

## NONDISCRIMINATION

The CRCS Board of Directors is committed to the principle of Affirmative Action and does not discriminate in the educational and employment programs which it operates and will honor all appropriate laws relating to discrimination.

There shall be no discriminating in educational programs, activities or employment practices on the basis of race, national origin, religion, gender, sexual orientation, age, or disability under the provisions of Titles VI and IX of the 1972 Educational Amendments, Section 504 of the Rehabilitation Act, the Individuals with Disability Education Act (IDEA) of 1990, and the Americans with Disabilities Act of 1990.

### THE AFFIRMATIVE ACTION PROGRAM

The following plan for providing equal employment opportunity is hereby approved by the Board for use by the Executive Director in the administration of personnel activities for all employees.

#### I. EMPLOYMENT

- A. The Board affirms that it will employ without discrimination on the basis of race, color, religion, gender, sexual orientation, national origin, disability, or age the best-qualified candidates who are available at the salary levels established for school employment.
- B. The Board further recognizes its obligation to comply with the provisions of the Equal Opportunity Act of 1972, Title IX, and the Maine Human Rights Act of 1972 as amended, which prohibits such discrimination in employment.
- C. The Board further recognizes its obligation to comply with the provisions of Title VI of the Civil Rights Act of 1964 and has filed an Assurance of Compliance with the federal government.
- D. Therefore, the Board directs all concerned to take such affirmative action as is necessary to enforce and promote the Board's policy of equal employment opportunity by implementing a continuing program which:
  - 1. Prevents any unlawful discrimination in recruitment, hiring, layoff, termination, upgrading, demotion, transfer, compensation, or privileges of employment;
  - 2. Determines whether any qualified applicants or employees are being subjected to unlawful discrimination because of race, color, age, religion, gender, gender expression, sexual orientation, perceived sexual orientation, national or state origin, socioeconomic status or disability and provide for appropriate corrective action;
  - 3. Identifies and corrects those techniques, procedures, and results of personnel actions which may have an adverse effect on the employment opportunities or status of such applicants or employees;

4. Achieves the most efficient utilization of skills which may be identified and developed among all school employees, for the purpose of rendering better service to the students of this administrative unit.
5. Recognizes that standards for termination, layoff, demotion, or discipline must be the same for all employees.

## II. IMPLEMENTATION

- A. The Executive Director holds primary responsibility for the operation and success of the Affirmative Action Program. The responsibility has been delegated to the Principal/Equal Employment Opportunity Officer/Affirmative Action Officer (referred to hereafter as the "Officer").
- B. The Officer's responsibilities include, but are not limited to the following:
  1. Managing the organization, implementation, and all continuing aspects of the Affirmative Action Program;
  2. Disseminating information and guidelines and interpreting federal and state requirements as they apply to personnel employed by this board;
  3. Working with administrators and supervisory staff to identify and correct problem areas;
  4. Maintaining records and reports relating to recruitment, hiring, interviews, disciplinary action, promotion, transfer, and termination in order to comply with existing requirements;
  5. Initiating remedial action or correcting any unlawful practices which may be brought to the Officer's attention; and
  6. Reporting to the Executive Director, when necessary, any findings and recommendations for enforcing compliance with the program.
- C. Each person involved with the screening, selection, hiring, and promotion of applicants or employees is responsible to the Executive Director for:
  1. Prevention of unlawful discrimination and proper enforcement of this policy;
  2. Identification and reporting to the Officer any problem area in interpretation or application of policy guidelines and the disposition of any charge or grievance involving alleged discrimination; and
  3. Maintenance of such records, reports, and documents as the Officer may require conforming to existing law.

### III. AFFIRMATIVE ACTION GRIEVANCE PROCEDURE

As it relates to the Affirmative Action Policies of the CRCS Board of Directors, the following procedure is stated to ensure that discrimination does not take place in employment, curriculum, co-curricular or athletic programs.

CRCS does not discriminate in the educational and employment policies, programs and practices which it operates and will honor all appropriate laws relating to discrimination in regard to race/color, gender, sexual orientation, religion, ancestry, national origin, age, physical/mental disability.

#### Definitions:

1. Grievance - a complaint alleging any policy, procedure or practice which would be prohibited by non-discrimination laws.
2. Grievant - any student or employee of this school district who submits a grievance relevant to nondiscrimination laws or an individual or group submitting on behalf of student(s) or employee(s).
3. Claim - the charge spelled out in its entirety, of discrimination and is limited to the provisions contained within the Affirmative Action Plan.
4. AA Officer/Coordinator - the employee designated to coordinate the Board's efforts to comply with the Affirmative Action Program. The person with whom a grievance may be filed.
5. Respondent - person alleged to be responsible for the violation alleged in the grievance.
6. Grievance Answer - the written statement of the respondent regarding the grievance allegation.
7. Grievance Decision - the written statement of a hearing officer of her/his findings regarding the validity of the grievance allegation and the corrective action to be taken.
8. Hearing Officer - the representative of the Board who is the delegated authority for hearing/resolving grievance at a Level 3 or Level 4 proceeding.
9. Corrective Action - action taken by the school board or its delegated representative to eliminate or modify any procedure or practice found to be in violation of nondiscriminatory regulations and/or to provide redress to any grievant injured by the identified violation.
10. Day - means a working day (excludes Saturdays, Sundays, holidays, vacations).

#### Filing of Grievances:

1. Eligibility for Filing: Any student or employee, or any individual or group acting on behalf of a student or employee may file a grievance with the Affirmative Action Officer/Coordinator or Principal.
2. Informal Grievance Procedure - Level 1:
  - A. Report (not required to be in writing) incident to the appropriate discipline person (teacher, building principal, etc.). This person will meet with the person charged with the harassment and clarify specific behaviors that are unacceptable. Assign consequences and inform of further consequences if the unacceptable behavior continues.

- B. The appropriate discipline person will keep an incident report and will send a copy of that incident report to the Principal/AA Officer/Coordinator.
3. Informal Grievance - Level 2:
- A. Grievance may be filed with the Principal /AA Officer/Coordinator in writing and should be filed within 6 months of the alleged act. The Principal shall contact the Executive Director immediately to request an informal conference to discuss the grievance.
  - B. The Principal/AA Officer/Coordinator shall hold a pre-grievance meeting between the respondent and grievant within 5 days of filing, to collect data and shall make reasonable effort to resolve the problem without utilizing the formal grievance procedure.
  - C. This informal procedure shall not be a prerequisite to filing a formal grievance.
  - D. If the matter is not resolved within 10 days, the formal procedure will be initiated by the grievant.
4. Formal Grievance Procedure - Level 3 and Level 4:
- A. The grievant shall inform the Principal/AA Officer/Coordinator that he/she is initiating the formal grievance procedure.
  - B. Within 5 days of the filing of the grievance, the Principal/AA Officer/Coordinator shall notify the respondent of the grievance and of his/her responsibility for submission of a written grievance answer within 5 days after receipt of the grievance notification.
  - C. Respondent's Grievance Answer - the respondent shall, within 5 days of receipt of a copy of the grievance, submit to the Principal/AA Officer/Coordinator a written grievance answer. Such answer shall:
    - a. confirm or deny each fact alleged in the grievance;
    - b. indicate the extent to which the grievance has merit; and
    - c. indicate acceptance or rejection of any desired redress specified by the grievant, or outline an alternative proposal for resolution.
  - D. The AA Officer/Coordinator will send a copy of the grievance and the respondent's grievance answer to the Executive Director.
  - E. Level 3:
    - a. The hearing officer serving at all Level 3 grievance activities shall be the Executive Director. In the event the Executive Director is the respondent, the Board of Directors will delegate a hearing officer.
    - b. The Executive Director shall, within 5 days of referral, submit a written grievance decision to the grievant, the respondent and the Principal/AA Officer/Coordinator. The decision shall:
      - 1. Confirm or deny each fact alleged in the grievance and in the respondent's answer;
      - 2. Indicate the extent to which the grievance has merit;
      - 3. Indicate acceptance or rejection of any redress specified by the grievant or respondent; or

4. Indicate that the hearing officer will conduct an informal hearing on the grievance before rendering a decision.

F. Level 3 - Hearing:

- a. The Principal/AA Officer/Coordinator shall arrange a date for the Level 3 Hearing and notify the grievant, the respondent and the Executive Director. The hearing shall be held within 5 days after the appeal.
- b. Persons present at the formal hearing shall be the grievant, the respondent, any individual requested by either party to provide assistance relevant to consideration of the grievance and the Principal/AA Officer/Coordinator.
- c. Any procedures established to govern the conduct of the Level 3 hearing should be at the discretion of the Principal/AA Officer/Coordinator.
- d. Within 5 days of the hearing, the Executive Director shall issue a written hearing decision which includes a statement regarding the validity of the grievance allegation, and a specification of any corrective action to be taken. Copies of the decision shall be sent to the grievant, respondent, and the Principal/AA Officer/Coordinator.

G. Level 4:

- a. If the grievant rejects the Level 3 hearing decision or receives no written decision within the time specified above, he/she shall, within 6 days of receipt of the hearing decision, notify the Principal/AA Officer/Coordinator of his/her intent to appeal to Level 4. This notification shall be in writing.
- b. The hearing officer serving in Level 4 hearings shall be the Board of Directors or representatives designated by the Board.
- c. For any grievance referred for hearing at Level 4, there shall be 2 alternative methods for grievance processing:
  1. The grievance hearing may be conducted by the Board in its entirety.
  2. The grievance hearing may be conducted by a sub-group of at least 3 members of the Board.
  3. The hearing shall be held within 15 days after appeal of grievance to Level 4 or no later than the next regularly scheduled Board meeting.
  4. Any written materials or records submitted to the Board by the Principal/AA Officer/Coordinator shall also be transmitted to the grievant and the respondent. Both grievant and the respondent shall have the right to present such witnesses as they deem necessary to develop the facts pertinent to the grievance.
  5. Issuance of the final hearing decision shall be by written statement regarding the validity of the grievance and any corrective action to be taken within 5 days after the Level 4 hearing. The decision shall also include a statement of the reasons on which the decision has been based. Copies of the decision shall be sent to all members of the Board, the grievant, the respondent and the Principal/AA Officer/Coordinator

6. The AA Coordinator shall act as grievant advocate if so desired by the grievant. If not so requested, she/he will observe the hearing and act as recorder.
7. The final Level 4 decision shall be made by a vote of the majority of the Board.

Other Issues:

1. Confidentiality - The grievant shall determine whether any grievance procedure shall be open to the public. A grievant shall have the right to determine whether or not her/his grievance record shall be open or closed to the public.
2. Maintenance of Grievance Records:
  - A. Any grievant may, at his/her expense, record any grievance hearing or proceeding on a tape recorder or similar device.
  - B. Written records of each grievance shall be maintained by the Principal/AA Officer/Coordinator. These records shall be maintained on a confidential basis unless otherwise specified by the grievant.
  - C. Public grievance files shall be maintained by the Principal/AA Officer/Coordinator for purposes of grievance precedents.
  - D. This separate public file shall indicate only the subject matter of each grievance, the resolution of the grievance, and the date of the resolution. These records, which shall be open to the public, shall not refer to any specific individuals.
  - E. All written records shall be maintained by the Executive Director for a minimum of three years after the resolution of the grievance.

Prohibition of Harassment:

No person shall be subjected to discharge, suspension, discipline, or harassment or any form of discrimination for having utilized or having assisted others in utilizing this grievance procedure.

Nothing in this procedure shall prevent any grievant from filing a complaint directly with:

Maine Human Rights Commission  
51 State House Station  
Augusta, ME 04333  
(207) 287-6050

Department of Education Affirmative Action Office  
23 State House Station  
Augusta, ME 04333  
(207) 287-5800

Director, Office of Civil Rights  
Department of Education  
Washington, D.C. 20402

## **STUDENT AFFIRMATIVE ACTION PROGRAM**

The following plan for providing equal educational opportunity is hereby approved by the Board for use by the Executive Director in the administration of educational programs for all students of CRCS.

### I. Student Rights

The Board of Directors affirms the following student's rights: "No person on the basis of gender shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity."

- A. Comparable facilities: CRCS will continue to provide separate toilets, such facilities for students of one gender shall be comparable to facilities provided for students of the other gender.
- B. Course offerings: All course offerings shall be open to members of both genders.
- C. Physical education: All physical education classes shall be organized to comply with Title IX. Grouping shall be done in compliance.
- D. Counseling: Appraisal materials shall not be used on the basis of gender.
- E. Marital or parental status: No student shall be discriminated against because of marital or parental status.
- F. Athletics: CRCS may operate separate teams for members of each gender when selection for such teams is based upon competitive skills or the activity involved is a contact sport. Intramural activities shall provide equal athletic opportunity for members of both genders.
- G. Textbooks and curricular materials: Prior to adoption of new textbooks and materials, a review shall be made to insure that there is a minimum of sexism employed.

### II. Student protection:

The CRCS Board of Directors recognizes the right of each student to learn and to participate in programs and activities which are free of intimidation, ridicule, hostility and offensiveness. In order to assure this for our students, CRCS will not tolerate harassment of students especially where harassment is based upon race, color, gender, gender expression, sexual orientation, perceived sexual orientation, socioeconomic status, religion, age, national or state origin or handicap. Acts of this nature are not only a violation of this policy but also constitute illegal discrimination under state and federal laws.

## Examples of prohibited harassment:

1. Unwelcome sexual advances, gestures, comments or contact;
2. Threats of harm to a student, to his/her possessions, or to other individuals, whether transmitted verbally, in writing or through Cyberspace;
3. Offensive jokes;
4. Ridicule, slurs, derogatory action or remarks.

Students should also be advised of the importance of informing the harasser that his/her behavior is unwelcome, offensive, in poor taste, or highly inappropriate. Students uncomfortable with confronting the harasser should contact staff members who will inform the Principal/Affirmative Action Officer/Coordinator or contact the Principal/Affirmative Action Officer/Coordinator directly at the earliest possible opportunity. The Principal/Affirmative Action Officer/Coordinator shall advise the person who has allegedly been harassed of the various options available to the person: Title IX civil action; formal request for discipline by the Executive Director or the CRCS Board of Directors; Maine Human Rights Commission; or a complaint filed to the Directors of the United States Office of Civil Rights, U.S. Department of Education, Washington, D.C.

## III. Dissemination of Information to Students:

The Executive Director and building administrator will be responsible for notifying students and parents of the equal education and non-discrimination policy of CRCS. This notification shall include the policy, grievance procedure and responsible persons to whom students and parents or guardians may address any questions.

Complete copies of this policy are to be posted in the administrative office of CRCS. Additionally, an outline of the policy will be included in the faculty and student/parent handbooks.

Legal Reference: Title 5 MRSA Secs. 4551 ET SEQ., and 4571 ET SEQ.

Cross Reference: AC – Nondiscrimination/Equal Opportunity and Affirmative Action  
 ACA - Non-Sexist Language  
 ACAB - Harassment  
 ACAB-R – Employee Discrimination and Harassment Complaint Procedure  
 JB - Equal Educational Opportunities  
 JFH - Student Complaints and Grievances

Adopted: 8/15/2012