

[Note: This revised sample includes language changes, an addition to the legal references, and changes in the titles of cross references to comply with the new Title IX regulations, effective August 14, 2020. All notes to the Board in sample should be removed prior to adoption.]

NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The school unit does not discriminate on the basis of sex or other protected categories in its education programs and activities, as required by federal and state laws/regulations.

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

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

The Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students and other individuals having access rights to school premises and activities.

The school unit has designated and authorized an Affirmative Action Officer/Title IX Coordinator who is responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination, including sexual harassment. The Affirmative Action Officer/Title IX Coordinator is a person with direct access to the Superintendent.

[Note: If the Affirmative Action Officer and Title IX Coordinator duties are split between two individuals, this paragraph should be revised accordingly.]

The school unit has implemented complaint procedures for resolving complaints of discrimination/harassment and sexual harassment under this policy. The school unit provides required notices of these complaint procedures and how they can be accessed, as well as the school unit's compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents and other interested parties.

[Note: The requirement that local school units have a Title IX Coordinator is not new, but the new Title IX regulations require that school units “designate and authorize” Title IX Coordinators to perform their duties. It is still permissible for local boards to combine the roles of Affirmative Action Officer and Title IX Coordinator, so long as the title of the position includes both roles. There are advantages to combining these roles in one position in terms of efficiency, but given the increased responsibilities of Title IX Coordinators under the new regulations, school units should ensure that the individual(s) in these roles are provided enough time to fulfill all the associated duties. We suggest consulting with legal counsel about these issues.

In addition, there should be a job description for the AAO/Title IX Coordinator (or two if the positions are separated). Generally, local boards have included the Affirmative Action Officer job description with their Affirmative Action Plans. Local boards should review any existing job description(s) and update them to reflect the new requirements for Title IX Coordinators. We can assist local boards in developing or revising job descriptions that meet local needs and the legal requirements.]

Legal Reference: Equal Employment Opportunity 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.); 34 C.F.R. Part 106 (Title IX regulations)
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et
seq.)
Equal Pay Act of 1963 (29 U.S.C. § 206)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29
U.S.C. § 794 et seq.), as amended
Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as
amended
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. §
2000ff et seq.)
Maine Human Rights Act (5 MRSA § 4551 et seq.), as amended

Cross Reference: **[Name of School Unit]** Affirmative Action Plan
ACAA – Harassment and Sexual Harassment of Students
ACAA-R – Student Discrimination/Harassment and Title IX Sexual
Harassment Complaint Procedures

Cross Reference (cont.)

ACAB – Harassment and Sexual Harassment of School Employees
ACAB-R – Employee Discrimination/Harassment and Title IX
Sexual Harassment Complaint Procedures