

AFFIRMATIVE ACTION POLICY

CITY OF AUGUSTA

BOARD OF EDUCATION

Revised 6/10/15

AUGUSTA BOARD OF EDUCATION

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POLICY STATEMENT

A. General Policy Statement

It is the policy of the City of Augusta, Board of Education, to insure equal employment/educational opportunities/affirmative action regardless of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Compensation Act, or because of previous actions taken that are protected under the Whistle Blowers' Protection Act, in accordance with all federal and state legislation.

The Augusta Board of Education will fully comply with Section 504 of the Rehabilitation Act of 1973 and intends not to discriminate solely by reason of his or her disability in any of its' employment practices or educational programs.

Inquiries and/or grievances can be made to the Affirmative Action Officer, Title IX Coordinator and/or the 504 Coordinator, Board of Education, Superintendent's Office, 40 Pierce Drive, Suite 3, Augusta, ME, 04330, telephone (207) 626-2468, or 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.

Chair, Board of Education

Date

AUGUSTA BOARD OF EDUCATION

B. Policy on Harassment and Sexual Harassment

Employees and students of the Augusta School Department are entitled to attend school and work in an environment free of sexual harassment. Such harassment undermines the integrity of the employment relationship and the rights of students to educational opportunities. When it affects employment decisions, or the working or learning environment, it is a violation of the Maine Human Rights Act and Title VII of the Civil Rights Act of 1964.

Specifically, 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, which are unwelcome, in particular if:

Submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's educational benefits, or a term or condition of an individual's employment. Submission to or rejection of such conduct by a student is used as the basis for decisions on education benefits or the basis for employment decision affecting such individual. Such conduct has the purpose or effect of substantially interfering with an individual's academic performance, or work performance, or creating an intimidating, hostile, or offensive educational environment, or work environment.

Sexual harassment is unacceptable conduct and will not be tolerated by the Augusta School Department. It is considered grounds for disciplinary action up to and including dismissal from employment or expulsion from the school.

The Augusta School Department will initiate appropriate sanctions for any form of sexual harassment engaged in by school employees or students. Such action will be taken after sexual harassment allegation has been thoroughly investigated. Every effort will be made to protect the privacy of the complaining person and the alleged harasser. Further, the investigation will minimize interruptions in the student's education. All investigatory and disciplinary actions will comply with the collective bargaining agreements.

The school's affirmative action officer is responsible for providing technical assistance to staff regarding sexual harassment and for handling complaints of this nature. Any student or employee may contact the affirmative action officer directly to discuss this issue, with or without filing a formal complaint. Such contacts are considered strictly confidential and will not be discussed further without the individual's knowledge and consent.

Chair, Board of Education

Date

AFFIRMATIVE ACTION PLAN

C. Dissemination of Nondiscrimination/Equal Opportunity and Affirmative Action Policies

Notice of policies will be posted on the Board of Education website and/or distributed to parents, students, and staff of the Board of Education. Copies of policies will be filed in the school office of every school in the City of Augusta and made available to interested persons.

Prior to the beginning of each school year, all new staff members will attend an orientation meeting in which the plan will be explained.

At the beginning of each school year, all students and employees will be made aware of this plan and the locations of copies.

Notification of changes in the Affirmative Action Policy will be published on the school district's website.

All advertisements for employment shall include the statement, "Equal Opportunity/Affirmative Action Employer".

A copy of the Affirmative Action Policy shall be made available and kept in the following places:

- a. City Hall, Augusta, Maine
- b. Lithgow Library
- c. Any interested public group requesting such a copy
- d. Each school

Changes in the Affirmative Action Policy will be sent to all holders of the original plan. Newsworthy items in the field of equal opportunity will be included in releases for publication.

The policy statement, with the name and information on how to contact the Affirmative Action Officer (AAO)/ coordinator, will be published on the school district's website. When a new AAO/coordinator is named, this information will be internally distributed immediately after confirmation of the selection.

The AAO/coordinator will be made available to interested public groups for consultation and explanation of the plan.

I. STATEMENT OF INTENT

- a. City of Augusta, Board of Education, is committed to:
 1. Fair and equal employment opportunities for all people regardless of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an

individual's previous assertion of a claim or right against a prior employer under the Workers' Compensation Act, or because of previous actions taken that are protected under the Whistle Blowers' Protection Act.

2. Equal access by all students to all phases of the educational program, curricular and extracurricular.
 3. The importance of creating awareness and of ultimately eliminating the undesirable effects of discrimination by race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Compensation Act, or because of previous actions taken that are protected under the Whistle Blowers' Protection Act.
 4. The right of individual who feel that they have been discriminated against – employees, students, or parents of students – to seek and receive redress for their grievances.
- b. To this end, this Affirmative Action Plan provides:
1. Specific goals and deadlines for the elimination of any discriminating practices.
 2. A grievance procedure.
 3. Provision for annual review and revision of the Plan.

II. DUTIES OF THE AAO/COORDINATOR

1. She/he will report to the superintendent of schools.
2. She/he will be given ample opportunity to acquire necessary training to acquire competency in fulfilling the role.
3. She/he will have access to information and to administrative decision-making authority in all areas covered by the Affirmative Action Policy.
4. Duties will include, but not limited to:
 - a. Providing technical assistance to all involved persons.
 - b. Providing training for local groups of teachers, students, and others.
 - c. Providing program development services related to non-discrimination.
 - d. Providing informational services.

- e. Developing and administering the grievance procedure, relative to the Affirmative Action Plan and, in some cases, assisting the parties in resolving the issues informally.
- f. Developing and administering compliance monitoring systems.
- g. Reviewing and updating, at least annually, the Affirmative Action Plan.
- h. Collecting and maintaining files on non-discrimination grievances.
- i. Disseminating the affirmative action plan.
- j. Providing other services, as the need arises.
- k. Review openings and inform the superintendent if that position underutilizes women or me, or otherwise appears to be discriminatory.

III. ANNUAL REVIEW OF AFFIRMATIVE ACTION PLAN

The AAO/coordinator shall review the plan each year. Needed changes in the plan shall be completed and submitted to the superintendent, and thence to the school board for adoption on or before October 15.

IV. UTILIZATION ANALYSIS

1. "Underutilization" is defined by the Office of Federal Contract Compliance as having fewer minorities, or women in a particular job classification, than would reasonably be expected by their availability. In making its work force analysis, the school district will consider periodically relevant local manpower statistics, its internal work force data, the nature and validity of its job classification and the amount, frequency, and locations of vacancies. (See Appendix M)

Timetable: Ongoing

2. Although there is no substantial non-white population with any significant geographic concentration in evidence in the City of Augusta, or its environs, the board will increase its recruiting efforts to attract minorities.

Timetable: Ongoing

3. There are a number of training institutions in the area, which are capable of providing the requisite skills for upward mobility in school employment for female staff members. Information regarding eligibility of women for supervisory positions will be gathered and made available for the coordinator.

Timetable: Ongoing

4. Preliminary findings made in connection with the preparation of the Board of Educations' Affirmative Action Plan indicate the extent to which women are currently utilized in various job categories within the district: Deficiencies are most apparent in the underutilization of women in maintenance and custodian categories, and underutilization of men in clerical, cafeteria, education technicians and elementary teaching positions. Improved recruitment techniques, job restructuring and expanded training capabilities should be implemented to overcome these deficiencies.

Timetable: Ongoing

5. This analysis will be updated annually to determine proper utilization of men, women, and minority groups in accordance with immediate and long-range goals.

Timetable: Ongoing

V. STAFF

a. Distribution of staff

The Board of Education shall adhere to recruitment policies designated to better represent staff available from minority groups.

Timetable: Ongoing

b. Recruitment

1. Whenever seeking candidates for any position, the Board of Education shall offer equal opportunity to every candidate, regardless of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Comprehension Act, or because of previous actions taken that are protected under the Whistle Blowers' Protection Act.
2. Application forms for teaching and non-teaching positions have been revised to eliminate questions or requirements that discriminate by race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Comprehension Act, or because of previous actions taken that are protected under the Whistle Blowers' Protection Act.

Timetable: Goals accomplished

c. Applicant Flow Data

The Board of Education shall maintain records of inquiries and applications for employment for two years for all positions. Such records shall be made available to the AAO/coordinator for periodic analysis.

Applicant flow data shall include:

1. Name of applicant or inquirer
2. Date of application or inquiry
3. Action taken on application or inquiry

Timetable: Ongoing

d. Statement of Equal Opportunity

The Board of Education shall cause to be printed on any notices of open position, and on any correspondence to candidates for positions, the following sentence:

“Equal Opportunity/Affirmative Action Employer

Time table: Ongoing

- e. Promotion, transfer, layoffs, benefits, leave of absence, compensation, demotions, suspensions, terminations, hiring, training.

The Board of Education will not discriminate regardless of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual’s previous assertion of a claim or right against a prior employer under the Workers’ Compensation Act, or because of previous actions taken that are protected under the Whistle Blowers’ Protection Act.

f. Pregnancy

The Board of Education will not discriminate in employment and/or benefits on the basis of pregnancy or related conditions.

Timetable: Ongoing

VI. STAFF HIRING POLICY

Through its hiring policies, the Board of Education shall attempt to attract, secure, and hold the highest qualified personnel for all professional positions. The selection program shall be based upon alertness to candidates who will devote themselves to the education and welfare of the children attending the public schools.

It is the responsibility of the superintendent, and of the persons to whom s/he delegates this responsibility, to determine the personnel needs of the school district and to locate suitable candidates to recommend for employment to the board the employment and retention of personnel who are motivated to do their best work and to be creative from their own inner resources.

It shall be the duty of the superintendent to see that persons nominated for employment in the schools shall meet all certification requirements, health requirements, and the requirements of the board, for the type of position for which the nomination is made.

The following guidelines shall be used in the selection personnel:

1. There shall be no discrimination in the hiring process due to race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Comprehension Act, or because of previous actions taken that are protected under the Whistle Blowers' Protection Act.
2. All vacancies and all positions in the Augusta Public School Department will be posted and advertised.
3. The quality of instruction is enhanced by a staff with a wide variation in background, educational preparation, and previous experience. Concerted efforts shall be exerted to maintain a variation in the staff.
4. Interviewing the selection of procedures shall assure that the administrator, who will be directly responsible for the work of a staff member, has the opportunity to aid in the selection; however, the final selection shall be made or approved by the superintendent.
5. No candidates shall be hired without a personal interview and, whenever possible, the candidate shall be observed in his/her own school prior to selection. References shall be checked.
6. No candidate is to be employed for, or assigned to, a position where his/her evaluation will be made in part or in whole by a person to whom he/she is related. No spouse of a board member shall be considered as an applicant.
7. All candidates shall be considered on the basis of their merits, qualifications, and the needs of the district. In each instance, the superintendent, and others playing a role in the selection, shall seek to hire the best-qualified person for the job. "However, if two candidates are equally qualified in all other respects, and if one is from within the school department and one is not, preference shall be given to the internal candidate."
8. That all letters of application to the Augusta School Department, for all positions, shall be acknowledged in writing.
9. The Augusta Board of Education shall participate in the hiring process of all administrative staff by the representation of at least two board members to be selected by the board chairperson. The purpose is to audit the proceedings. The remainder of the screening committee, for all administrative staff hiring, should consist of: three administrators (one from each level), superintendent, business manager, and one other person.

While the board may accept or reject a nomination, an appointment shall be valid only if made with the recommendation of the superintendent.

At the request of the Board of Education, the superintendent shall offer the board an opportunity to interview candidates before the board acts on the superintendent's nomination.

In all instances, the superintendent shall inform the board of his/her nomination for any professional staff positions at least three days prior to the meeting at which board action is requested.

Prior to any interviews, the selection committee will review the Maine Human Rights Commission *Pre-Employment Inquiry Guide* for interviewing job applicants. Refer to Appendix L.

VII. GUIDANCE

a. Counseling

1. The Board of Education shall not discriminate against any person on the basis of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Compensation Act, or because of previous actions taken that are protected under the Whistle Blowers' Protection Act.
2. The guidance counselors shall not provide counseling services which: differentiate by race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin.
3. Counselors shall not provide counseling or testing instruments that require different treatment of results or separate classification of occupations by race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin.
4. Counselors shall not provide materials that state or imply directly, or through omission, that certain academic, career, or personal choices are more appropriate for one sex than the other.
5. Students shall not be assigned to members of the counseling staff solely on the basis of sex.
6. The counselors shall identify and set goals for all courses in which enrollment by students of one sex is disproportionate, and to take measures to insure themselves that this disproportion is not due to discrimination, in counseling itself or related instruments or materials.
7. The Board of Education shall require that all guidance counselors receive regular information and/or instructions in the trends of changing programs

of student and careers that have been traditionally stereotyped as to race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin.

In turn, the guidance counselors shall inform their students of these trends, especially when counseling students about course and/or career selection.

Timetable: Ongoing

b. Employment Services

Guidance counselors, the staff of the co-op program, department heads, and others who place students in employment opportunities, whenever responding to an employer's request for students to fill jobs, shall, to the best extent possible, seek to provide candidates without regard to race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin.

Timetable: Ongoing

VIII. CURRICULUM

a. Access to course offerings

1. The Board of Education shall not provide any course, or otherwise carry out any of its education activities separately, on the basis of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, except courses on human sexuality on the elementary and secondary level.
2. The Board of Education shall not exclude on the basis race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, any person from admission to vocational education program.
3. On an equitable basis, provision shall be made for scheduled monies and transportation for student activities, other than athletics, i.e. field trips.

Timetable: Ongoing

b. Admission

1. No person shall, on the basis of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Compensation Act, or because of previous actions taken that are protected under the Whistle Blowers' Protection Act.
2. In determining whether a person satisfies any policy or criterion for

admission, or in making any offer of admission, the Board of Education shall not give preference to a one person over another on the basis of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Comprehension Act, or because of previous actions taken that are protected under the Whistle Blowers' Protection Act, ranking applicants separately, or otherwise apply numerical limitations upon the number of proportion of persons of either sex who may be admitted, or otherwise treat one individual differentially from another on the basis of discrimination.

Timetable: Ongoing

c. Preference in Admission

1. The Board of Education shall not give preference to applicants for admission on the basis of attendance at any education institution or other school or entity, which admits as students only or predominantly members of one sex, if the giving of such preference has an effect of discriminating on the basis of sex.

Timetable: Ongoing

2. Equal Facilities – The Board of Education shall adopt and enforce a rule to the effect that boys and girls shall have equal access to facilities and equipment used for sports and athletic activities. Facilities and equipment shall be available for equal lengths of time, if there is sufficient demand. Transportation shall be equally available to boys and girls involved in sports and student activities. Games and practice times shall be equally apportioned.

Timetable: Goal accomplished

IX. INTERSCHOLASTIC ATHLETICS

a. Stipends

Board of education shall apportion the stipends paid to male and female coaches fairly and equitably, based upon the following factors:

1. Length of season
2. Administrative responsibilities
3. Number of participants

Timetable: Goal accomplished

X. EXTERNAL GOALS

a. School-community activities

In all school/community activities, the Board of Education shall not discriminate with regard to race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Compensation Act, or because of previous actions taken that are protected under the Whistle Blowers' Protection Act (i.e. scholarships, rental of buildings, etc.).

Timetable: Ongoing

XI. PROGRAM DEVELOPMENT AND EXECUTION

It is the continued goals of the Augusta School Department to eliminate any past and present inequities caused by inadvertent discrimination and to provide a system for achieving this result.

The goals represent the projected target of the Augusta School Department and point out areas in which the school district will be cognizant of underutilization of either sex. When one of these positions becomes vacant, the district will advertise widely, will assure that careful screening provides that qualified candidates will receive interviews, and use all possible means to attempt recruiting candidates in targeted areas.

It is understood that, in all instances, the best candidate will be offered the position. Any candidate hired by the Augusta School Department should have a philosophy and goals compatible with the Augusta School Board and Augusta School Department.

In addition, in order to meet our goals, the August School Department has developed the following action plan:

1. Job descriptions will be reviewed on an on-going basis to reflect changing and actual job duties and to review and remove any possible bias.
2. The School Department's Personnel Rules and Regulations will continue to be reviewed to ascertain there are no barriers to employment, working conditions, benefits resulting from race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Compensation Act, or because of previous actions taken that are protected under the Whistle Blowers' Protection Act.
3. Application forms will continue to exclude inquiries about race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin.
4. So as to give maximum consideration to all individuals whose skills may be used by the school, current employees will be considered when openings for jobs similar to those originally applied for become available.

5. Advertising for job recruitment will continue to be done in-house whenever feasible before undertaking an outside search, so long as there is no underutilization of women and minorities, so as to provide better opportunity for advancement through transfer and promotion to current employees of the school.
6. In-service training and institutional training opportunities for school personnel will be continued.
7. Qualified or qualifiable women, me, and minorities, will be encouraged to seek positions in categories where they are currently underutilized.

XII. TRAINING PROGRAMS

In order for the Augusta School Department to meet the goals that we have established, as well as comply with Title VII of the Civil Rights act of 1964, we have developed the following criteria for training. We believe that education and communication is vital in the process to ensure the success of our plan.

1. Seek to provide training resources for supervisory personnel through the school department in the follow areas:
 - a. The reasons for, and specific methods of, following fair employment practice.
 - b. Sensitivity to stereotyped attitudes and their effect on women and minorities.
 - c. Responsibility of individual supervisors to follow EEO/AA guidelines and to ensure that employees are not subject to harassment.
 - d. The AAO/ coordinator will conduct training on the relevance of gender equity for all teachers, administrators, and the school board members.
 - e. The AAO/coordinator will conduct special meetings with all non-management and supervisory personnel to explain the extent of the policy and explain individual employee responsibilities.
 - f. The AAO/coordinator will meet with association officials to discuss the policy and request their continued cooperation.

FIVE YEAR GOALS

Introduction

The goals represent the projected target of the Augusta School Department and point out areas in which the school district will be cognizant of under-utilization of either sex. When one of these positions becomes vacant, the district will advertise widely, will assure that careful screening provides that qualified candidates will receive interviews, and use all possible means to attempt recruiting candidates in targeted areas. It is understood that, in all instances, the best candidate will be offered the position. Any candidate hired by the Augusta School Department should have a philosophy and goals compatible with the Augusta School Board and Augusta School Department.

Non-teaching Staff:

In all instances, employees and employer practices are a model for our children and, therefore, have educational and cultural impact. For jobs that have been traditionally held by one sex, the Augusta School Department will make every effort to seek qualified candidates of the other sex. Culturally, the school department has learned certain stereotypical patterns; such as secretaries are women, custodians are men, etc. The department will strive to develop more openness and conscious acceptance of other patterns of employment.

Teaching Staff and Educational Technicians:

In an educational setting, however, some positions have direct impact upon the lives of students, particularly teaching, educational technicians, and administrative positions. Therefore, our foremost priority is to achieve greater balance of role models for students in these positions. In addition, the quality of instruction is enhanced by a staff with a wide variation in background. For the teaching staff and educational technicians, we would hope to increase by at least 20%:

- The number of male elementary staff
- The number of male foreign language teachers
- The number of male literacy specialist
- The number of male English teachers at the secondary level
- The number of male educational technicians

Departments:

In 2008, when the Augusta School Department submitted the five-year plan, a goal was to increase the number of males in the positions of elementary special education teachers. Today 27% of those positions are filled by men. Our goal is to balance the number of male and female special education teachers.

Administration:

At the level of administration, central office, elementary and secondary positions have achieved an acceptable balance of male and female administrators. Our goal is to maintain this achievement.

**NONDISCRIMINATION/EQUAL OPPORTUNITY AND
AFFIRMATIVE ACTION**

The Augusta School Department Board is committed to maintaining a workplace and learning environment that is free from illegal discrimination and harassment.

In accordance with applicable Federal and/or State laws and regulations, Augusta School Department prohibits discrimination against and harassment of employees, candidates for employment, students and others with rights to admission or access to school programs, activities or premises on the basis of race, color, sex, sexual orientation, religion, ancestry or national origin, or disability. For the purpose of this policy, “sexual orientation” means a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression.

Further, in compliance with Federal law, the Augusta School Department prohibits discrimination against school unit employees and candidates for employment on the basis of age or genetic information.

The Board delegates to the Superintendent the responsibility for implementing this policy. The Augusta School Department Affirmative Action Plan will include designation of an Affirmative Action Officer who will be responsible for ensuring compliance with all

Federal and State requirements related to nondiscrimination. The Affirmative Action Officer will be appointed by the Superintendent and will be a person with direct access to the Superintendent.

The Superintendent/Affirmative Action Officer shall be responsible for ensuring that notice of compliance with Federal and State civil rights laws is provided to all applicants for employment, employees, students, parents and others, as appropriate.

Legal Reference: Equal Employment Opportunities 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.)
 Genetic Information Nondiscrimination Act of 2008 (GINA)
 (42 U.S.C. § 2000ff et seq.)
 Maine Human Rights Act (5 MRSA § 4551, et seq.)

Cross Reference: Augusta School Department Affirmative Action Plan
ACAA - Harassment and Sexual Harassment of Students
ACAB - Harassment and Sexual Harassment of School Employees

Adopted: February 9, 2011

Revised: February 9, 2011

AUGUSTA BOARD OF EDUCATION

APPENDIX B

Code: ACA

GENDER NEUTRAL LANGUAGE

The School Board directs that all staff members be especially alert to and avoid the use of sexist or other discriminatory language in all communications, both oral and written.

Cross Reference: AC – Nondiscrimination/Equal Opportunity and Affirmative Action Program

Adopted: February 9, 2011

AUGUSTA BOARD OF EDUCATION

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

Harassment of students because of race, color, sex, sexual orientation, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of 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, sexual orientation, religion, ancestry or national origin, or disability. Harassment that rises to the level of physical assault, battery and/or abuse is also addressed in the Board 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.

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))
5 MRSA §§ 4602; 4681 et seq.
20-A MRSA § 6553

Cross Reference: ACAA-R - Student Harassment Complaint Procedure
AC - Nondiscrimination/Equal Opportunity and Affirmative Action

ACAD - Hazing
JICIA - Weapons, Violence and School Safety

Adopted: October 14, 1975; February 9, 2011

Revised: July 1981; August 13, 1987; February 9, 2011

AUGUSTA BOARD OF EDUCATION

**STUDENT DISCRIMINATION AND HARASSMENT
COMPLAINT PROCEDURE**

This procedure has been adopted by the Board in order to provide a method of prompt and equitable resolution of student complaints of discrimination or discriminatory harassment as described in policies AC – Nondiscrimination/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, sexual orientation, religion, ancestry, national origin, or disability; and
- B. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, 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 school administrator. Students who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the school administrator.
- 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 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).

Complaint Handling and Investigation

- A. The school administrator shall promptly inform the Superintendent and the person(s) who is the subject of the complaint that a complaint has been received.

- B. The school administrator 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 school administrator, 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 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 school administrator shall keep a written record of the investigation process.
 - 5. The school administrator may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.

6. The school administrator 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 or business days of receiving the complaint, if practicable.

D. If the school administrator 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 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.

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)
 20 USC § 1232g;
 34 CFR Part 99
 5 MRSA §§ 4571; 4602; 4681 et seq.
 20-A MRSA §§ 6001 et seq.

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action
 ACAA - Harassment and Sexual Harassment of Students

Adopted: October 14, 1975; February 9, 2011

Revised: July 1981; August 13, 1987; February 9, 2011

AUGUSTA BOARD OF EDUCATION

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 Board policy and may constitute illegal discrimination under state and federal laws.

Harassment

Harassment includes but is not limited to verbal abuse, 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, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an 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 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 school unit complies with all legal requirements for posting, notification and training of employees regarding harassment and sexual harassment.

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 § 2000d)
Americans with Disabilities Act (42 USC § 12101 et seq.)
Section 504 of the Vocational Rehabilitation Act of 1973 (29 USC § 794 et seq.)
Title VII (42 USC § 2000c-2; 29 CFR § 1604.11)
Age Discrimination in Employment Act (29 USC § 623)
5 MRSA §§ 4602; 4681 et seq.
20-A MRSA § 6553
26 MRSA §§ 806-807

Cross Reference: ACAB-R - School Employee Discrimination and Harassment Complaint Procedure
AC - Nondiscrimination/Equal Opportunity and Affirmative Action
ACAD - Hazing

Adopted: March 9, 2011

Revised: July 1981; August 13, 1987; March 9, 2011

**EMPLOYEE DISCRIMINATION AND HARASSMENT
COMPLAINT PROCEDURE**

This procedure has been adopted by the 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; and

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

C. 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 unwelcome or offensive and by requesting that the behavior stop. This shall not prevent the employee, however, from making an immediate formal complaint.

D. Any employee who believes he/she has been discriminated against or harassed should report their concern promptly to the school administrator. If the employee is uncomfortable reporting concerns to the school administrator, he/she may report the concern to an alternate school administrator.

Employees who are unsure as to whether unlawful discrimination or harassment has occurred are encouraged to discuss their concerns with the school administrator. Employees will not be retaliated against for reporting suspected discrimination or harassment.

C. Any employee who believes he/she has been discriminated against or harassed is encouraged to utilize the school unit’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, 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, S.W. McCormack POCH Room 222, Boston, MA 02109-4557 (telephone: 617-223-9622).

Complaint Handling and Investigation

A. The school administrator will promptly inform the Superintendent and the person who is the subject of the complaint that a complaint has been received.

B. The school administrator 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 applicable policies and law.

C. The complaint will be investigated by the school administrator, 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 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 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 school administrator shall keep a written record of the investigation process.
5. The school administrator 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 school administrator 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 or business days of receiving the complaint, if practicable.

D. If the school administrator determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:

1. Determine what remedial action is required, if any;

AUGUSTA BOARD OF EDUCATION

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).

E. If the employee who made the complaint is dissatisfied with the resolution, he/she may appeal to the Superintendent within 14 calendar or business 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.

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 Educational Amendments of 1972 (34 CFR §106.8(b))
Age Discrimination in Employment Act (34 CFR § 110.25)
Maine Human Rights Act (5 MRSA § 4571 et seq., 4681 et seq.)

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action
ACAB - Harassment and Sexual Harassment of School Employees

Adopted: October 14, 1975; March 9, 2011

Revised: July 1981; August 13, 1987; March 9, 2011

APPENDIX G



City of
AUGUSTA
Maine

Department of Public Schools

EMPLOYMENT APPLICATION

TEACHER

THE AUGUSTA SCHOOL BOARD OF EDUCATION DOES NOT DISCRIMINATE IN THE OPERATIONS OF ITS EDUCATIONAL AND EMPLOYMENT POLICIES AND WILL HONOR ALL APPROPRIATE LAWS RELATIVE TO DISCRIMINATION.

Date

Position(s) Applying For:

When will you be available?

PERSONAL INFORMATION:

Name

(Last)

(First)

(Middle)

Social Security No.

- -

Home Phone

Address

Daytime Phone

(City)

(State)

(Zip)

E-mail

CERTIFICATION INFORMATION: List certification(s) you hold and provide copies of certification.

Type

State

Date Issued

Date of Expiration

If you do not hold a Maine certification, for what type Maine certificate are you applying and eligible?

NOTE: Candidates who do not hold Maine certification should direct an inquiry to the Maine Department of Education, Division of Certification and Placement, 23 State House Station, Augusta, Maine 04333-0023; Telephone (207) 624-6603.

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS:

ACADEMIC AND PROFESSIONAL TRAINING:

Transcripts, including grades, from all college(s)/ university(s) attended must be provided.

Colleges/Universities Attended

Location

Degree

No. of Years Completed

Major field of study: *(Undergraduate)*

Number of semester hours:

Minor field of study: *(Undergraduate)*

Number of semester hours:

Major field of study: *(Graduate)*

Number of semester hours:

Minor field of study: *(Graduate)*

Number of semester hours:

Date last professional course was taken:

PROFESSIONAL EXPERIENCE: A resume must be provided. Please list all positions held for the past ten years, beginning with your current or most recent employment. Account for any gaps in employment on a separate page.

<u>Position</u>	<u>Employer</u>	<u>Employer Address/ Phone</u>	<u>Dates (From /To)</u>
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Number of years of *teaching* experience:

Please share your educational philosophy:

(Continue on separate sheet if necessary)

What one factor was most influential in your decision to become a teacher?

(Continue on separate sheet if necessary)

OTHER WORK EXPERIENCE AND ACHIEVEMENTS: (Indicate type of work, length of service, name, address and phone number of employer, and dates)

CIVIC AND COMMUNITY INVOLVEMENT:

REFERENCES: Please provide the names of three to five references and indicate by number if they best know of : (1) your ability as an educator; (2) your personal qualities and character traits; or (3) your scholastic or other attainments. In addition, please provide three current letters of reference from persons who are not related to you (may be from references listed below).

<u>Full Name</u>	<u>Address</u>	<u>Phone</u>	<u>Position</u>	<u>#</u>
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OTHER INFORMATION: The Augusta Board of Education is committed to conducting a thorough screening of applicants for all positions and requires the completion of the following questions of all candidates.

Have you ever been disciplined, discharged or asked to resign from a prior position? Yes
 No

Have you ever resigned from a prior position after a complaint had been received against you or your conduct was under investigation or review? Yes
 No

Has your contract in a prior position ever been non-renewed? Yes
 No

Have you ever not been nominated for re-employment in a prior position or ever had your nomination for re-employment not be approved? Yes
 No

Have you ever been charged with or investigated for sexual abuse or harassment of another person? Yes
 No

Have you ever been convicted of a crime (other than a minor traffic offense)? Yes
 No

Have you ever entered a plea of guilty or “no contest” (nolo contendere) to any crime (other than a minor traffic offense)? Yes
 No

Have you ever had a professional license or certificate suspended or revoked in any state, or have you ever voluntarily surrendered, temporarily or permanently, a professional license or certificate in any state? Yes
 No

Has any court ever deferred, filed or dismissed proceedings without a finding of guilty and required that you pay a fine, penalty or court costs and/or imposed a requirement as to your behavior or conduct for a period of time in connection with any crime (other than a minor traffic offense)? Yes
 No

If you have answered YES to any of the previous questions, provide full details on an additional sheet including, with respect to court actions, the date, offense in question, and the address of the court involved. Conviction or other disposition of a crime is not necessarily an automatic bar to employment.

My signature below constitutes authorization to check my employment history, including without limitation, criminal arrest and conviction record checks, reference checks, and release of investigatory information possessed by any state, local or federal agency. I further authorize those persons, agencies or entities that the Augusta School Department contacts in connection with my employment application to fully provide the Augusta School Department any information on the matters set forth above. I expressly waive in connection with any request for or provision of such information, any claims, including without limitation, defamation, emotional distress, invasion of privacy, or interference with contractual relations that I might otherwise have against the Augusta School Department, its agents and officials, or against any provider of such information.

I understand that information submitted in and with this application may be disclosed to a screening and/or interviewing committee, which may include board members, administrators, other staff, and members of the community. I give my consent to this disclosure.

I understand that providing false or misleading information on this application or in the application or employment screening process shall be fully sufficient grounds to refuse to employ the applicant or, if the applicant has been employed, to immediately dismiss the applicant/employee.

Applicant's Signature

Date

APPLICATION CHECKLIST: The completed employment application cannot be evaluated unless all of the following materials have been provided:

- Application form fully completed
- Copies of Transcript(s)
- Copies of Maine Certification(s)
- Resume
- Gaps in employment during the past ten years explained
- Statement of personal educational philosophy
- YES to any of the questions in the Background section explained
- Three letters of reference
- Application signed

NOTE: ALL APPLICATION MATERIALS BECOME THE PROPERTY OF THE AUGUSTA SCHOOL DEPARTMENT. NONE WILL BE RETURNED.

The Augusta School Department is an Equal Opportunity/Affirmative Action Employer.

Revised 05/15

APPENDIX H

NON TEACHING APPLICATION

Augusta School Department
40 Pierce Drive, Suite 3, Augusta, ME 04330
Telephone (207) 626-2468

The Augusta School Department does not discriminate in the operation of its educational end employment policies and will honor all appropriate laws relative to discrimination.

Date:	Position(s) applying for:
Name:	(Custodial, Food Service, Ed Tech, Secretarial, etc.)
Permanent Address:	
Phone:	E-mail:
Social Security No.:	Date Available:

Education: Starting with high school, list any schools or colleges you may have attended.

School Attended	Address	# Years	Degree or # of Credits

Special Skills:

Do you hold a valid Driver's License Yes _____ No _____ State: _____ Endorsement(s): _____	Clerical Applicants: Typing: yes _____ no _____ WPM _____
For all applicants – What machines that you may have to work with are your familiar with: 	

What other special skills do you have or licenses do you hold that may be relevant to this position:

--

Employment History: Please list all previous employment starting with the most recently held job. Please account for any gaps in employment during the past ten years. Use another sheet of paper if necessary.

Employer:	from (mo/yr)	to (mo/yr)
Position and Duties:		
Reason for Leaving:		
Employer:	from (mo/yr)	to (mo/yr)
Position and Duties:		
Reason for Leaving:		
Employer:	from (mo/yr)	to (mo/yr)
Position and Duties:		
Reason for Leaving:		
Employer:	from (mo/yr)	to (mo/yr)
Position and Duties:		
Reason for Leaving:		
Employer:	from (mo/yr)	to (mo/yr)
Position and Duties:		
Reason for Leaving:		

Employer:	from (mo/yr)	to (mo/yr)
Position and Duties:		
Reason for Leaving:		
Employer:	from (mo/yr)	to (mo/yr)
Position and Duties:		
Reason for Leaving:		

Background:

<i>Question</i>	Yes	No
1. Have you ever been disciplined, discharged or asked to resign from a prior position?		
2. Have you ever resigned from a prior position after a complaint had been received against you or your conduct was under investigation or review?		
3. Has your contract in a prior position ever been non-renewed?		
4. Have you ever been charged with or investigated for sexual abuse or harassment of another person?		
5. Have you ever been convicted of a crime (other than a minor traffic offense)?		
6. Have you ever entered a plea of guilty or "no contest" (nolo contendere) to any crime (other than a minor traffic offense)		
7. Have you ever had a professional license or certificate suspended or revoked in any state, or have you voluntarily surrendered, temporarily or permanently, a professional license or certificate in any state?		
8. Has any court ever deferred, filed or dismissed proceedings without a finding of guilty and required that you pay a fine, penalty or court costs and/or imposed a requirement as to your behavior or conduct for a period of time in connection with any crime (other than a minor traffic offense)?		

If you have answered yes to any of the previous questions, provide full details below, including, with respect to court actions – the date – offense in question – and address of the court involved. Use additional sheets if necessary. Conviction or other disposition of a crime is not necessarily an automatic bar to employment.

--

References: List three supervisors (two of whom are your most recent supervisors) who can comment on your ability and whom we may contact.

Name	Position	Address	Phone

Release:

My signature below constitutes authorization to check my employment history, including without limitation, criminal arrest and conviction record checks, reference checks and release of investigative information possessed by any federal, state or local agency. I further authorize those persons, agencies or entities that the Augusta School Department contacts in connection with my employment application to fully provide the Augusta School Department any information on the matters set forth above. I expressly waive, in connection with any request for or provision of such information, any claim, including without limitation, defamation, emotional distress, invasion of privacy or interference with contractual relations that I might otherwise have against the Augusta School Department, its agents and officials or against provider of such information.

I understand that information submitted in and with this application may be disclosed to a screening and/or interview committee, which may include board members, administrators, other staff and members of the community. I give my consent to this disclosure.

Signature _____

Date _____

Application for non-teaching personnel check-list:

The completed employment application cannot be evaluated unless all of the following materials have been provided:

- _____ Application form fully completed
- _____ Gaps in employment during the past ten years explained.
- _____ Explanations to any "YES" answers in Background section.
- _____ Application signed.

Please Read:

All application materials become the property of the Augusta School Department. None will be returned. Providing any false or misleading information on this application or in the application or employment screening process shall be fully sufficient grounds to refuse to employ the applicant or if the applicant has been employed, to immediately dismiss the applicant/employee.

The Augusta School Department is an Equal Opportunity/Affirmative Action Employer.

PROFESSIONAL STAFF HIRING

Through its employment policies, the board shall attempt to attract, secure, and hold the highest qualified personnel for all professional positions. The selection program shall be based upon an alertness to candidates who will devote themselves to the education and welfare of the children attending the public schools

It is the responsibility of the superintendent, and of the persons to whom he delegates this responsibility, to determine the personnel needs of the school district and to locate suitable candidates to recommend for employment to the board. Through effective administrative procedures, the superintendent shall attract and recommend to the board the employment and retention of personnel who are motivated to do their best work and to be creative from their own inner resources.

It shall be the duty of the superintendent to see that persons nominated for employment in the schools shall meet all certification requirements, health requirements, and requirements of the board, for the type of position for which the nomination is made.

The following guidelines shall be used in the selection of personnel:

1. There shall be no discrimination in the hiring process due to age, sex, creed, race, color, national origin, marital status, physical handicaps, or place of residence.
2. All vacancies and all positions in the Augusta Public School Department will be posted and advertised.
3. The quality of instruction is enhanced by the staff with a wide variation in background, educational preparation, and previous experience. Concerted efforts shall be exerted to maintain a variation in the staff.
4. Interviewing and selection of procedures shall assure that the administrator who will be directly responsible for the work of a staff member has the opportunity to aid in the selection; however, the final selection shall be made or approved by the superintendent.
5. No candidates shall be hired without a personal interview, and, wherever possible, the candidate shall be observed in his/her own school prior to selection. References shall be checked.
6. No candidate is to be employed for, or assigned to, a position where his/her evaluation will be made in part or in whole by a person to whom s/he is related. No spouse of a board member shall be considered as an applicant.
7. All candidates shall be considered on the basis of their merits, qualifications, and the needs of the district. In each instance, the superintendent, and others playing a

role in the selection, shall seek to hire the best qualified person for the job.
"However, if two candidates are equally well qualified in all other respects, and if one is from within the school department and one is not, preference shall be given to the internal candidate."

8. That all letters of application to the Augusta School System, for all positions, shall be acknowledged in writing.
9. The Augusta Board of Education shall participate in the hiring process of all administrative staff by the representation of at least two board members to be selected by the board chairperson. The purpose is to audit the proceedings. The remainder of the screening committee for all administrative staff hiring should consist of: Three administrators (one from each level), superintendent, assistant superintendent, business manager, and one other person.

While the board may accept or reject a nomination, an appointment shall be valid only if made with the recommendation of the superintendent.

At the request of the Board of Education, the superintendent shall offer the board an opportunity to interview candidates before the board acts on the superintendent's nomination.

In all instances, the superintendent shall inform the board of his/her nomination for any professional staff position at least three days prior to the meeting at which board action is requested.

Adopted: 8/11/75

Amended: 5/9/77; 11/8/82; 2/10/86; 5/23/88; 8/14/89

LEGAL REFS: M.R.S.A. 20:161(5); 20:472; 20:1091; 20:1751-1754

AUGUSTA BOARD OF EDUCATION

RECRUITMENT AND APPOINTMENT OF ADMINISTRATIVE POSITIONS

In order to provide the most capable leadership available for this school district, the superintendent will engage in a thorough search for applicants when a vacancy occurs in any administrative position. The services of consultants may be engaged to assist in the recruitment and screening of candidates to be interviewed. However, the final selection shall rest with the superintendent, with board approval, after a thorough consideration of qualified applicants.

The following procedures will be observed in the recruitment and selection of an administrator:

1. Applicants will be sought from qualified candidates in as large a geographical area as possible. The vacancy will be announced and/or advertised, and the assistance of the Maine Department of Education may be requested.
2. All applications will be sent to the superintendent or his/her designee, who will open them and keep them in a confidential file.
3. Acknowledgements of applicants will be sent to all candidates by a form letter.
4. Applications will be screened by a representative committee and recommendations made to the superintendent.
5. Interviews with candidates may be scheduled by the superintendent or by a committee appointed for preliminary screening. The entire board will have the opportunity to be present at interviews with the most promising candidates before a final selection is made.
6. Reimbursement of travel expenses for a personal interview of the candidate will be determined on a case-by-case basis, prior to the scheduling of the interview.
7. During the selection process, all candidates' applications and files will be held confidential and will be kept in a safe place.
8. Final appointment of a new administrator will be made at a regular meeting of the board. It will require a majority vote of the entire board membership.

Adopted: date of manual adoption

Revised: January 1999, June 1999

AUGUSTA BOARD OF EDUCATION

APPENDIX K

Code: GDD

SUPPORT STAFF HIRING

Through its employment policies, the board shall attempt to attract, secure, and hold the highest qualified personnel for all positions. The selection program shall be based upon alertness to candidates who will devote themselves to the education and welfare of the children attending the public schools.

It is the responsibility of the superintendent to see that persons employed shall meet all health requirements, and the requirements of the board for the type of position for which this person is employed.

The following guidelines shall be used in the selection of personnel:

1. There shall no discrimination in the hiring process due to age, sex, creed, race, color, national origin, marital status, physical handicaps, or place of residence.
2. Except in cases of emergency, whenever a job opening occurs for a support staff position, including but not limited to employees in the ATA-Support Unit bargaining unit, it shall be posted internally. Such posting shall be accomplished by placing notices on designated bulletin boards accessible to all employees, or by written notices to each employee.
3. Interviewing and selection procedures shall assure that the administrator to be directly responsible for the work of a staff member has an opportunity to aid in the selection; however, the final selection shall be made or approved by the superintendent.
4. No candidates shall be hired without a personal interview, and references shall be checked.
5. No candidate is to be employed for, or assigned to, a position where his/her evaluation will be made in part or in whole by a person to whom he/she is related. No spouse of a board member shall be considered as an applicant.
6. All candidates shall be considered on the basis of their merits, qualifications and the needs of the district. In each instance, the superintendent and others playing a role in the selection shall seek to hire the best qualified person for the job.
7. All letters of application for administrative jobs shall be acknowledged in writing. All local applicants for any position shall be acknowledged in writing. Acknowledgements of all other applicants shall be at the superintendent's discretion.

Adopted: 8/11/75; 12/10/90

Amended: 6/13/77; 11/8/82

LEGAL REFS: M.R.S.A. 20:161 (5) ; 20:471 ; 20:1091 ; 20:751-1754

AUGUSTA BOARD OF EDUCATION

APPENDIX L

Pre-Employment Inquiry Guide

CATEGORY	EXAMPLES OF LAWFUL INQUIRIES	INQUIRIES THAT ARE UNLAWFUL
ANCESTRY/ NATIONAL ORIGIN	<ul style="list-style-type: none">• Whether applicant is a U.S. citizen.• Whether applicant is legally eligible to work or remain permanently in the U.S.• Compliance with IRCA of 1986.• Language applicant speaks (if job related).• Applicant's current address.• How long applicant has lived in this State or City.• List of membership organizations applicant feels are relevant to the position.• U.S. military experience	<ul style="list-style-type: none">• Nationality, lineage, ancestry, descent, or birthplace of applicant or relatives.• Applicant's native or primary language.• How applicant acquired the ability to read, write, or speak a foreign language.• Maiden or former name (unless necessary to check references).• Photograph with application.• How long applicant has lived in the U.S.• List of all clubs, social fraternities, societies, lodges, or organizations.• Foreign military experience.
AGE	<ul style="list-style-type: none">• Whether applicant is under 18 years of age; if so, applicant's age.	<ul style="list-style-type: none">• Other questions about date of birth or age.• Dates of graduation from educational institutions.• Questions asked only of a particular age group, e.g., asking only older applicants about health status.• Photograph with application.
RELIGION	<ul style="list-style-type: none">• Whether applicant is able to perform the essential functions of the job, including attendance requirements, if provided with reasonable accommodations for religious reasons.• List of educational institutions.	<ul style="list-style-type: none">• Religious denomination, affiliation, place of worship, religious leaders, or religious holidays observed.• Name of religious leader as reference.• Whether applicant can work on a particular religious holiday.• Religious affiliation of educational institutions.
RACE	<ul style="list-style-type: none">• Criminal convictions that are related to the job.	<ul style="list-style-type: none">• Race of applicant or relatives.• Complexion or color of skin or eyes.• Photograph with application.• Arrest record.
SEX/PREGNANCY	<ul style="list-style-type: none">• Whether applicant has a spouse/significant other/partner that works for employer	<ul style="list-style-type: none">• Whether applicant is pregnant, has children, or plans to have children.• Marital status.• Maiden name.• Questions asked only of one sex but not of the other, e.g., asking only women about childcare.• Inquiry into height or weight.
SEXUAL ORIENTATION	<ul style="list-style-type: none">• Whether applicant has a spouse/significant other/partner that works for employer.	<ul style="list-style-type: none">• Sexual orientation, gender identity, or gender expression of applicant.• Relationship between household members.• Marital status.• Name of spouse or significant other.• Photograph with application.
DISABILITY	<ul style="list-style-type: none">• Whether applicant is able to perform the essential functions of the job, including attendance requirements, if provided with reasonable accommodations for disability-related reasons.• For food handling positions, whether applicant has a listed infectious or communicable disease that is transmitted to others through the handling of food.	<ul style="list-style-type: none">• Whether applicant has or has had any physical or mental impairments, disabilities, or health conditions.• Whether applicant has or has had an alcohol or drug addiction problem.• Whether applicant needs a reasonable accommodation in order to perform the job.• Type of military discharge generally, although employer may ask whether applicant received an honorable discharge.• Inquiry into height or weight.
WORKERS' COMPENSATION	<ul style="list-style-type: none">• Whether applicant ever violated a workplace safety rule.	<ul style="list-style-type: none">• Whether applicant ever received or applied for workers' compensation benefits.• Whether applicant has ever been injured on the job.
WHISTLEBLOWERS		<ul style="list-style-type: none">• Whether applicant ever reported violations of law by

an employer.

- Whether applicant ever reported safety concerns about an employer.
- Whether applicant has ever been asked by an employer to do something that was illegal or unsafe and how applicant responded

APPENDIX M

UTILIZATION ANALYSIS
MAY, 2013

<u>POSITION</u>	<u>MALE</u>	<u>FEMALE</u>
Superintendent	1	
Assistant Superintendent		1
Business Manager		1
High School Principal		1
Assistant High School Principal	2	
Athletic Director	1	
Technical Director	1	
Elementary Principal		4
Director of Special Education		1
Assistant Director of Special Education		1
Director of Title 1		1
Adult Education Director	1	
Director of Buildings and Grounds	1	
Director of Food Service		1
Librarian		1
<u>Non-Certified Staff</u>		
Payroll/Bookkeeping		3
Administrative Assistants		5
Receptionist		1
Secretary		10
Maintenance	2	
Custodians	17	1
Cafeteria Workers	2	15
<u>Teaching Staff</u>		
Adult Education	2	3
CATC	12	6
Cony High School Regular Ed.	15	24
Cony High School Special Ed.	3	7
Elementary Regular Ed.	2	58
Elementary Special Ed.	3	10

AUGUSTA BOARD OF EDUCATION

Special Area Teaching Staff

Cony High School	1	3
Elementary Guidance	1	2.5
ESL 7-12		.5
ESL L-6		1
Art 7-12	2	2

POSITION **MALE** **FEMALE**

Art K-6		3
Music 7-12		4
Music K-6		4
Physical Education 7-12	3	1
Physical Education K-6	2.5	
Modern & Classical Language 7-12		6
Gifted & Talented 7-12		1
Gifted & Talented K-6		1
Mentors		4
Literacy Specialist		6.3
Title I Educational Technicians		9
Library Educational Technicians		6
Special Educational Technicians	3	14
Special Education Technicians	2	34
Project Pride Support		3.5
Primary Educational Technicians		10.5
Lunchroom Monitors	1	12
Nurse 7-12		2
Nurse K-6		3.5
Speech/Language		5
Occupational Therapist		2