AFFIRMATIVE ACTION PLAN FOR THE BROCKTON PUBLIC SCHOOLS

1. INTRODUCTION

In accordance with federal and state laws, the Brockton School Department recognizes the need for equal opportunity that is predicated on equal rights. This Commitment to equal employment is included in this Affirmative Action Plan.

The purpose of the Affirmative Action Plan is to identify the overall goals and objectives to which the Brockton School Department is committed, and to describe the procedures to be followed to assure equal opportunity to all employees and prospective applicants of the Brockton Public Schools.

2. DEFINITIONS

For purposes of this plan:

- The term "Superintendent” means the Superintendent of Brockton Public Schools.
- The term "Commission" means the Massachusetts Commission Against Discrimination established by M.G.L. c.6, 56, as amended.
- The term "employee” means all persons receiving compensation or salaries from monies derived from federal, state, county or local sources.
- The term "job classification" means one job or group of jobs, which may appear in collective bargaining agreements and which requires similar skills, experience and responsibility with similar wage rates.
- The term “Labor Market Area” means the geographic area in which the School Department can reasonably recruit persons for employment.
- The term "minority" means a person with permanent residence in the United States and who is:

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Black</td>
<td>All persons having origins in any of the Black groups of Africa.</td>
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<tr>
<td>Hispanic</td>
<td>All persons of Mexican, Puerto Rican, Cuban, Central or South American origin.</td>
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<td>American Indian</td>
<td>All persons having origins in any of the original peoples of North America, and who are recognized as Indians by a tribe or tribal organization.</td>
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<td>Eskimo and Aleut</td>
<td>All persons having origins in any of the peoples of Northern Canada, Greenland, Alaska, and Eastern Siberia.</td>
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<tr>
<td>Cape Verdean</td>
<td>Any persons having origins in any of the original of the Cape Verde Islands who are of Black African origin.</td>
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<tr>
<td>Asian</td>
<td>Any person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes for example, China, Japan, Korea, the Philippine Islands and Samoa.</td>
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The term "disabled person" means a person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment.

The term "Officer" means the Equal Employment Opportunity/Affirmative Action Officer of the Brockton Public Schools.

The term "Plan" means the method used to implement the policies outlined herein.

The term "Program" means the goals and objectives as outlined herein and that may, from time to time, be superseded, amended or reclassified.

The term "Underutilization", means having fewer minorities or women in a job classification than would reasonably expected by their availability in the workforce or Market Area.

The term "Utilization Analysis" means the enumeration and examination of the presence of minorities and women employed by the Brockton Public Schools.

The term "workforce" means the total number of persons employed by the Brockton Public Schools.

The term "Workforce Analysis" means a detailed listing of jobs as they appear in collective bargaining agreements.

3. **EQUAL OPPORTUNITY**

   a. Policy Statement

   It is the policy of the Brockton Public Schools not to discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, disability, age, sexual orientation or veteran status. The Brockton School Committee is committed to a program of affirmative action to ensure equal treatment for all persons in all of its employment practices.

   The School Committee realizes that an effective affirmative action program will benefit the Brockton Public School system utilizing the great reservoir of untapped human resources and skills among diverse groups of people as vacancies and new positions arise. Additionally, the School Committee recognizes that students and staff will benefit from being exposed to people of different backgrounds who are serving the school system in a variety of roles.

   b. Scope of Plan

   Affirmative action and equal employment opportunity programs shall be viewed as an integral part of the Brockton School Department. The plan shall affect and impact not only personnel policies but also all employment opportunities of the Brockton Public Schools’ workforce.

4. **EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION RESPONSIBILITY**

   a. Role of the Superintendent of Schools
The Superintendent shall be responsible for assuring compliance with federal and state laws pertaining to equal employment opportunity and affirmative action. He/She shall delegate responsibility for system wide coordination, implementation and evaluation of the Affirmative Action Plan to the Equal Employment Opportunity/Affirmative Action Officer.

b. Role of the Equal Employment Opportunity/Affirmative Action Officer

The Staff Diversity Liaison shall be the Equal Employment Opportunity/Affirmative Action Officer and shall be responsible for the coordination, implementation and evaluation of the Affirmative Action Plan.

The Officer shall be responsible for the dissemination and utilization of all information, data and reports with respect to the Affirmative Action Plan. He/She shall also provide advice, consultation, and assistance in the affirmative action process. The Officer shall be responsible for reviewing all claims of discrimination filed in accordance with the Brockton Public Schools' affirmative action plan and conducting such investigations as deemed appropriate and necessary in order to ensure compliance with a policy of nondiscrimination and affirmative action.

The Officer, in conjunction with the Superintendent and School Committee, shall develop goals whenever possible for employment opportunities in the Brockton Public Schools. Such goals will be monitored and reviewed on an annual basis with a view toward revision and/or updating where indicated.

Major responsibilities of the Officer are:

- Responsibility for the explanation and the dissemination of information to employees, prospective employees, community groups and interested persons regarding equal employment opportunity and affirmative action in the Brockton Public Schools.

- Contribution to the development of policies, practices and in-service programs for all personnel in the Brockton Public Schools so that a positive portrayal of all sexes, cultures, ethnic groups, religions, ages and disabilities exists.

- Contribution to the examination of all personnel practices and procedures, which includes, but is not limited to, recruitment, hiring, promotion, demotion, transfer, assignment, layoff and compensation and benefit programs through knowledge of laws and sound judgment to ascertain their compliant with the Affirmative Action Plan.

- Responsibility for serving as the School Department liaison for federal and state agencies and community groups in all matters relating to equal employment opportunity or affirmative action.

- Responsibility for developing and maintaining adequate records of all personnel, personnel actions, contract disputes and legal proceedings concerning equal employment opportunity or affirmative action.

c. Supervision and Staff Relationships

In the performance of his/her duties, the Officer shall maintain a working relationship with all personnel. He/She shall serve as a resource to personnel to develop and/or maintain appropriate supportive materials in order to facilitate an understanding and acceptance of affirmative action goals and objectives.
d. Role of Supervisor Staff

All department heads and other supervisory personnel shall be responsible, under the direction of the Superintendent, for ensuring and assuring compliance with the plan with respect to all personnel under their supervision.

e. Plan/Program Dissemination

1) Copies of the Affirmative Action Policy Statement will be posted in conspicuous places in schools and School Department buildings and will include information regarding the discrimination claim procedure.

2) Copies of the Affirmative Action Policy Statement including information regarding the discrimination claim procedure will be given to applicants and new personnel.

3) The Officer shall be available to meet with administrators, staff or any other interested parties to explain the intent and content of the Plan.

4) The following statement will appear on all job applications, advertisements and internal job postings:

5) “The Brockton Public Schools is an equal opportunity employer.”

6) The public of the City of Brockton shall be advised of the adoption of the Plan at an open meeting of the School Committee.

5. CLAIMS OF DISCRIMINATION

The Brockton Public Schools is committed to the equitable settlement of any claim of discrimination on the basis of religion, color, sex, age, disability, sexual orientation, veteran status and/or national origin made by any applicant or employee.

a. Coordination of the Claim of Discrimination Procedure

The Equal Opportunity/Affirmative Action Officer, under the direction of the Superintendent, shall be responsible for the coordination of the Claim of Discrimination Procedure set forth herein.

b. Intent

The Brockton Public Schools pledges to encourage the equitable and prompt settlement of claims which may be raised by any employee or applicant charging discrimination based on race, religion, color, sex, age, disability, sexual orientation, veteran status and/or national origin.

c. Discrimination Claim Procedure

The following discrimination claim procedure may be invoked by an employee or applicant alleging discrimination on account of race, religion, color, sex, age, disability, sexual orientation, veteran status and/or national origin.
1) Definition

A claim is a written allegation by an employee or applicant that he/she has been discriminated against on the basis race, religion, color, sex, age, disability, sexual orientation, veteran status and/or national origin. The Brockton Public Schools, Claim of Discrimination Form may be obtained in the office of the Staff Diversity Liaison, Crosby Administration Building, 43 Crescent Street, Brockton, MA 02301, telephone number (508) 580-7535.

2) Informal Procedure

Prior to the filing of a formal claim, an individual or individuals may seek the advice and counsel of the Officer in an informal meeting. This informal meeting may serve to determine the nature of any claim of discriminatory practices. With the consent of the claimant, the Officer may initiate interaction with other individuals regarding the claim to attempt to facilitate an expeditious resolution at this level.

3) Formal Procedure

a) The claimant shall file the Claim of Discrimination form with the Officer.

b) The Officer will then conduct an investigation of the claim. In the investigation of the claim the Officer will meet with individuals who may have knowledge relevant to the claim, and may hold as many meetings with appropriate parties as necessary in order to gather facts. The Officer will review any pertinent documents.

c) The investigation will be processed in an expeditious manner. Upon completion of the investigation, the Officer shall prepare a report outlining the findings.

d) The Officer will meet with the appropriate administrator(s) to discuss findings of the investigation. If discrimination is found to have occurred, the administration will plan appropriate measures for correcting any inequities.

e) The Officer will inform the claimant of the findings of the investigation and any corrective actions that have been planned.

f) If the claim is not satisfactorily resolved, the claimant may petition to the Superintendent of Schools, in writing, who will also conduct an investigation and attempt to resolve any inequities.

4) Referral to Appropriate Enforcement Agencies

The claimant is not limited to the informal and formal procedures outlined above, but at any time has the right to file a charge of discrimination with the Massachusetts Commission Against Discrimination and/or the Equal Employment Opportunity Commission within 180 days of the alleged act of discrimination. The Officer will inform the claimant of this right.
d. Retaliatory Action

The Brockton Public Schools, through the Superintendent, assures that no retaliatory action will be taken against those persons who file claims of discrimination on the basis of race, sex, age, color, religion, disability, sexual orientation, veteran status, and/or national origin.

e. Findings of Discrimination

If discrimination should be found to exist in any employment decisions, actions or practices within the Brockton Public Schools all appropriate measures will be undertaken. Furthermore, should findings be made of intentional discrimination on the part of any employee, appropriate disciplinary action should be taken under the direction of the Superintendent.

f. Record keeping

All records involving any claim filed in accordance with the Brockton Public Schools' Claim of Discrimination Procedure are kept by the Officer. Such records and information will be considered confidential and shall be used only in accordance with the complaint procedure.

6. AFFIRMATIVE ACTION GOALS AND TIMETABLES

The School Department is committed to making every good faith effort towards improving the percentage of minorities in its workforce, as well as improving the percentage of women in traditionally under represented categories.

To that end, the School Department will each year complete a Workforce Analysis of all personnel employed in the Brockton Public Schools. This analysis will list all jobs as they appear in collective bargaining agreements and will indicate the number of women and minorities employed in each. The School Department will analyze the categories of positions in which minorities and women appear to be underutilized, and will attempt to determine the most appropriate recruiting area for these positions. Based on the number of potential vacancies and information, if available, about potential candidates in the appropriate recruiting areas, the School Department will then whenever possible, long-term goals for the employment of minorities and women in underutilized categories, and will annually review progress towards these goals.

7. PROCEDURAL IMPLEMENTATION OF EMPLOYMENT PRACTICES

a. Recruitment

The specific objective of the recruitment process is to ensure that no qualifiable or qualified person is denied consideration for employment because of race, color, religion, sex, age, national origin, disability, sexual orientation or veteran status. Further, recruitment efforts should be directed toward correcting the underutilization of minorities and women in certain job categories, as well as the overutilization of women in other job categories. Recruitment efforts should also be directed toward increasing the minority representation in those positions providing direct services to students in an effort to more closely reflect the minority representation in the body.

The recruitment procedures have been analyzed to ascertain any possible discriminatory effect. All job postings and job advertisements will contain the phrase
"The Brockton Public Schools is an equal employment opportunity/affirmative action employer".

Furthermore, in an attempt to develop a broad and nondiscriminatory applicant pool, the advertisement of positions will be sent to various organizations, agencies and/or schools and universities that serve predominantly minority or female potential candidates. The list of recruiting sources appears as Appendix B to this Plan. The Senior Director of Human Resources will maintain the list and update it regularly. Periodically during the course of every year, the Senior Director of Human Resources will send to sources on the list an announcement of anticipated vacancies. The nature and level of the anticipated vacancies will determine the number and identity of the recruitment channels that will receive the notice.

The Senior Director of Human Resources will conduct workshops for administrators responsible for interviewing candidates for positions on the proper role of interviews, i.e., seeking business/job-related information. Job descriptions will be revised as necessary so they can be a valuable tool in the administrator's assessment for determining qualified and/or qualifiable applicants.

Administrators will make recommendations to the Senior Director of Human Resources, who also interviews the applicants. He/She will review the recommendations in light of good personnel procedure and policy, as well as the Plan.

b. Selection/Hiring

The Brockton Public Schools is committed to hiring personnel from its nondiscriminatory applicant pool in conformance with its affirmative action goals. Appointments will be made in accordance with the contractual rules and regulations of the Brockton Public Schools which are consistent with the goals of affirmative action.

The Brockton Public Schools has reviewed and is continuing to review its criteria for appointment. Any criteria found to be discriminatory will be changed to comply with federal and state laws. Interviewers understand how to evaluate each candidate's ability and potential and understand how to determine job requirements based upon realistic job descriptions. Criteria for appointment to available vacancies should be reasonably elicit and accessible to all employees and applicants. Such criteria will not be applied inconsistently to deny equality of opportunity.

Hiring decisions will be reviewed by the Officer to ensure that the procedures utilized were in conformance with the Plan and that the appointment is warranted by the Program and good personnel policies.

c. Transfer, Assignment, Termination, Reduction in Force (RIF), Conditions of Work, Rights and Benefits, Salary, and Leave Policies

The Brockton Public Schools has reviewed and will continue to review its policies concerning transfer, assignment, termination, reduction in force, conditions of work, rights and benefits, salary and leave and has not found any discriminatory practices to exist. However, the School Department will continue to monitor these employment practices to assure that they reflect the Brockton Public Schools policy of nondiscrimination and equal opportunity.