

## NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

Fiddlehead School 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, FSAS 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.

The Maine Human Right Act (5 M.R.S.A. § 4551 et seq.) prohibits discrimination on the basis of sexual orientation. This policy includes the definition of “sexual orientation” provided in 5 M.R.S.A. § 4553(9-C).

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

The Genetic Information Nondiscrimination Act of 2008 (GINA), which took effect November 21, 2009, prohibits employers with 15 or more employees from engaging in discriminatory employment practices on the basis of genetic information (42 U.S.C. § 2000ff-1). “Genetic information” is defined as information about an individual’s genetic tests, the genetic tests of family members of the individual, and the manifestation of a disease or disorder in family members of the individual (42 U.S.C. § 2000ff). With some narrow exceptions, GINA also prohibits employers from collecting genetic information about employees and applicants for employment (42 U.S.C. § 2000ff-1) and from disclosure of any collected genetic information (42 U.S.C. § 2000ff-5). In addition, GINA contains provisions regulating health insurers, prohibiting plans from denying eligibility or raising premiums based on genetic information and, except in limited circumstances, from collecting genetic information.

The Board delegates to the Executive Director the responsibility for implementing this policy. The FSAS 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 Executive Director and will be a person with direct access to the Executive Director.

The Executive Director/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.)  
Pregnancy Discrimination Act of 1978  
Genetic Information Nondiscrimination Act of 2008 (GINA) (42 U.S.C. §

2000ff et seq.)

5 MRSA § 4551, et seq. (Maine Human Rights Act); 19301-19302

Cross Reference:

FSAS Affirmative Action Plan

ACAA - Harassment and Sexual Harassment of Students

ACAB - Harassment and Sexual Harassment of School Employees

**Approved: October 17, 2020**