

**Regional School Unit 16**  
Mechanic Falls, Minot & Poland, Maine

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**AFFIRMATIVE ACTION PLAN**

**1) GENERAL POLICY STATEMENT**

a) Statement of Nondiscrimination

- i) The RSU 16 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, Policy Code: AC (see Appendix A).

b) Compliance with Anti-Discrimination Laws

- i) The RSU 16 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:

John Hawley, Director of Operations/Affirmative Action Officer  
RSU 16, 3 Aggregate Road  
Poland, ME 04274  
Telephone: (207) 998-2727 x113

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

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

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d) Complaint Procedures

1. 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 C and E.

**2) DISSEMINATION PROCEDURES: NOTICE AND POSTING**

a) General Notice and Posting

- i) Notice of this Affirmative Action Plan, shall be provided to all employees and students at the beginning of each school year.
- ii) Notice of the RSU 16's compliance with anti-discrimination laws shall be:
  1. Posted in a conspicuous and accessible place in all school buildings of the RSU 16;
  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 RSU 16.

b) Annual Notice of Employee Sexual Harassment Policy

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

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c) Posting on Sexual Harassment and Employment Discrimination

- i) Workplace posters on sexual harassment and employment discrimination shall be posted in conspicuous and accessible places within the RSU 16 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

- i) This Affirmative Action Plan, including all appendices, is posted on the RSU 16 website [[www.rsu16.org](http://www.rsu16.org)] and copies are available upon request at the Office of the Superintendent or Affirmative Action Officer.

**3) TRAINING**

a) Gender Equity Training

- i) The RSU 16 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

- i) The RSU 16 shall conduct education and training programs on sexual harassment:
- ii) for all new employees within one year of commencement of employment, and;
- iii) for supervisory and managerial employees within one year of commencement of supervisory or managerial employment status.

**4) RESPONSIBILITY FOR IMPLEMENTATION**

- a) The Superintendent of Schools holds ultimate responsibility for the operation, oversight and success of the RSU 16'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:

- i) Managing the organization and implementation of the Affirmative Action Plan;
- ii) Disseminating the required notices, policies and information regarding federal and state anti-discrimination laws to employees, applicants, students and parents, and others, where applicable;
- iii) Maintaining such records, reports and documents required to comply with federal and state record keeping requirements;

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- iv) Coordinating the RSU 16'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);
  - v) 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.
  - vi) Reporting to the Superintendent when necessary any findings and recommendations for ensuring compliance with the Affirmative Action Plan or any needed changes;
  - vii) Developing, coordinating and implementing plans for in-service gender equity training programs;
  - viii) 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 RSU 16 shall adhere to the policy of nondiscrimination and equal employment opportunity established in the Affirmative Action Plan.

**5) ASSESSMENT OF CURRENT WORKFORCE: UTILIZATION ANALYSIS**

RSU 16 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 "under-utilization" 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.

**6) GOALS, PROCEDURES AND TIMETABLES**

If an assessment determines that imbalances exist in the RSU 16 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.

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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 RSU's workforce where imbalances exist:

a) Recruitment

It is the intent of the RSU 16 to ensure equal access to all employment opportunities.

1. Goal/Objective: The RSU 16 will make continued efforts to recruit all segments of the population in Maine, including women, minorities and the disabled.
2. Responsibility: Affirmative Action Officer.
3. Timetable: Ongoing.

b) 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.

1. Goal/Objective: When vacancies arise in job classifications where women, minorities or the disabled are under-represented, the Affirmative Action Officer will review interview questions prior to contacting candidates to ensure that the school unit presents an equal employment opportunity.
2. Responsibility: Affirmative Action Officer.
3. Timetable: Ongoing.

c) Wage and Salary Standards

Job classifications and wage and salary standards are based solely upon the knowledge, skills, and abilities required by the position.

1. Goal/Objective: Creation of new or upgrading of existing job classifications will be discussed with the Affirmative Action Officer prior to implementation.
2. Responsibility: Superintendent.
3. Timetable: Ongoing.

d) Complaint Procedure

Internal and external complaints of discrimination will be treated seriously and promptly by the RSU 16.

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

e) Reasonable Accommodation for Disabled Applicants and Employees

It is the RSU 16'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.

1. 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.
2. Responsibility: Affirmative Action Officer and Superintendent.
3. Timetable: Ongoing.

**7) POLICY ON RECRUITING AND HIRING OF ADMINISTRATIVE STAFF**

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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

**APPENDICES:**

- A. AC-Nondiscrimination/Equal Opportunity and Affirmative Action
- B. ACAA - Harassment & Sexual Harassment of Students
- C. ACAA-R Student Discrimination and Harassment Complaint Procedure
- D. ACAB - Harassment and Sexual Harassment of Employees
- E. ACAB-R- Employee Discrimination and Harassment Complaint Procedure
- F. ACAD-Hazing
- G. GCFB - Recruiting and Hiring of Administrative Staff
- H. GCFB-R- Recruiting and Hiring of Administrative Staff/Procedures

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**Appendix A**

Policy Code: AC  
Adopted: October 2003  
Revised: April 2010

**NON-DISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION**

**PHILOSOPHY:**

It is the philosophy of the RSU #16 School Board that a climate of non-discrimination, equal opportunity and affirmative action is mandated by the law

**POLICY:**

Discrimination against, and harassment of, school employees because of race, color, sex, religion, ancestry or national origin, age, sexual orientation, or disability are prohibited. Discrimination against and harassment of students because of race, color, sex, religion, ancestry or national origin, sexual orientation, or disability are prohibited.

The RSU #16 School Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students and individuals with disabilities having access rights to school premises and activities. The RSU #16 School Board Affirmative Action Plan will include designation of an Affirmative Action Officer who will be responsible for ensuring compliance with all Federal and State requirements relating to nondiscrimination. The Affirmative Action Officer will be a person with direct access to the Superintendent.

The RSU #16 School Board directs the administration to provide notice of compliance with Federal and State civil rights laws to all applicants for employment, employees, students, parents, and other interested persons, as appropriate.

The RSU #16 School Board will require all persons, agencies, vendors, contractors, and other persons and organizations doing business with or performing service for the school unit to subscribe to all applicable Federal and State laws pertaining to contract compliance.

**AMPLIFYING INSTRUCTIONS AND GUIDELINES:**

As per this policy Statement.

**DELEGATION OF AUTHORITY:** The RSU #16 School Board delegates authority to implement this policy to the Superintendent of Schools.

**LEGAL REFERENCES:**

Equal Employment Opportunities Acts of 1972 (P.L. 92-261) amending Title VII of the Civil Rights Act of 1964 (42 USC § 2000(e) et seq.)  
Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.)  
Title VI of the Civil Rights Act of 1964 (P.L. 88-352)  
Age Discrimination in Employment Act of 1967 (29 USC § 621 et seq.)  
Equal Pay Act of 1963 (29 USC § 206)  
Vocational Rehabilitation Act of 1973 (29 USC § 794 et seq.)

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Americans with Disabilities Act (42 USC § 12101 et seq.)  
Maine Human Rights Act of 1972 (5 MRSA § 4571), as amended

**Appendix B**

Policy Code: ACAA  
Adopted: November 2003  
Revised: February 2012

**HARASSMENT & SEXUAL HARASSMENT OF STUDENTS**

**PHILOSOPHY:**

It is the philosophy of the RSU #16 School Board that harassment and sexual harassment of students is not an acceptable condition for the positive operation of our schools.

**POLICY:**

Harassment of students because of race, color, sex, religion, ancestry or national origin, sexual orientation, or disability is prohibited. Such conduct is a violation of the RSU #16 School Board policy and may constitute illegal discrimination under State and Federal laws.

**Harassment**

Harassment includes, but is not limited to, verbal abuse based on race, color, sex, religion, ancestry or national origin, sexual orientation, or disability. Harassment that rises to the level of physical assault, battery and/or abuse is also addressed in the RSU #16 policy JICIA - Weapons, Violence and School Safety.

**Sexual Harassment**

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or pressure to engage in sexual activity, physical contact of a sexual nature, gestures, comments, or other physical, written or verbal conduct that is gender-based that interferes with a student's education. School employees, fellow students, volunteers and visitors to the school, and other persons with whom students may interact in order to pursue school activities are required to refrain from such conduct.

Harassment/sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment/sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

The Superintendent or the employee designated as the Title IX Coordinator will investigate complaints of harassment in accordance with the Student Harassment Complaint Procedure. School employees, students, and parents shall be informed of this policy/procedure through handbooks and/or other means selected by the school administration.

**DELEGATION OF AUTHORITY:**



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The RSU #16 School Board delegates the authority to implement this policy to the Superintendent of Schools who may delegate to others.

**LEGAL REFERENCE:**

Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.)  
Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d))

**Appendix C**

Policy Code: ACAA-R

Adopted: March 2004

Revised: September 2010

**STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

**PHILOSOPHY:**

It is the philosophy of the RSU #16 School Board that discrimination and harassment are not acceptable in RSU #16's schools.

**POLICY:**

The organizational structure of local school units varies widely, as do the personnel and resources available for investigating complaints. This sample complaint procedure is intended to provide general guidance for the local RSU #16 School Board in developing a procedure that meets local needs and conditions. The RSU #16 School Board has adopted this procedure in order to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment as described in policies AC - Non-discrimination/Equal Opportunity and Affirmative Action and ACAA - Harassment and Sexual Harassment of Students.

**Definitions**

For purposes of this procedure:

- A. A "Complaint" is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, sex, religion, ancestry, national origin, sexual orientation, or disability; and
- B. "Discrimination or harassment" means discrimination or harassment on the basis of race, color, sex, religion, ancestry, national origin, sexual orientation, or disability.

**How to Make a Complaint:**

- A. Any student who believes he/she has been discriminated against or harassed should report his/her concern promptly to the building principal. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the building principal.
- B. School staff is expected to report possible incidents of discrimination or harassment of students. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.
- C. Students and others will not be retaliated against for making a complaint. Any retaliation

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by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.

- D. Students are encouraged to utilize the school unit's complaint procedure. However, students are hereby notified that they also have the right to report complaints to the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the federal office for Civil Rights, Regional Director, U.S. Department of Education, SW McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9622).
- E. Formal complaints under this policy must be made in writing.

**Complaint Handling and Investigation**

- A. The building principal shall, within 24 hours of receiving the complaint, promptly inform the Superintendent, the parents of the student filing the complaint and the person(s) who is the subject of the complaint that a complaint has been received.
- B. The building principal may pursue an informal resolution of the complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the Superintendent, who shall consider whether the informal resolution is in the best interest of the school unit in light of the particular circumstances and applicable policies and laws.
- C. The complaint will be investigated by the building principal, unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the RSU #16 School Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
  - 1. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
  - 2. If the complaint is against an employee of the school unit, any applicable individual or collective bargaining contract provisions shall be followed.
  - 3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable State and Federal laws.
  - 4. The building principal shall keep a written record of the investigation process.
  - 5. The building principal may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
  - 6. The building principal shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
  - 7. The investigation shall be completed within 21 calendar days of receiving the complaint, if possible.
- D. If the building principal determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
  - 1. Determine what remedial action is required, if any;
  - 2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
  - 3. Inform the student who made the complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- E. If the student's parents/legal guardians are dissatisfied with the resolution, an appeal may

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be made in writing to the Superintendent within 14 calendar days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.

**DELEGATION OF AUTHORITY:** The RSU #16 School Board delegates authority to implement this policy to the Superintendent of Schools.

**LEGAL REFERENCE:** Americans with Disabilities Act (28 CFR § 35.07)

Section 504 of the Vocational Rehabilitation Act (34 CFR § 104.7)

Title IX of the Education Amendments of 1972 (20 SC § 1681 et seq.)

Title VI of the Civil Rights Act of 1964 (PL 88-352) Page 2 of 4 9/14/10 RSU #16 (Mechanic Falls, Minot, Poland)

20 USC § 1232g

34 CFR Part 99

5 MRSA §§ 4571; 4602; 4681 et seq.

20-A MRSA §§ 6001 et seq.

**CROSS REFERENCES:**

AC - Non-discrimination/Equal Opportunity and Affirmative Action

ACAA - Harassment and Sexual Harassment of Students

## Appendix D

Policy Code: ACAB

Adopted: April 2003

Revised: February 2012

### HARASSMENT AND SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

Harassment of school employees because of race, color, sex, sexual orientation, religion, ancestry or national origin, age, or disability is prohibited. Such conduct is a violation of RSU #16 School Board policy and may constitute illegal discrimination under state and federal laws. All employees are responsible for respecting the rights of students and co-workers who work at or attend school in RSU #16.

#### Harassment

Harassment includes, but is not limited to, verbal abuse (such as epithets or slurs), threats, physical assault and/or battery based on race, color, sex, sexual orientation, religion, ancestry or national origin, age, or disability. Under the Maine Civil Rights Act, violence or threats of violence against a person or their property based on their sexual orientation are also illegal.

#### Sexual Harassment

Unwelcome sexual advances, suggestive or lewd remarks, requests for sexual favors, other verbal and physical conduct of a sexual nature, or display in the workplace of sexually suggestive objects or pictures, constitute sexual harassment when:

A. Submission to such conduct is made either explicitly or implicitly a term or condition of an

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employee's work environment or employee benefits;

B. Submission to or rejection of such conduct by an employee is used as the basis for decisions on employment benefits; and/or

C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Any employee who engages in harassment or sexual harassment will be subject to disciplinary action, up to and including discharge.

All complaints of harassment will be investigated in accordance with the School Employee Discrimination and Harassment Complaint Procedure.

#### Notice and Training

Annually, each employee shall receive a copy of this policy and the School Employee RSU #16 (Mechanic Falls, Minot, Poland) Discrimination and Harassment Complaint Procedure. This may be accomplished by including the policy/procedure with employee paychecks or by using other appropriate means to ensure that each employee receives a copy. All newly hired employees shall be provided training about sexual harassment in accordance with Maine law.

The Superintendent is responsible for ensuring that the District complies with all legal requirements for posting, notification and training of employees regarding harassment and sexual harassment.

### Appendix E

Policy Code: ACAB -R

Adopted: July 2003

Revised: February 2012

#### EMPLOYEE DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

This procedure has been adopted by the RSU #16 School Board in order to provide a method of prompt and equitable resolution of employee complaints of discrimination and harassment as described in policies AC - Nondiscrimination/Equal Opportunity and Affirmative Action and ACAB - Harassment and Sexual Harassment of School Employees.

#### Definitions

For purposes of this procedure:

A. "Complaint" is defined as an allegation that an employee has been discriminated against or harassed on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin or disability.

B. "Discrimination or harassment" means discrimination or harassment on the basis of race, color, sex, sexual orientation, age, religion, ancestry, national origin or disability.

#### How to Make a Complaint:

A. Any employee who believes he/she has been harassed or discriminated against is encouraged to try to resolve the problem by informing the individual(s) that the behavior is

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- unwelcome offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate formal complaint.
- B. Any employee who believes he/she has been discriminated against or harassed should report their concern promptly to the Sexual Harassment Officer (Superintendent) at his/her assigned workplace. If the employee is uncomfortable reporting concerns to the Principal/Assistant Principal at his/her workplace, he/she may report the concern to the Personnel Director. Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the Principal/Assistant Principal. Employees will not be retaliated against for reporting suspected discrimination or harassment.
- C. The Principal/Assistant Principal will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.
- D. The Principal/supervisor may pursue an informal resolution of the complaint with the agreement of the parties involved. The informal resolution is subject to the approval of the Superintendent who shall consider whether the resolution is in the best interest of the District in light of the particular circumstances and applicable policies and law.
- E. The complaint will be investigated by the Principal/Assistant Principal, unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the Board, who should consult with legal counsel concerning the handling and investigation of the complaint.
1. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
  2. If the complaint is against an employee of the School District, any rights conferred under an applicable collective bargaining agreement shall be applied.
  3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
  4. The Principal/Assistant Principal shall keep a written record of the investigation process.
  5. The Principal/Assistant Principal may take interim remedial measures (consistent with any applicable collective bargaining agreement provisions) to reduce the risk of further harassment while the investigation is pending.
  6. The Principal/Assistant Principal shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
  7. The investigation shall be completed within 21 calendar days of receiving the complaint, if practicable.
- F. If the Principal/Assistant Principal determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:
1. Determine what remedial action is required, if any;
  2. Determine what disciplinary action should be taken against the person(s) who engaged in harassment, if any; and
  3. Inform the employee who made the complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).
- G. If the employee who made the complaint is dissatisfied with the resolution, he/she may

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appeal to the Superintendent within 14 calendar days after receiving notice of resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate. The Superintendent's decision shall be final.

Any employee who believes he/she has been discriminated against or harassed is encouraged to utilize the School District's complaint procedure. However, employees are hereby notified that they also have the right to report incidents of discrimination or harassment to the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333 (telephone: 207-624-6050) and/or to the Federal Office for Civil Rights, Regional Director, U.S. Department of Education, 33 Arch Street, Suite 900, Boston, MA 02110-1491 (telephone: 617-289-0111; TDD 877-521-2172).

**Appendix F**

Policy Code: ACAD  
Adopted: October 2002  
Revised: October 2010

**HAZING**

**PHILOSOPHY:**

It is the philosophy of the RSU #16 School Board that hazing is injurious to students and will not be tolerated by any school department employees.

**POLICY:** Maine statute defines injurious hazing as "any action or situation, including harassing behavior that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school".

"Harassing behavior" includes acts of intimidation and any other conduct that recklessly or intentionally endangers the mental or physical health of a student or staff member.

"Acts of intimidation" include extortion, menacing, direct or indirect threats of violence, incidents of violence, bullying, statements or taunting of a malicious and/or derogatory nature that recklessly or intentionally endanger the mental or physical health of another person, and property damage or theft.

No administrator, faculty member, or other employee of the school unit shall encourage, permit, condone, or tolerate injurious hazing activities. No student, including leaders of students' organizations, shall plan, encourage, or engage in injurious hazing activities.

Students who violate this policy may be subject to disciplinary action which may include suspension, expulsions, or other appropriate measures. Administrators, professional staff, and all other employees who violate this policy may be subject to disciplinary action up to and including dismissal.

In the case of an organization affiliated with this School unit that authorizes hazing, penalties may

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include rescission of permission for that organization to operate on school property or to receive any other benefit of affiliation with the school unit.

Persons not associated with this school unit who fail to abide by this policy may be subject to ejection from school property and/or other measures as may be available under the law.

These penalties shall be in addition to any civil or criminal penalties to which the violator or organization may be subject.

The Superintendent/designee shall be responsible for administering this policy. In the event that an individual or organization disagrees with an action - or lack of action - on the part of the Superintendent/designee as he/she carries out the provisions of this policy, that individual or organization may appeal to the School board. The ruling of the School board with respect to the provisions of this policy shall be final.

This right to appeal does not apply to student suspensions of 10 days or less or to matters submitted to grievance procedures under applicable collective bargaining agreements.

A copy of this policy shall be included in all school, parent, and employee handbooks or otherwise distributed to all school employees and students.

**DELEGATION OF AUTHORITY:** The School board delegates authority to implement this policy to the Superintendent of Schools who may delegate enforcement to building administrators and staff.

**REPORTS:** Records will be kept of disciplinary actions associated with hazing and the resolution of those actions through the implementation of this policy. Yearly, a report will be filed with the Superintendent for documentation purposes.

**LEGAL REFERENCE:** 20-A MRSA § 6553

**CROSS REFERENCES:**

ACAA - Harassment and Sexual Harassment of Students

ACAB - Harassment and Sexual Harassment of Employees

JICIA - Weapons, Violence and School Safety

**Appendix G**

Policy Code: GCFB

Adopted: November 2003

Revised: April 2010

**RECRUITING AND HIRING OF ADMINISTRATIVE STAFF**

**PHILOSOPHY:** In response to an Act to Promote Equity of Opportunity for Women in Administrative Positions in the Public School System (PL 1990, Chap. 889), the Board affirms its commitment to the strict prohibition of discrimination in employment on the basis of race, color, ancestry,

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national origin, religion, sex, age, disability or sexual orientation and to obtain wide and representative candidate pools.

**POLICY:** In accordance with 20-S MRSA, § 1001.13, the Superintendent shall prepare a procedure designed to ensure nondiscriminatory practice in recruitment and hiring for all positions requiring administrator certification, as well as to result in selection of the most qualified candidates. This procedure shall be attached hereto as GCFB-R, and shall be reviewed periodically.

**AMPLIFYING INSTRUCTIONS AND GUIDELINES:** Moreover, upon each occasion of administrative vacancy, the Superintendent shall review the procedure and make appropriate adaptations as may be warranted by special circumstances. In the case of a vacancy in the Superintendentcy, the Board shall review the procedure, adapting as appropriate.

In accordance with 20-A MRSA, § 4502.4-A, the unit's Affirmative Action Plan shall include: a description of the status of the unit's nondiscriminatory administrator hiring practice; plans for in-service training programs on gender equity for teachers, administrators and the School Board; and the relationship of the above to the State's five-year goal for the employment of women in administrative positions.

**DELEGATION OF AUTHORITY:** The RSU #16 School Board authorizes the Superintendent to act in accordance with this policy.

**Appendix H**

Policy Code: GCFB-R  
Adopted: November 2003  
Revised: April 2010

**RECRUITING AND HIRING OF ADMINISTRATIVE STAFF PROCEDURE**

**PHILOSOPHY:** It is the philosophy of RSU #16 that the recruiting and hiring of capable and skilled administrative staff is a high priority and shall be conducted in accordance with School Board procedures.

**POLICY:** These procedures implement School Board policy GCFB and are designed to establish a thorough, efficient and nondiscriminatory practice for the recruiting and hiring of the most qualified candidates for administrative positions.

**A. Job Description Development/Review**

To ensure that a written role description of the vacant position accurately represents the current functions and needs, the Superintendent/designee (the School Board in a Superintendent search) is to:

1. Conduct a review of (if none exists, develop) the job description, with input from persons affected by the position;
2. Include the criteria (skills, knowledge, abilities) required to perform the duties/responsibilities of the position; and
3. List the minimum qualifications (training, education and experience) for the



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position.

**B. Recruitment**

To attract a strong pool of qualified candidates, the Superintendent/designee is to advertise (except in the circumstances described in K below) by:

1. Posting notice of the vacancy within the unit;
2. Placing a display advertisement in appropriate print and/or electronic media, considering at least one appearance in a major Maine weekend or Sunday newspaper; and
3. Identifying and notifying other possible sources of potential candidates, such as professional associations, educational administration programs and placement offices at colleges and universities in Maine and other states, and the Maine Department of Education.

**C. Screening**

To ensure that a fair and efficient screening process will occur, the Superintendent/designee is to:

1. Ensure that all applications are reviewed by more than one individual with attention given to an unbiased regard for the criteria and qualifications in the job description;
2. Appoint a screening panel with representation as deemed appropriate to the particular vacancy;
3. Provide orientation on confidentiality and equity issues to screeners;
4. Eliminate all candidates who do not meet the minimum qualifications;
5. Conduct preliminary reference checks, as appropriate;
6. Select candidates for interview based on the degree to which they meet the criteria and demonstrate the skills, knowledge and abilities outlined in the job description; and
7. Notify applicants not selected for interview.

**D. Interviewing**

To ensure that the interview process will be conducted in a legal and proper manner, the Superintendent/designee is to:

1. Appoint an interview panel (may be the same persons who serve the screening function) with representation as deemed appropriate to the particular vacancy;
2. Provide orientation on the process including the function and extent of responsibility of the panel, the weighting of criteria and the nomination/hiring procedure; and
3. Conduct training to ensure that panel members are aware of the legal aspects of interviewing, including confidentiality and equity issues.

The interviewing panel is to:

1. Design interview questions which match the criteria and the duties/responsibilities outlined in the job description; and
2. Provide equal opportunity for the candidates to respond to the same questions/questioners.

**E. Selection**

The interview panel is to individually assess the candidates according to their answers to the job description-related questions, rating and commenting on each using a specially

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prepared form corresponding to the questions/criteria, and

1. Submit a report to the Superintendent, including the individual rating forms as well as a list (usually 2 to 4) of candidates to be considered further for the position.

The Superintendent/designee is to:

1. Have reference contacts made, as appropriate, to check perceived strengths and weaknesses of the candidates;
2. Review the material on the finalist candidates to determine whether additional information is needed;
3. Conduct final interviews of any or all finalists, as deemed necessary;
4. Select the most qualified candidate who fits the criteria and the duties/responsibilities outlined in the job description, based on his/her own professional judgment along those of the interview panel (or, reject all finalists, reopen the position and begin the process anew); and
5. Have any further reference checks made, as appropriate.

F. Nomination/Employment

The Superintendent is to:

1. Notify and obtain agreement of the successful candidate, pending School Board approval;
2. Inform the interview panel; and
3. Nominate and employ the successful candidate in accordance with state law and local policies.

The RSU #16 School Board is to:

1. Make final approval of hiring administrative staff upon recommendation of the Superintendent.

G. Notification

The Superintendent/designee may:

1. Notify the nominee of the School Board approval and employ the administrator; and
2. Notify the other candidates interviewed.

H. Orientation and Support

To ensure that the new administrator's provided with the proper information about the system and job expectations, the Superintendent/designee is to provide an orientation that includes expectations of the duties/responsibilities of the position along with the policies and procedures of the local school unit.

I. Record keeping

To ensure that the confidentiality of employee and applicant records are properly maintained, the Superintendent is to provide for the maintenance in secure files of all applications and documentation of the hiring, screening and interviewing process for a period of three (3) years.

J. Confidentiality To ensure that confidentiality is maintained throughout and permanently following the hiring process, the School Board, all employees involved, and any other participants are to maintain absolute confidentiality about candidates, including names, in accordance with state law (20-A MRSA § 6101). The School Board is to assume responsibility

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through the Superintendent for providing adequate orientation at appropriate states of the process, including at the completion.

**K. Hiring of Current Employees**

The school unit may forego one or more of the steps set forth in sections B-E of this procedure and appoint a person who is currently employed by the unit to fill an administrative only if the Superintendent, after consultation with the School Board, or the School Board in a Superintendent search, determines that the following circumstances exist:

1. The currently employed candidate is exceptionally well qualified for the position;  
and
2. The decision to forego all or part of the recruitment and screening process will not detract from the goals of this policy.

**DELEGATION OF AUTHORITY:** The RSU #16 School Board delegates the authority to administer this policy to the Superintendent of Schools.