

## **AFFIRMATIVE ACTION PLAN**

### **I. GENERAL POLICY STATEMENT**

#### **A. Statement of Nondiscrimination**

The Cape Elizabeth School Department does not discriminate on the basis of race, age, color, ancestry or national origin, religion, sex, genetic information, physical or mental disability, or sexual orientation, 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**

The Cape Elizabeth School Department recognizes its obligation to comply with the provisions of the Equal Employment Opportunity Act of 1972 (PL 92-261), amending Title VII of the Civil Rights Act of 1964 (42 USC §2000e et seq.); Title IX of the Education Amendments of 1972 (20 USC §1681 et seq.); the Maine Human Rights Act of 1972 as amended (5 MRSA §4571 et seq.); Title VI of the Civil Rights Act of 1964 (42 USC §2000d et seq.); the Age Discrimination in Employment Act of 1967, as amended (29 USC §623 et seq.); the Age Discrimination Act of 1975, as amended (42 USC §6101 et seq.); Section 504 of the Rehabilitation Act of 1973 (29 USC §794 et seq.); and the Americans with Disabilities Act of 1990, as amended, (42 USC § 12101 et seq.); the Genetic Information Nondiscrimination Act (42 U.S.C. §2000ff) 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:

Cathy Stankard, Director of Teaching and Learning  
Affirmative Action Officer  
Cape Elizabeth School Department  
320 Ocean House Road  
Cape Elizabeth, ME 04107

Boston Office  
Office for Civil Rights  
U.S. Department of Health & Human Services  
Government Center  
J.F. Kennedy Federal Bldg, Room 1875  
Boston, MA 02203  
Telephone: (800) 368-1019; TDD: (800) 537-7697

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

## **AFFIRMATIVE ACTION PLAN**

### D. Complaint Procedures

Employee and student complaint procedures are available which provide for the prompt and equitable resolution of complaints alleging discrimination based on race, age, color, ancestry or national origin, religion, sex, physical or mental disability, genetic information, or sexual orientation. Copies of the complaint procedures will be made available to any interested person upon request at the Superintendent or Affirmative Action Officer's office or see Appendices B and C.

## **II. DISSEMINATION PROCEDURES: NOTICE AND POSTING**

### A. General Notice and Posting

Notice of this Affirmative Action Plan, shall be provided to all employees and students at the beginning of each school year.

Notice of the Cape Elizabeth School Department's compliance with anti-discrimination laws shall be:

1. Posted in a conspicuous and accessible place in all school buildings of the Cape Elizabeth School Department;
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, screening, selection, hiring and promotion of employees;
4. Published annually in a local newspaper and/or school newspaper or electronic media;
5. Published in all school handbooks (student and employee handbooks); and
6. Sent to all secondary school, college or university placement services which request information on available job openings with the Cape Elizabeth School Department.

### B. Annual Notice of Employee Sexual Harassment Policy

A copy of the Employee Harassment and Sexual Harassment Policy and Complaint Procedures in Appendix B shall be distributed annually to all School Department employees.

## **AFFIRMATIVE ACTION PLAN**

### **C. Posting on Sexual Harassment and Employment Discrimination**

Workplace posters on sexual harassment and employment discrimination shall be posted in conspicuous and accessible places within the Cape Elizabeth School Department where notices to employees are customarily posted (e.g., in each school department building and Superintendent's office).

### **D. Copies of Affirmative Action Plan Available**

This Affirmative Action Plan, including all appendices, is posted on the Cape Elizabeth School Department website [[www.Cape.k12.me.us](http://www.Cape.k12.me.us)] or copies are available upon request at the Office of the Superintendent or Affirmative Action Officer.

## **III. TRAINING**

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

The Cape Elizabeth School Department shall be responsible for developing plans for in-service training programs on gender equity for teachers, administrators and the School Board.

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

The Cape Elizabeth 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 Cape Elizabeth School Department's Affirmative Action Plan and nondiscrimination policies. These responsibilities shall be delegated in whole or in part to an Affirmative Action Officer who shall be appointed by and report 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;

## **AFFIRMATIVE ACTION PLAN**

3. Maintaining such records, reports and documents required to comply with federal and state record keeping requirements;
4. Coordinating the Cape Elizabeth 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 complaints of discrimination based on race, age, color, ancestry or national origin, religion, sex, sexual orientation, 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 or any needed changes;
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 the screening, selection, recruiting, hiring and/or promotion of applicants or employees in the Cape Elizabeth School Department shall adhere to the policy of nondiscrimination and equal employment opportunity established in the Affirmative Action Plan.

### **V. ASSESSMENT OF CURRENT WORKFORCE: UTILIZATION ANALYSIS**

The Cape Elizabeth School Department shall periodically assess the numbers of minorities, women and persons with disabilities in its workforce and determine where imbalances exist. Such assessment shall 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 Compliances 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 Cape Elizabeth School Department workforce with respect to numbers of minorities, women and persons with disabilities, the School Department shall develop realistic goals for necessary action and related procedures and timetables for correcting such imbalances.

## AFFIRMATIVE ACTION PLAN

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 Cape Elizabeth School Department's workforce where imbalances exist:

1. Recruitment

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

Goal/Objective: The Cape Elizabeth School Department will make continued efforts to recruit all segments of the population in Maine, including women, minorities and the disabled.

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 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.

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 the Cape Elizabeth School Department.

Goal/Objective: All discrimination complaints shall be processed in accordance with established complaint procedures. Responsibility: Affirmative Action Officer. Timetable: Ongoing.

5. Reasonable Accommodation for Disabled Applicants and Employees

It is the Cape Elizabeth 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: Ongoing.

## **AFFIRMATIVE ACTION PLAN**

### **VII. POLICY ON RECRUITING AND HIRING OF ADMINISTRATIVE STAFF**

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 Committee,” April 1991 (see Appendix E).

#### APPENDICES:

- A. AC-Nondiscrimination/Equal Opportunity and Affirmative Action
- B. ACAB/ACAB-R-Harassment and Sexual Harassment of School Employees Policy/Complaint Procedure
- C. ACAA/ACAA-R-Harassment and Sexual Harassment of Students Policy/Complaint Procedure
- D. AD-Hazing
- E. GCFB/GCFB-R- Recruiting and Hiring of Administrative Staff/Procedures

Adopted:

Revised: October 8, 2013