

RSU 56

AFFIRMATIVE ACTION PLAN

I. GENERAL POLICY STATEMENT

A. Statement of nondiscrimination

RSU 56 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

RSU 56 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.); 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); 20-A MRSA §6554 (Prohibition on Bullying); and MHR/MDOE Joint Rule Chapter 94-348 and 05-071, ch.4 (Equal Educational Opportunity).

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:

Jess McGreevy

Affirmative Action Officer

RSU 56

145 Weld Street

Dixfield, ME 04224

(207) 562-4251 ext. 225

Boston Office

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

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, genetic information, or physical or mental disability. Copies of the complaint procedures will be made available to any interested person upon request at the Superintendent or Affirmative Action Officer's office. The complaint procedures can also be accessed from the RSU 56 website at the following link: <http://www.rsu56.org/>.

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 to include posting the Affirmative Action Plan on the school website.

Notice of RSU 56'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 annually in the local newspaper.
5. Sent to all secondary school, college or university placement services which receive information on available job openings in the school unit.

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 conspicuous and accessible places in school buildings where notices to employees are customarily posted in each school office and/or staff rooms.

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. The Plan can also be accessed from the RSU 56 website at the following link: <http://www.rsu56.org/>.

III. TRAINING

A. Gender equity training

RSU 56 is responsible for developing plans for in-service training programs on gender equity for teachers, administrators and the School Board.

B. Sexual harassment training

RSU 56 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 RSU 56'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 RSU 56's efforts to comply with and carry out its responsibilities under all applicable federal and state anti-discrimination laws (including serving as the 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. The responsibilities of the Title IX Coordinator include, but are not limited to, the following:

1. Maintaining records, reports and documents required to comply with federal and state recordkeeping requirements;

2. Coordinating RSU 56's efforts to comply with and carry out its responsibilities under all applicable federal and state anti-discrimination laws serving as the Title IX/Coordinator as required by those laws);

3. 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 as it pertains to students;

4. Reporting to the Affirmative Action Officer and the Superintendent when necessary any findings and recommendations for ensuring compliance with the Affirmative Action Plan.

D. Each person charged with recruiting, screening, selecting, hiring and/or promoting applicants or employees in RSU 56 must adhere to the policy of nondiscrimination and equal employment opportunity established in the Affirmative Action Plan.

V. ASSESSMENT OF CURRENT WORKFORCE: UTILIZATION ANALYSIS

RSU 56 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 or of persons with disabilities in different job categories in the school unit.

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 school unit shall consider relevant local workforce statistics, the school unit's workforce profile, the nature and validity of its job classifications, and the number, frequency and category of vacancies.

VI. GOALS, PROCEDURES AND TIMETABLES

If an assessment determines that imbalances exist in RSU 56'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 RSU 56's workforce where imbalances exist:

1. Recruitment:

It is the intent of RSU 56 to ensure equal access to all employment opportunities.

Goal/Objective: RSU 56 will make continued efforts to recruit all segments of the population in the State of Maine, including women, minorities and persons with disabilities.

Responsibility: Affirmative Action Officer.

Timetable: Ongoing.

2. 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 persons with disabilities 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.

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 prior to implementation.

Responsibility: Superintendent.

Timetable: Ongoing.

4. Complaint Procedure:

Internal and external complaints of discrimination will be treated seriously and promptly by RSU 56.

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

Responsibility: Affirmative Action Officer.

Timetable: Ongoing.

5. Reasonable Accommodation for Applicants and Employees with Disabilities:

It is RSU 56'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 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 (Appendix C).

Updated: August 26, 2020

Appendix A

EDUCATIONAL POLICIES OF
REGIONAL SCHOOL UNIT 56

POLICY: AC
ADOPTED: AUGUST 6, 2020

NON-DISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The school unit does not discriminate on the basis of sex or other protected categories in its education programs and activities, as required by federal and state laws/regulations.

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

Discrimination against and harassment of students because of race, color, sex, sexual orientation, gender identity, 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 other individuals having access rights to school premises and activities.

The school unit has designated and authorized an Affirmative Action Officer/Title IX Coordinator who is responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination, including sexual harassment. The Affirmative Action Officer/Title IX Coordinator is a person with direct access to the Superintendent.

The school unit has implemented complaint procedures for resolving complaints of discrimination/harassment and sexual harassment under this policy. The school unit provides required notices of these complaint procedures and how they can be accessed, as well as the school unit's compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents and other interested parties.

Legal Reference: Equal Employment Opportunities Act of 1972 (P.L. 92-261) amending
Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e) et seq.)
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R.
Part 106 (Title IX regulations)
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.)
Equal Pay Act of 1963 (20 U.S.C. § 206)

Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as amended
Maine Human Rights Act (5 MRSA § 4551 et seq.), as amended
Genetic Information non-discrimination Act of 2008 (42 U.S.C. § 2000ff et. seq.)

Cross Reference: RSU 56- Affirmative Action Plan

ACAA- Harassment and Sexual Harassment of Students

ACAA-R- Student Discrimination/Harassment and Title IX Sexual Harassment
Complaint Procedures

ACAB- Harassment and Sexual Harassment of School Employees

ACAB-R- Employee Discrimination/Harassment and Title IX Sexual Harassment
Complaint Procedures

First Reading: July 28, 2020

Adopted: August 6, 2020

Appendix B

EDUCATIONAL POLICIES OF
REGIONAL SCHOOL UNIT 56
6, 2020

POLICY: ACAB-R
ADOPTED: AUGUST

EMPLOYEE DISCRIMINATION/HARASSMENT AND TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURE

The Board has adopted these employee procedures in order to provide prompt and equitable resolution of employee complaints of discrimination and harassment, including sexual harassment, as described in policies AC – Nondiscrimination/ Equal Opportunity and Affirmative Action and ACAB – Harassment and Sexual Harassment of School Employees.

The complaint procedure in Section 2 may also be used, to the extent applicable, by visitors, including parents, volunteers and others having lawful access to the schools who wish to make a complaint of discrimination or harassment.

Complaints alleging harassment or discrimination against students based on a protected category should be addressed through the Board’s Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures (ACAA-R).

Any individual who is unsure about whether discrimination or harassment has occurred and/or which complaint procedure applies is encouraged to contact the Affirmative Action Officer/Title IX Coordinator.

Jessica McGreevy
145 Weld Street, Dixfield ME
207-562-4251 ext 225

I. DEFINITIONS

For purposes of these complaint procedures, the following definitions will be used. The Affirmative Action

Officer/Title IX Coordinator shall assess all reports and complaints to ensure that they are addressed under the appropriate policy and complaint procedure.

A. Discrimination/Harassment Complaint Procedure Definitions

1. “Discrimination or harassment”: Discrimination or harassment on the basis of an individual’s

membership in a protected category, which, for employees, includes race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability.

2. “Discrimination”: Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected category.

3. “Harassment”: Oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected category that is sufficiently severe, pervasive or participate in the school unit’s programs or activities by creating a hostile, intimidating or offensive environment.

4. Under Title VII and under Maine law/regulations, sexual harassment is defined differently than under Title IX. Maine Human Rights Commission regulations define sexual harassment as conduct on the basis of sex which satisfies one or more of the following:

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a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

5. “Sexual orientation”: Under Maine law, this means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”

6. “Gender identity”: Under Maine law, this means “the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.”

7. “Complaint” is defined as an allegation that an employee or other third party has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, gender identity, age, religion, ancestry, national origin, genetic information or disability (and in regard to sex, conduct not otherwise addressed in Title IX regulations and Section 3 of ACAB-R).

8. “Employee”: Whenever the term “employee” is used in Section 2, it includes visitors or others who have a lawful basis to make a complaint of discrimination or harassment.

B. Title IX Sexual Harassment Complaint Procedure Definitions

1. “Title IX sexual harassment”: Under the federal Title IX regulations, sexual harassment

includes the
school unit's

following conduct on the basis of sex which takes place within the context of the
education programs and activities:

- a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or service (such as promotion or favorable evaluation) on an individual's participation in unwelcome sexual conduct;
- b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies an individual's equal access to the school unit's education programs and activities; or
- c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in federal laws.

2. "Report": Under the Title IX regulations, any individual may make a report of sexual harassment involving an employee, whether the individual is the alleged victim or not. A report must be made to the Affirmative Action Officer/Title IX Coordinator. A report triggers certain actions by the AAO/Title IX Coordinator for the alleged victim of sexual harassment, but an investigation is not conducted unless a "Formal Complaint" is filed.

3. "Formal Complaint": Under Title IX, the alleged victim of sexual harassment can file a written complaint that triggers the complaint procedure in Section 3 of ACAB-R. Only a school employee (and in certain circumstances, the AAO/Title IX Coordinator) may file a formal complaint.

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4. "Employee": For the purposes of this procedure, "employee" means an applicant for employment or a current employee of the school unit.

II. DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

This procedure should be used for any complaint of unlawful harassment or discrimination based on a protected category which does not involve Title IX sexual harassment.

A. How to Make A Complaint

1. Any employee who believes he/she has been harassed or discriminated against (as such terms are defined in Section 1.A. 1-3) 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 from making an immediate ~~formal~~ complaint to the AAO/Title IX Coordinator.

2. Any employee who believes he/she has been discriminated against or harassed should report their concern promptly to the AAO/Title IX Coordinator. A written complaint must include basic information

concerning the allegation of harassment or discrimination (i.e., date, time, location, individual(s) who alleged engaged in harassment or discrimination, description of allegation).

3. Employees who are unsure as to whether unlawful discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss their concerns with AAO/Title IX Coordinator.

4. Employees will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary measures, up to and including discharge.

5. 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 and/or to the	Federal Office for Civil Rights, Regional Director
51 State House Station	U.S. Department of Education
Augusta, ME 04333	5 Post Office Square, 8 th Floor
Telephone: 207-624-6290	Boston, MA 02109-1491
	Telephone: 617-289-0111

B. Complaint Handling and Investigation

1. The AAO/Title IX Coordinator will promptly inform the Superintendent and the person who is the subject of the complaint (respondent) that a complaint has been received.

2. The AAO/Title IX Coordinator may pursue an informal resolution of the complaint with the agreement of the parties involved. Any party to the complaint may decide to end the informal resolution process and pursue the formal process at any point. The informal resolution is subject to the approval of the parties and the Superintendent, who shall consider whether the informal resolution is in the best interest of the school unit and the parties in light of the particular circumstances and applicable policies and law.

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3. The AAO/Title IX Coordinator may implement supportive measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further discrimination or harassment while an investigation is pending. Examples of supportive measures include, but are not limited to, ordering no contact between the individuals involved; changing a work location or changing a work schedule.

4. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and the AAO/Title IX Coordinator. 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 Board, who should consult with legal

counsel concerning the handling and investigation of the complaint.

5. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.
6. The respondent will be provided with an opportunity to be heard as part of the investigation. The complainant shall not be required to attend meetings with the respondent, but may choose to do so as part of an informal resolution process.
7. The complainant and the respondent may suggest witnesses and/or submit materials they believe are relevant to the complaint.
8. If the complaint is against an employee of the school unit, any rights conferred under an applicable collective bargaining agreement shall be applied.
9. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
10. The investigation shall be completed within 40 business days of receiving the complaint, if practicable.
Reasonable extensions of time for good reason shall be allowed.
11. The investigator shall provide a written report and findings to the AAO/Title IX Coordinator.

C. Findings and Subsequent Actions

1. The AAO/Title IX Coordinator shall consult with the Superintendent concerning the investigation and findings.
2. If there is a finding that discrimination or harassment occurred, the AAO/Title IX Coordinator, in consultation with the Superintendent:
 - a. Shall determine what remedial action, if any, is required to end the discrimination or harassment, remedy its effect and prevent recurrence; and
 - b. Determine what disciplinary action should be taken against the individual(s) who engaged in discrimination or harassment, if any.
3. Inform the complainant and the respondent in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

D. Appeals

1. After the conclusion of the investigation, the complainant or respondent may seek an appeal of the findings solely on the basis of either: (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome.
2. Appeals must be submitted in writing to the Superintendent within five business days after receiving notice of the resolution.
3. Upon receipt of a valid appeal, the Superintendent shall provide notice to the other party, along with an opportunity to provide a written statement within five business days.
4. The Superintendent shall review the available documentation and may conduct further investigation if deemed appropriate.
5. The Superintendent's decision on the appeal shall be provided to the parties within 10 business days, if practicable. The Superintendent's decision shall be final.

E. Records

The AAO/Title IX Coordinator shall keep a written record of the complaint process.

III. TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURE

This section should be used only for complaints of Title IX sexual harassment as defined in Section 1. B. 1.

A. How to Make A Report

1. Any individual who believes an employee has been sexually harassed (as this term is defined in Section 1. B. 1.) may make a report to the AAO/Title IX Coordinator.
2. If the individual making the report is the alleged victim, or if the alleged victim is identified by the individual making the report, the AAO/Title IX Coordinator will meet with the alleged victim to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
 - a. Supportive measures are individualized measures designed to ensure the employee can continue to access and perform their work (such as requiring no contact between individuals, temporarily moving work locations or changing schedules, etc.).
 - b. Supportive measures may be continued even if the alleged victim chooses not to file a formal complaint, if appropriate under the particular circumstances.
3. The school unit cannot provide an informal resolution process for resolving a report until a formal

complaint is filed.

4. Employees will not be retaliated against for reporting sexual harassment, or for participating in an investigation. Retaliation is illegal under federal and state nondiscrimination laws, and any retaliation will result in disciplinary actions, up to and including discharge. Page 5 of 11

5. Any employee who believes they have been the victim of sexual harassment is encouraged to utilize the school unit's complaint procedures. However, employees are hereby notified that they

also have the right to report sexual harassment to the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (telephone: 617-289-0111).

6. The Superintendent shall be informed of all reports and formal complaints of sexual harassment.

B. How to Make A Formal Complaint

1. An alleged victim may file a formal written complaint requesting investigation of alleged Title IX sexual harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who alleged engaged in sexual harassment, description of allegation).

Employees who need assistance in preparing a formal written complaint, are encouraged to consult with the AAO/Title IX Coordinator.

2. In certain circumstances, the AAO/Title IX Coordinator may file a formal complaint even when the alleged victim chooses not to. Examples include if the respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment or there is a safety threat within the school unit). In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

3. In accordance with the Title IX regulations, the AAO/Title IX Coordinator must dismiss a formal complaint under this Title IX procedure if: a) the conduct alleged in the formal complaint does not constitute sexual harassment under the Title IX regulations and this policy; b) if the conduct alleged did not occur within the scope of the school unit's education programs and activities, or c) did not occur in the United States.

4. In accordance with the Title IX regulations, the AAO/Title IX Coordinator may dismiss a formal complaint under this Title IX procedure if: a) a complainant withdraws the formal complaint, or withdraws particular allegations within the complaint; b) the respondent is no longer employed by the school unit; or c) there are specific circumstances that prevent the school unit from gathering evidence sufficient to reach a determination regarding the formal complaint.

5. If a formal complaint is dismissed under this Title IX procedure, the AAO/Title IX Coordinator will promptly and simultaneously send written notices to the parties explaining the reasons. Parties have the opportunity to appeal dismissals in accordance with subsection I below.

6. If the conduct alleged potentially violates other laws, Board policies and/or professional expectations, the school unit may address the conduct under Section 2 or another applicable policy/procedure.

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C. Administrative Leave

1. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a complainant by a respondent, or a respondent's threat of self-harm due to the allegations.

2. The respondent will be provided notice of the administrative leave, and will be provided an opportunity to challenge the decision following the removal (this is an opportunity to be heard, not a hearing). The respondent has the burden to demonstrate why the emergency leave was unreasonable.

3. Any such decision to place an employee on administrative leave shall be made in compliance with any applicable disability laws, including Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

D. Notice to Parties of Formal Complaint

1. The Title IX Coordinator will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting prohibited conduct under the Title IX regulations and this procedure. The notice will include:

- Notice regarding the complaint procedure and the availability of an informal resolution process;
- Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (not less than five business days);
- As required by the Title IX regulations, a statement that the respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the complaint); and that the parties may inspect and review evidence;
- Notice that the parties may each have an advisor of their choice (who may be an attorney), and that the parties may inspect and review evidence;
- Notice that knowingly making false statements or submitting false information during the complaint procedure is prohibited and may result in disciplinary action; and

- Notice of the name of the investigator, with sufficient time (no less than three business days) to raise concerns of conflict of interest or bias.
2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
 3. The AAO/Title IX Coordinator will discuss supportive measures with each party and implement such measures as appropriate.

E. Informal Resolution Process

After a formal complaint has been filed, and if the AAO/Title IX Coordinator believes the circumstances are appropriate, the AAO/Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the complainant and the respondent is an employee.

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Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgement of responsibility by a respondent; apologies; disciplinary actions against a respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the school unit. Any such signed agreement is final and binding according to its terms. If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination.

F. Investigation

1. The complaint will be investigated by a trained internal or external individual designated by the Superintendent and AAO/Title IX Coordinator. 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 Board, who should

consult with legal counsel concerning the handling and investigation of the complaint.

2. The investigator shall consult with the AAO/Title IX Coordinator as agreed during the investigation process.
3. If the complaint is against an employee of the school unit, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
5. The investigator will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the school unit does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
 - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten business days to submit a written response.
 - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i. Create an investigative report that fairly summarizes relevant evidence and send the report to the parties and advisors (if any), for their review and written responses within ten business days of receipt.
 - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned decision maker.

6. The investigation shall be concluded within 40 business days if practicable. Reasonable extension of time

for good reason shall be

allowed.

G. Determination of Responsibility

1. The decision maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five business days of when the decision maker received the investigation report and party responses.

a. The decision maker shall explain to a party proposing questions if the decision maker excludes a question as not relevant.

2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five business days of receiving the answers.

3. Each party will receive a copy of the responses to any follow-up questions.

4. The decision maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").

5. The decision maker shall issue a written determination, which shall include the following:

a. Identification of all the allegations potentially constituting sexual harassment as defined in the Title IX regulations and this policy;

b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and meetings held;

c. A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;

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d. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school unit imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school unit's programs and activities will be provided to the complainant;

e. The school unit's appeal procedure and permissible bases for the parties to appeal the determination.

6. The written determination shall be provided to the parties simultaneously. The

determination concerning

either on the date that the school unit provides the parties with the written of the appeal, if an appeal is filed, or if an appeal is not filed, the date on longer be considered timely.

responsibility becomes final determination of the results which the appeal would no

H. Remedies, Discipline and Other Actions

1. Remedies are measures used to ensure that the complainant has equal access to the school unit's education programs and activities following the decision maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant.

2. Discipline and Other Actions

the types of disciplinary actions that may be imposed on an employee that they are responsible for one or more violations involving sexual

The following are examples of when there is a determination harassment:

- Written warning
- Probation
- Demotion
- Suspension without pay
- Discharge

other types of actions that may be imposed on an employee when there is responsibility:

The following are examples of a determination of

- Performance improvement plan
- Counseling
- Training
- Loss of leadership/stipend position

I. Appeals

The parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of formal complaints. Under the Title IX regulations, appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal of the formal complaint was made, that could affect the outcome of the matter;
- or

3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent that affected the outcome of the matter.

An appeal must be filed in writing within five business days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

1. Appeals must be filed with the Superintendent, who will consider the appeal.

2. The Superintendent shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with legal counsel or other school unit officials in making their decision.

3. The Superintendent shall issue a written decision describing the result of the appeal and rationale for the result, and provide the written decision simultaneously to the parties. The decision will either deny the appeal; grant the appeal and remand to the decision maker for further consideration; or grant the appeal by revising the disciplinary action(s).

J. Records

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven years.

Legal References: Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106

1092 (f)(6)(A)(v)- definition of sexual assault) Clery Act (20 U.S.C. §
Violence Against
Women Act (34 U.S.C. § 1092 (f)(6)(A)(v)- definition of sexual assault; 34 U.S.C. §
12291(a)(10)- dating violence; 34 U.S.C. § 12291(a)(3)- definition of stalking; 34 U.S.C. §
12291(a)(8)- definition of domestic violence
Title VI of the Civil
Rights Act of 1964 (42 U.S.C. § 2000d)
Americans with
Disabilities Act (42 U.S.C. § 12101 et seq.), as amended

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Rehabilitation Act of 1973 (Section 504)(29 U.S.C. § 794 et seq), as amended
Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 20 C.F.R. § 1604.11)
Employment Act (29 U.S.C. § 623 et seq.)
Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)

Section 504 of the
Title VII of the Civil
Age Discrimination in
Genetic Information

Cross References: AC- Nondiscrimination/Equal Opportunity and Affirmative Action
and Sexual Harassment of School Employees
ACAB- Harassment

First Reading: July 28, 2020
Second Reading: August 6, 2020
Adopted: August 6, 2020

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Appendix C

EDUCATIONAL POLICIES OF
REGIONAL SCHOOL UNIT 56

POLICY: GCFB-R
ADOPTED:

RECRUITING AND HIRING OF ADMINISTRATIVE STAFF ADMINISTRATIVE PROCEDURE

These procedures implement School Board policy GCFB and are designed to establish a thorough, efficient and nondiscriminatory practice for the recruiting and hiring of the most qualified candidates for administrative positions.

A. Job Description Development/Review

To ensure that a written role description of the vacant position accurately represents the current functions and needs, the Superintendent or designee (the Board in a Superintendent search) is to:

1. Conduct a review of (if none exists, develop) the job description with input from persons affected by the position;
2. Include the criteria (skills, knowledge, abilities) required to perform the duties/responsibilities of the position; and
3. List the minimum qualifications (training, education and experience) for the position.
4. Send to the Board personnel committee to review and make recommendations.

B. Recruitment

To attract a strong pool of qualified candidates, the Superintendent or designee is to advertise (and attach the job description) where possible

1. Posting notice of the vacancy within the unit;
2. Placing a display advertisement in appropriate print media, (considering at least one appearance in a major Maine weekend or Sunday newspaper); and
3. Identifying and notifying other possible sources of potential candidates, such as professional associations, educational administration programs and placement offices at colleges and universities in Maine and other states, and the Maine Department of Education.

C. Screening

To ensure that a fair and efficient screening process will occur, the Superintendent or designee is to:

1. Appoint a screening committee with representation as deemed appropriate to the particular vacancy

Model for Screening Committee:

- Two (2) Administrators;
 - Up to two (2) School Board Members
 - Superintendent
 - One (1) professional staff member;
 - A support staff member, as defined by policy GDA, pertinent to the opening.
2. Ensure that all applications are reviewed (by more than one individual using the job description) with attention given to an unbiased regard for the criteria and qualifications in the job description.
 3. Ensure all screeners and interviewers have read and signed confidentiality form.
 4. Candidates will only be considered if application is complete.
 5. Screening committee will 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; and

D. Interviewing

To ensure that the interview process will be conducted in a legal and proper manner, the Superintendent or designee is to:

1. Appoint an interview committee (may be the same persons who serve the screening function) with representation as deemed appropriate to the particular vacancy;

Model for Interview Committee:

- Two (2) Administrators, including Superintendent, who will facilitate process
 - Two (2) Board Members
 - One (1) professional staff member (depending on what type of administrator being hired)
 - One (1) support staff member (as determined by needs of what type of administrator being hired)
2. Provide orientation on the process including the function and extent of responsibility of the committee, the weighting of criteria, the nomination/hiring procedure; and any specific skills

or characteristics desired in a new hire; and

3. Conduct training to ensure that committee members are aware of the legal aspects of interviewing, including confidentiality and equity issues.

The interview committee is to:

1. Review interview questions which match the criteria and the duties/responsibilities outlined in the job description; and
2. Provide equal opportunity for the candidates to respond to the same questions/questioners.
3. Agree to make decisions by consensus.

E. Selection

After the interview is completed, the interview committee is to:

1. Individually assess the candidates according to their answers to the job description-related questions, rating and commenting on each using a specially prepared form corresponding to the questions/criteria; and
2. Agree on a finalist(s) for Superintendent to recommend to School Board.

The Superintendent or designee is to:

1. Have reference contacts made, as appropriate, to check perceived strengths and weaknesses of the candidates; NOTE: No offer of employment is to be made until references are checked.
2. Review the material on the finalist(s) candidate to determine whether additional information is needed;
3. Conduct final interviews of any or all finalists, as deemed necessary;
4. Select the most qualified candidate who fits the criteria and the duties/responsibilities outlined in the job description, based on his/her own professional judgement along with those of the interview committee (or, reject all finalists, reopen the position and begin the process anew); and

F. Nomination

The Superintendent is to:

1. Notify candidate he/she is being recommend to School Board for employment.
2. Recommend the nominee to School Board for employment.

3. Notify candidate he/she has been approved by the School Board and obtain agreement of the successful candidate;
4. Employ the successful candidate in accordance with state law and local policies.

G. Orientation and Support

To ensure that the new administrator is provided with the proper information about the system and job expectations, the Superintendent or designee is to provide an orientation that includes expectations of the duties/responsibilities of the position along with the policies and procedures of the local school unit.

H. Record Keeping

To ensure that the confidentiality of employee and applicant records are properly maintained, the Superintendent is to provide for the maintenance in secure files of all applicants and documentation of the hiring, screening and interviewing process for a period of three (3) years.

I. Confidentiality

To ensure that confidentiality is maintained throughout and permanently following the hiring process, the Board, all employees involved, and any other participants are to maintain absolute confidentiality about candidates, including names, in accordance with state law (20-A MRSA § 6101). The Board is to assume responsibility through the Superintendent for providing adequate orientation at appropriate stages of the process, including at the completion.

First Reading: October 22, 2019

Second Reading: November 26, 2019