

NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The Milford School Department recognizes the dignity of the individual student/employee to work and learn in an environment which is free of discrimination and harassment.

In accordance with applicable Federal and/or State laws and regulations, the Milford 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 on 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 Milford School Department prohibits discrimination against school unit employees and candidates for employment on the basis of age or genetic information.

The Committee delegates to the Superintendent the responsibility for implementing this policy. The Milford 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.

The Milford School Department will not discriminate in its education or employment practices on the basis of sex or any other anti-discrimination standards included in State or Federal law.

Affirmative Action Grievance Procedure for the Milford School Department:

The purpose of this policy is to establish procedures for processing discrimination complaints.

Students or Employees:

When the grievant is a student or employee, the grievance shall be handled as described below.

Definitions:

Affirmative Action Officer

The Milford School Department's Affirmative Action Officer is the designated employee responsible for resolving discrimination complaints by acting as a counselor and mediator for the parties involved.

Grievable Incident

A grievable incident would include, but not be limited to, an act of alleged discrimination on the basis of sex, color, race, national origin, religion, marital status, age or handicap.

Procedures

Any student/employee, who believes he or she has been discriminated against, may file a grievance according to the following procedure.

Informal Process

Every effort will be made by the Milford School Department's Affirmative Action Officer to resolve the grievance in as informal a manner as possible by talking with the person or persons alleged to have violated the Milford School Department policy of non-discrimination. If it is not possible to resolve such complaints in this manner, then Step One of the formal process shall be implemented.

Formal Process

Step One: All grievances shall be brought to the attention of the Milford School Department Affirmative Action Officer within thirty (30) working days of the time the grievant first learned, or should have known of the grievable incident. The Affirmative Action Officer will assist the grievant through the grievance process beginning with the informal process.

The Affirmative Action Officer will also investigate, or cause to be investigated, the identified complaint. If the Affirmative Action Officer cannot resolve this within fifteen (15) working days, then Step Two will be initiated.

Step Two: The grievant will initiate this step by filing a written grievance with the Superintendent within five (5) working days following the termination of Step One. In addition, the Affirmative Action Officer will file a report of his or her findings and/or recommendations based on the results of Step One.

The Superintendent will review the complaint and the Affirmative Action Officer's report and render a decision, in writing to the grievant within ten (10) working days of receiving the complaint.

Step Three: Within five (5) working days after receiving the Superintendent's written decision, the grievant may file with written appeal to the Commissioner of Education.

Disciplinary Action

If disciplinary action is recommended as a result of a grievance, such action will be taken utilizing appropriate procedures as established by collective bargaining agreements and the appropriate policies as established by the Milford School Committee.

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: Milford School Department Affirmative Action Plan
 ACAA - Harassment and Sexual Harassment of Students
 ACAB - Harassment and Sexual Harassment of School Employees

Adopted: 12/8/11