that those involved with sexual harassment investigations will protect the confidentiality of all information relating to the case.

VI. Recruiting and Hiring of Administrative Staff

In accordance with Title 20A MRSA SEC. 4502.4-A a portion of PL 1990, Chap. 889 – An Act to Promote Equity of Opportunity for Women in Administrative Positions in the Public School System – RSU 57 affirms the following:

- a. The Board has adopted a policy on RECRUITING AND HIRING OF ADMINISTRATIVE STAFF (GCFB), which directs the superintendent to prepare a nondiscriminatory hiring procedure for positions requiring administrative certification. This has resulted in the development of RECRUITING AND HIRING OF ADMINISTRATIVE STAFF -- PROCEDURES (GCFB-R).

VII. In-service training programs on gender equity –

Plans for in-service training on gender equity include:

- a. Teachers:
  - i. Orientation of new teachers will include the topic of gender equity.
  - ii. Annually, gender equity will be on the agenda of a faculty meeting near the start of the school year and may be included from time to time in required or elective in-service sessions. Staff members who wish to learn more and share with others may be sent to workshops as interest and resources warrant. Literature and media disseminated by the Commissioner's technical assistance staff and other sources will be made available to personnel.
    1. Any instructional staff member participating on a screening or interviewing team for new employees will receive an orientation that includes gender equity.
- b. Administrators:
  - i. Orientation of new administrators will include the topic of gender equity.
  - ii. Annually, the topic of gender equity will be on the agenda of an administrative meeting near the start of the school year, and may be included in unit or outside in-service sessions, which administrators may attend as interests and resources warrant. Literature and media disseminated by the Commissioner's technical assistance staff and other sources will be made available to all administrators.
  - iii. Any administrator participating on a screening or interviewing team for new employees will receive an orientation which includes gender equity.
- c. Board Members
  - i. Orientation of new board members will include the topic of gender equity.
  - ii. Annually, the topic of gender equity will be on the agenda of a board meeting near the start of the board year. Members who wish to learn more and share with others may be sent to workshops as interests and resources warrant. Literature and media disseminated from the Commissioner's technical assistance staff and other sources will be made available to board members.
  - iii. NOTE: In-service training for members of the above groups may be combined if/when appropriate.