# AFFIRMATIVE ACTION PLAN

## I. GENERAL POLICY STATEMENT

### A. Statement of Nondiscrimination

RSU No. 5 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 Board of Directors has adopted a nondiscrimination policy (see File: AC Non-Discrimination/Equal Opportunity /Affirmative Action).

### B. Compliance with Anti-Discrimination Laws

RSU No. 5 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. § 4571 et. seq.); Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et. seq.); the Age Discrimination in Employment Act of 1967 as amended (29 U.S.C. § 623 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 ((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 20-A MRSA §6553 (Prohibition of Hazing); 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:

Mandy Lewis, Assistant Superintendent
Affirmative Action Officer/Title IX Officer
17 West Street
Freeport, ME 04032
Telephone: (207) 865-0928
lewism@rsu5.org

OR

Charlie Mellon, Assistant Principal, Freeport High School
Affirmative Action Officer/Title IX Officer
30 Holbrook Street
Freeport, ME 04032
Telephone: (207) 865-4706
mellonc@rsu5.org

US Department of Education
Office for Civil Rights
5 Post Office Square, 8th Floor
Boston MA 02109-3921
Telephone: (617) 289-0111
TDD: (877) 521-2172

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

**D. Complaint Procedures**

Employee and student complaint procedures (see File: ACAB-R Employee Discrimination and Harassment Complaint Procedure; File: ACAA-R Student Discrimination and Harassment Complaint Procedure) are available at http://www.rsu5.org and 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 to the Superintendent or Affirmative Action Officer.

## 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 the RSU No. 5 School Department's compliance with anti-discrimination laws shall be:

1. Posted in a conspicuous and accessible place in all school buildings of the school district;

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 and/or electronic media.

**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 shall be distributed annually to all RSU No. 5 employees and are posted on the website at http://www.rsu5.org/content/510.

**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.

**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 office of the Superintendent or the office of the Affirmative Action Officer. It is also posted on the website.

## III. TRAINING

**A. Gender Equity Training**

RSU No. 5 is responsible for developing plans for in-service training programs on gender equity for teachers, administrators, and the Board.

**B. Sexual Harassment Training**

RSU No. 5 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 the RSU No. 5 School Department'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. Ensuring the dissemination of 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 the RSU No. 5'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 Coordinator;

5. Conducting and/or coordinating the investigation of discrimination complaints based on race, age, color, ancestry or national origin, religion, sex, sexual orientation, genetic information, and 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;

8. Ensuring the development, coordination and implementation of sexual harassment training programs for employees and supervisors.

**C.** Each person charged with recruiting, screening, selecting, hiring, and/or promoting applicants or employees in RSU No. 5 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 No. 5 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 district.

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, RSU No. 5 shall consider relevant local workforce statistics, the school department'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 the RSU No. 5 School Department's workforce with respect to numbers of minorities, women and persons with disabilities, the

district 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 No. 5's workforce where imbalances exist:

**1. Recruitment**

It is the intent of RSU No. 5 to ensure equal access to all employment opportunities.

Goal/Objective: The RSU No. 5 School Department 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: On-going

**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 the disabled are underrepresented, the Affirmative Action Officer will ensure that interview questions present an equal employment opportunity prior to contacting candidates.
Responsibility: Affirmative Action Officer
Timetable: On-going

**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: On-going

**4. Complaint Procedure**

Internal and external complaints of discrimination will be treated seriously and promptly by the RSU No. 5 School Department.

Goal/Objective: All discrimination complaints shall be referred to the Affirmative Action Officer. The Affirmative Action Officer will attempt to settle informal complaints where appropriate and will pursue all other procedures necessary to effectively and appropriately address the complaint. The Affirmative Action Officer will provide timely updates of matters coming to his/her attention.
Responsibility: Affirmative Action Officer
Timetable: On-going

**5. Reasonable Accommodation for Disabled Applicants and Employees**

It is the RSU No. 5 School Department's intent to provide reasonable accommodations 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: On-going

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

The RSU No. 5 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 (GCFB Recruiting & Hiring of Administrative Staff).

## VIII. APPENDICES: RELATED POLICIES/PROCEDURES

**AC** Non-discrimination/Equal Opportunity and Affirmative Action
**ACAA** Harassment and Sexual Harassment of Students
**ACAA-R** Complaint Procedures
**ACAB** Harassment and Sexual Harassment of Employees
**ACAB-R** Complaint Procedures
**ACAD** Hazing
**GCFB** Recruiting and Hiring of Administrative Staff

Administrative Procedure Adopted: 8/16/10
Revised: 10/15/13
Revised: 10/18/22