

## **AFFIRMATIVE ACTION PLAN**

### **I. STATEMENT OF POLICY**

The purpose of this Affirmative Action program is two-fold:

1. To insure that Windham School Department's equal employment opportunity policy to recruit, hire, and promote persons in all job classifications is done without regard to race, sex, sexual orientation, color, national origin, religion, marital status, age or handicap; and,
2. To insure that no person is, on the basis of race, sex, sexual orientation, color, national origin, religion, marital status, age or disability, as required under Section 504 of the Rehabilitation Act of 1973, excluded from participation in, denied the benefits of, or subjected to discrimination, stereotypes or biases in any program or activity offered by the Windham School Department. This policy is available for review by contacting any school administrator or Donn Davis, the Affirmative Action Coordinator at 207-892-1800.

The ultimate responsibility for this Affirmative Action Program lies with the Superintendent of Schools. Planning, implementation and day-to-day monitoring of the program are the responsibilities of the Affirmative Action/Title IX Coordinator. All personnel responsible for hiring and promotion of employees and for developing and implementing programs and activities are charged to support this program and to provide leadership in carrying out the goals and objectives.

The Coordinator for the Affirmative Action/Title IX Program is:

Donn Davis, Assistant Superintendent  
Windham School Department  
228 Windham Center Road  
Windham, ME 04062  
ddavis@windham.k12.me.us

The Windham School Department will continue to comply with Federal and State regulations and will continue to work cooperatively with governmental and community organizations in insuring equal employment and educational opportunities.

### **II. OBJECTIVES OF AFFIRMATIVE ACTION PROGRAM**

Windham School Department Affirmative Action Program has the following major objectives:

1. To insure opportunity in all personnel actions such as recruitment, employment, compensation, benefits, promotions, layoff and return from layoff by eliminating any personnel practices which may discriminate on the basis of race, sex, sexual orientation, color, national origin, religion, marital status, age or handicap.
2. To increase the utilization of minorities at all levels of employment where deficiencies may exist;

3. To insure that no person, on the basis of race, sex, sexual orientation, color, national origin, religion, marital status, age or handicap be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity;
4. To publish and disseminate internally and externally, where appropriate, the Affirmative Action Policy and to continue to disseminate all equal employment policies; and,
5. To cooperate with Federal, State and local agencies, programs and organizations intended to improve employment and educational opportunities, regardless of race, sex, sexual orientation, color, national origin, religion, marital status, age, or handicap as required under 504 of the Rehabilitation Act of 1973.

### **III. COMPONENTS OF THE PLAN**

#### **A. Grievance Procedures:**

##### **Definitions:**

Grievance: A complaint involving any alleged violation of non-discrimination laws.

Grievant: Any student, employee or other school community member as defined in the harassment policy of the Windham School Department who submits a grievance relevant to non-discrimination laws.

Respondent: Person alleged to be responsible for the violation alleged in the grievance.

Day: Means a working day; the calculation of days in grievance processing shall exclude Saturdays, Sundays and holidays.

Filing of Grievance: Any student or employee may file any grievance relevant to non-discrimination laws or violations of Section 504 of the Rehabilitation Act of 1973 with the Affirmative Action/Title IX Coordinator.

##### **Preventative Administrative Responsibility**

1. A copy of the Windham School Department's Affirmative Action Policy and Harassment Policy will be included in faculty handbooks at all buildings.
2. All new employees will be given a copy of the Affirmative Action Policy at the time of employment.
3. All new employees will receive training within one year of their beginning employment.
4. No principal or supervisor shall destroy evidence relevant to a formal investigation of discrimination or harassment.

## **Specific procedures for Employees and Students**

Individual Consultation – Windham School Department has individuals at each school building who can provide informal support and guidance to individual members of the community on issues of harassment/discrimination. All principals, supervisors, and the Affirmative Action Coordinator can identify these individuals.

A grievant, respondent or concerned member of the community may make use of such persons in order to:

- discuss a specific situation or incident
- learn about Windham School Department policies and grievance options
- learn about support services and resources
- get personal support and advice on how to proceed, and to determine a course of action

For example, the support person may help the grievant write a letter to the respondent or suggest ways in which the grievant can approach the respondent. (The support person to one party should not, however, contact or meet with the other party.) If an informal or formal complaint is lodged, the support person may accompany and assist the individual through the complaint resolution process.

The informal support person will keep a chronological record of events brought to their attention which will describe the date of notification, date of events, the nature of the complaint, the name of the complainant and the name of alleged offender.

### **Informal Complaint Resolution**

Sometime harassment/discrimination issues are easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it. Informal Complaint Resolution is available to a grievant who seeks the help of a school official, but does not wish to file a formal complaint. Written records may be kept by either party. All the services available through Individual Consultation (information, advice and support) are also available to the grievant, respondent, or a concerned community member in the Informal Complaint process. In addition, depending on the circumstances, the following options are also available:

Informal investigation – in which one of the designated school official speaks with the parties and with other individuals who may have information about the situation.

Informal mediation – in which a school official may help the grievant bring the problem to the respondent's attention, speak with the respondent and other witnesses, and help the parties arrive at a mutually agreeable solution. Such a resolution may or may not entail a face-to-face meeting of the grievant and the respondent. Mediation should be conducted only with the consent of both parties.

### **Timeline for Informal Procedure:**

1. Grievant shall speak to a designated school official within five (5) working days of the alleged act.

2. The designated school official(s) will proceed with some or all of the Informal Mediation Procedures within five (5) working days of the grievant complaint in an attempt to resolve the complaint.
3. If the grievant is not satisfied with the outcome of the informal procedure, he/she may choose to file a formal complaint within fifteen (15) days. The grievant may choose to file a formal complaint prior to the conclusion of the informal procedure.

There exist possible conflicts between the roles of support person, investigator, and mediator. A school official who foresees such a conflict should avoid it by requesting assistance from another designated official. The grievant/respondent should also call any such conflict to the attention of the officials involved. Each designated school official may, as needed, convene a meeting of other school officials.

Throughout the Informal Complaint Resolution process, the grievant and respondent may each be accompanied by the support person from the individual consultation stage or another advisor or support person from the school community.

### **Formal Complaint Resolution**

Anyone who believes that harassment/discrimination has occurred may choose either initially or after having sought to resolve the matter formally, to bring a complaint through the Windham School Department formal grievance procedures. The purpose of the Formal Grievance Procedure is to ensure the prompt, fair, and formal resolution of a complaint. In the event of a formal student complaint, the parent/guardian will be notified.

### **Formal Grievance Procedure**

The grievant shall, in writing, file a grievance within fifteen (15) working days of the alleged act with the Affirmative Action Coordinator or member of the Affirmative Action Committee.

A committee shall hold a formal hearing. This committee will be comprised of the Affirmative Action Officer and at least two other members of the Affirmative Action Committee. The hearing will be held with the grievant and the respondent present within ten (10) working days of receiving the grievance. Every reasonable effort should be made to resolve the conflict at this point. The grievant and the respondent have the right to representation and to present witnesses and evidence at the hearing.

Grievants are to have access to relevant institution records. The hearing must be conducted democratically. A written report will accompany the committee's decision and be on file with the Affirmative Action Office.

If a substantiated charge of harassment/discrimination by a student is found, the offending student will be subject to disciplinary action. If a substantiated charge of harassment/discrimination by an employee is found, the results of the investigation will be sent to the Superintendent for appropriate disciplinary action.

The grievant may appeal this decision to the Windham Superintendent of Schools. All appeals must be in writing and made within ten (10) working days of the formal hearing. The Superintendent will meet with the parties involved and render a decision both verbally and in writing within ten (10) working days following the date of appeal. A copy of the written decision will be forwarded to the Affirmative Action Officer.

The grievant may appeal the Superintendent's decision to the Windham School Committee. All appeals must be in writing and made within ten (10) working days of the previous meeting involving the Superintendent's decision. The Windham School Committee's decision will be considered final.

The grievant may at any time, file a grievance with the Office of Civil Rights – (617-223-9662) or the Maine Human Rights Commission (207-624-6050.)

All grievance procedures guarantee confidentiality, a fair hearing and a resolution of the grievance without fear of reprisal. All written and oral communications about a complaint are confidential. Information should be disclosed only on a need-to-know basis and with the understanding that the recipient has a duty to preserve confidentiality. Anyone who takes any action in retaliation for the filing of a complaint will face disciplinary action.

## **B. Affirmative Action/Title IX Coordinator**

An Affirmative Action/Title IX Coordinator shall be designated to coordinate efforts to comply with and carry out the Windham School Department's responsibilities under Title IX of the Education Amendments of 1972 and Title II of the Education Amendment of 1976. This person's responsibilities shall include the investigation of any complaint alleging non-compliance with Title IX, as well as the monitoring of Title IX and Title II. This person shall request that other services be provided as need arises with regard to Title IX requirements.

The Affirmative Action/Title IX Coordinator shall be representative of the staff and interested in holding the position.

Reporting directly to the Superintendent of Schools, the responsibility of the Affirmative Action/Title IX Coordinator will include, but not be limited to, the following duties:

1. Assist the Superintendent of Schools in carrying out the responsibility for the operation and success of the Affirmative Action Program.
2. Annually review, with the assistance of the Affirmative Action Committee, the Affirmative Action Plan.
3. Make recommendations for the revision of the Affirmative Action Plan
4. Make such reports pertaining to Affirmative Action as required by law.
5. Hear any grievance of discrimination as outlined in the Affirmative Action Plan and submit recommendations for remediation to the Superintendent of Schools.
6. Report annually to the School Committee in writing, the activities of the Affirmative Action Committee.

## **C. Educational Programs**

No student, on the basis of race, sex, sexual orientation, color, national origin, religion, marital status, age, or handicap, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination, stereotypes or bias under any educational program or activities.

## **1. Curricula**

Course offerings, traditional and non-traditional, shall be available to any student who meets departmental prerequisites.

## **2. Texts and Teaching Materials**

All school personnel shall point out to students the biases and stereotypes which may exist in materials which they are using. New textbooks are reviewed for stereotypes and biases before purchasing.

## **3. Auxiliary Services**

Counseling, guidance and special support programs shall provide services to students in a non-discriminatory manner.

## **4. Athletic Activities**

## **5. Extracurricular Activities and Programs**

Extracurricular activities and programs are provided equally for male and female students. This includes use of facilities and staff support. Student clubs, interest groups and honorary organizations are open to students on a non-discriminatory basis.

## **6. Marital/Parental Status**

Marital and parental status shall not be a factor in determining eligibility for participation in any course, program or activity offered by the Windham School Department.

## **D. Employment**

### **1. Recruitment and Selection**

It is the policy of the Windham School Committee to seek the best qualified person available for each position. In filling openings, the Windham School Board makes a concentrated effort to recruit and hire so that all applicants have an equal opportunity to be considered for and hired into all positions without regard to race, sex, sexual orientation, color, national origin, religion, marital status, age or handicap. Selection criteria for all job openings with the Windham School Department shall be validated and insure that only criteria relative to job performance are used to evaluate candidates.

A. Some of the sources to be used in recruitment are:

1. local news media
2. local community organizations and schools
3. newspapers, newsletters and journals with minority and female audiences
4. professional journals, job registries and other publications
5. minority and women's organizations
6. Windham School Department Web page

- B. Minorities are encouraged to apply for promotional positions.
- C. Men and women are encouraged to apply for positions that have been held predominantly by the opposite sex.
- D. All advertisements for job opportunities will state that the Windham School Board is an equal opportunity employer.
- E. All inquiries, interviews and application procedures are conducted without the use of discriminatory questions or criteria.
- F. Compensation and benefits to all employees shall be reviewed prior to each new budget period in order that any inequities may be corrected.
- G. Appropriate records of applications, interviews, personnel actions, etc., shall be maintained for at least one year

## 2. Job Analysis

The Windham School Committee of Education shall annually review all position descriptions, minimal qualifications, tasks and job functions, selection procedures and salary scales in order to correct any inadvertent discrimination that may exist. These criteria will be used as guidelines for evaluation, promotion and hiring of personnel.

### E. Evaluation of Affirmative Action Programs

The Affirmative Action Program shall be evaluated on an on-going basis to assure compliance with Title IX of the Amendments of 1972, Title II of the Education Amendments of 1976 and Section 504 of the Rehabilitation Act of 1973.

Legal Reference: 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 (P.L. 88-352)  
 Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et. seq.)  
 Equal Pay Act of 1963 (29 U.S.C. § 206)  
 Vocational Rehabilitation Act of 1973 (29 U.S.C. § 794 et. seq.)  
 Americans with Disabilities Act (42 U.S.C. § 12101 et. seq.)  
 Maine Human Rights Act of 1972 (5 MRSA § 4571), as amended

Cross Reference: Windham School Department Affirmative Action Plan  
 ACB – Harassment and Sexual Harassment of Students  
 ACAB – Harassment and Sexual Harassment of School Employees

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WINDHAM SCHOOL DEPARTMENT