

# Windham School Department

## AFFIRMATIVE ACTION PLAN

### I. GENERAL POLICY STATEMENT

#### A. Statement of Nondiscrimination

The Windham School Department does not discriminate on the basis of race, age, color, ancestry or national origin, religion, sex, or physical or mental disability in admission to, access to, treatment in or employment in its programs and activities. The School Committee has adopted a nondiscrimination policy (see File: AC Non-Discrimination/Equal Opportunity/Affirmative Action).

#### B. Compliance with Anti-Discrimination Laws

The Windham School Department recognizes its obligation to comply with the provisions of the Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et. seq.); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et. seq.); 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 (40 U.S.C. § 12101 et. seq.); and 20-A MRSA §6553 (Prohibition of Hazing).

#### 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:

Assistant Superintendent serving as Affirmative Action Officer  
Windham School Department  
228 Windham Center Road  
Windham ME 04062  
Telephone: (207) 892-1800

Office for Civil Rights  
Regional Director  
US Department of Education  
S.W. McCormack Post Office & Courthouse, Room 222  
Boston MA 02109-4557  
Telephone: (617) 223-9662

Maine Human Rights Commission  
State House Station # 51  
Augusta ME 04333  
Telephone: (207) 624-6050

## **D. Complaint Procedures**

Employee and student complaint procedures (see File: ACAB-R Employee Discrimination & Harassment Complaint Procedure; File: ACB-R2 Sexual Harassment Student Complaint Process) 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, or physical or mental disability. Copies of the complaint procedures will be made available to any interested person upon request at the Superintendent's 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 the Windham School Department's compliance with antidiscrimination 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.

### **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 department 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.

### **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 the office of the Affirmative Action Officer.

### **III. TRAINING**

#### **A. Gender Equity Training**

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

#### **B. Sexual Harassment Training**

The Windham School Department 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 Windham 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. 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 the Windham School Department'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, sex, 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 the Windham School Department must adhere to the policy of nondiscrimination and equal employment opportunity established in the Affirmative Action Plan.

## V. ASSESSMENT OF CURRENT WORKFORCE: UTILIZATION ANALYSIS

The Windham School department 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 department.

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 department 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 Windham School Department’s workforce with respect to numbers of minorities, women and persons with disabilities, the school department will develop realistic goals for necessary action and related procedures and timetables for correcting such imbalances.

The following goals, procedures, and timetables have been adopted to increase the representation of minorities, women and disabled at all levels and in all segments of the Windham School Department’s workforce where imbalances exist:

### 1. Recruitment

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

Goal/Objective: The Windham 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 review interview questions prior to contacting candidates to ensure that the school department presents an equal employment opportunity. 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 Windham 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 Windham School Department'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: On-going

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

The Windham School Committee 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 File: GCA Recruiting & Hiring of Administrative Staff).

Approved by School Board: August 18, 2004