MSAD 35: AFFIRMATIVE ACTION PLAN

MSAD 35

AFFIRMATIVE ACTION PLAN

I. GENERAL POLICY STATEMENT

A. Statement of nondiscrimination

MSAD 35 does not discriminate on the basis of perceived race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, familial status, disability, or genetic information 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).

For the purpose of this plan:

- “Race” includes traits associated with race, including hair texture, Afro hairstyles, and protective hairstyles, including braids, twists, and locks.
- “Sexual orientation” means a person’s actual or perceived heterosexuality, bisexuality or homosexuality.
- “Gender Identity” means the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual’s assigned sex at birth.

B. Compliance with anti-discrimination laws

MSAD 35 recognizes its obligation to comply with the provisions of the following:

Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000 (e) et seq.);

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.);

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.);

Age Discrimination in Employment Act of 1967, (29 U.S.C. § 621 et seq.);

Equal Pay Act of 1963 (29 U.S.C. § 206);

Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) (29 U.S.C. § 794 et seq.), as amended;

Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) as amended;

Genetic Information Nondiscrimination Act 2008 (42 U.S.C. § 2000ff et seq.); and

Maine Human Rights Act of 1972 as amended (5 M.R.S.A. § 4551 et seq.)

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

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 perceived race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, familial status, disability, or genetic information. 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 the 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.

Full job descriptions for the Affirmative Action Officer and Title IX Coordinator can be found at the end of this 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. Job Accommodations:

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: November 18, 2020 and November 30, 2022; January 7, 2026; September 23, 2026

Reviewed: October 23, 2024; October 15, 2025

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AFFIRMATIVE ACTION OFFICER

1. Responsibilities

- Day-to-day responsibility for implementing and managing the school unit's Affirmative Action Plan, and for compliance with state and federal nondiscrimination/harassment laws and regulations (except sex discrimination and sexual/sex-based harassment laws and regulations).
- Position requires close consultation with the Title IX Coordinator, who is responsible for implementing and managing the school unit's compliance with sex discrimination and sexual/sex-based harassment laws and regulations.
- Disseminate required notices, policies, and information regarding federal and state discrimination laws to employees, applicants, parents, and others as applicable, including postings on the school unit's website, in consultation with the Title IX Coordinator.
- Assess discrimination, harassment, and other related complaints received by the school unit to ensure the appropriate policies and procedures are followed, in consultation with the Title IX Coordinator, Superintendent, and others as appropriate. Sex discrimination and sexual/sex-based harassment complaints must be forwarded to the Title IX Coordinator to address.
- Coordinate and/or conduct investigations of discrimination and harassment complaints (other than sex discrimination and sexual/sex-based harassment complaints) as appropriate.
- Overall responsibility for ensuring that student and employee discrimination and harassment complaint procedures are followed (ACAA-R and ACAB-R).
- Coordinate and implement appropriate training for school unit employees on discrimination/harassment laws and regulations; school unit policies and procedures; and duty to report, in consultation with Title IX Coordinator.
- Consult with Title IX Coordinator and other administrators/staff as necessary about services to pregnant employees required by Title IX.
- Ensure that persons involved in recruiting and hiring processes adhere to nondiscrimination and confidentiality requirements.
- Ensure that School Board members and employees receive gender equity training.
- Compile data and reports for the Superintendent and School Board members as requested.
- Advise the Superintendent of any needed revisions to the Affirmative Action Plan or related policies/procedures.
- Comply with all recordkeeping requirements.

- Any other duties related to the school unit's Affirmative Action Plan or discrimination and harassment policies and procedures assigned by the Superintendent.

2. Experience and Training

- Administrative experience at the building or central office level.
- Training applicable to duties should be completed prior to or within a reasonable period after appointment.

3. Supervisor

- The Affirmative Action Officer reports directly to the Superintendent.

TITLE IX COORDINATOR

1. Responsibilities

- Day-to-day responsibility for implementing, managing, and monitoring the school unit's compliance with all aspects of state and federal sex discrimination and sexual/sex-based harassment laws and regulations, including Title IX.
- Position requires close consultation with the Affirmative Action Officer, who is responsible for implementing and managing the school unit's overall compliance with nondiscrimination and harassment laws and regulations (aside from sex discrimination and sexual/sex-based harassment).
- Overall responsibility for ensuring that the student and employee sex discrimination and sexual/sex-based harassment complaint procedures (ACAA-R and ACAB-R) are followed, in consultation with the Affirmative Action Officer, as necessary.
- Overall responsibility to implement Policy JIE – Pregnant Students, in consultation with other administrators/staff, as necessary.
- Monitor and ensure school unit compliance with Title IX regulation requirements concerning pregnant employees.
- Ensure that required notices, policies/procedures, and information regarding federal and state sex discrimination and sexual/sex-based harassment laws and regulations are disseminated to employees, applicants, students, unions, and others as applicable, including required postings on the school unit's website, in consultation with the Affirmative Action Officer.
- Assess sex discrimination and sexual/sex-based harassment reports received by the school unit to ensure that the appropriate policies and procedures are followed, in consultation with the Affirmative Action Officer, Superintendent, and others as appropriate.
- Receive and process all reports and complaints of sex discrimination and sexual/sex-based harassment that are made to the school unit.
- Provide supportive measures for parties during the complaint process (and following completion, if appropriate).

- Coordinate and/or conduct investigations of sex discrimination and sexual/sex-based harassment complaints as appropriate (investigations and particular duties may be delegated to designated, trained individuals).
- Facilitate or coordinate informal resolutions of sex discrimination and sexual/sex-based harassment complaints as appropriate (actual facilitation duties are delegated to designated, trained individuals).
- Implement any remedies after a determination of responsibility for sex discrimination and sexual/sex-based harassment.
- Coordinate and implement appropriate training for school unit employees, students, volunteers (and others, as appropriate) on sex discrimination and sexual/sex-based harassment laws and regulations, policies, procedures, and any duties to report, in consultation with the Affirmative Action Officer.
- Monitor for barriers to reporting information about conduct that may reasonably constitute sex discrimination and sexual/sex-based harassment and take steps (in consultation with the Affirmative Action Officer and the Superintendent) to address such barriers.
- Compile data and reports for the Superintendent and School Board as requested.
- Advise the Superintendent (and Affirmative Action Officer as appropriate) of any needed revisions to discrimination and harassment policies/procedures.
- Other duties related to the implementation of sex discrimination and sexual/sex-based policies/procedures as assigned by the Superintendent.

2. Experience and Training

- Administrative experience at the building or central office level.
- Training applicable to all duties should be completed prior to or within a reasonable time period after appointment. Annual training must be completed thereafter.

3. Supervisor

- The Title IX Coordinator reports directly to the Superintendent.

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