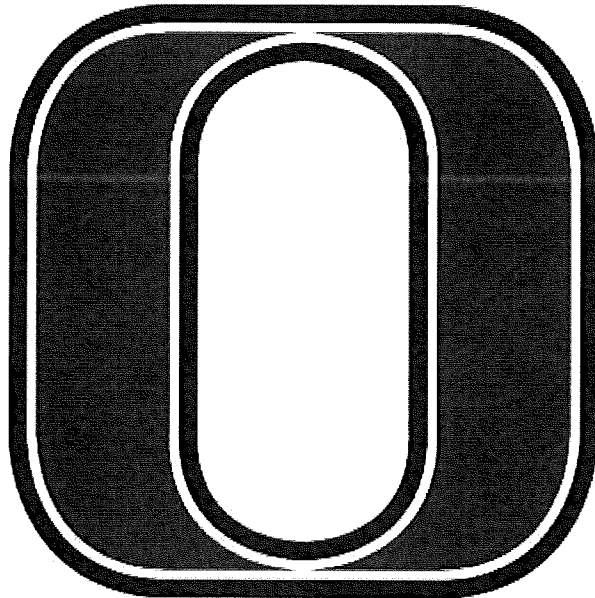


OGDEN COMMUNITY SCHOOL DISTRICT  
732 W. Division St.  
Ogden, IA 50212

## Affirmative Action Plan



Revised September 2017

AA/EOE

OGDEN COMMUNITY SCHOOL DISTRICT

Affirmative Action Compliance Program

School Board Members:

Pete Bergstrom, President  
Camille Sloan-Schroeder, Vice President  
Jessica Siler  
Sally Good  
Matt Van Sickle  
Melissa Dunlap, Business Manager

Administrative Team:

Jon Hueser, Superintendent  
Jenn Peter, High School Principal  
Dave Neubauer, Elementary / Middle School Principal

Affirmative Action Coordinator:

Jon Hueser, Superintendent

Equity Coordinator:

Jenn Peter, High School Principal

## EQUAL EMPLOYMENT OPPORTUNITY

The Ogden Community School District will provide equal opportunity to employees and applicants for employment in accordance with applicable equal employment opportunity and affirmative action laws, directives and regulations of federal, state and local governing bodies. Opportunity to all employees and applicants for employment includes hiring, placement, promotion, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, and layoff or termination. The school district will take affirmative action in major job categories where women, men, minorities and persons with disabilities are underrepresented. Employees will support and comply with the district's established equal employment opportunity and affirmative action policies. Employees will be given notice of this policy annually.

The board will appoint an affirmative action coordinator. The affirmative action coordinator will have the responsibility for drafting the affirmative action plan. The affirmative action plan will be reviewed by the board at least every two years.

Individuals who file an application with the school district will be given consideration for employment if they meet or exceed the qualifications set by the board, administration, and Iowa Department of Education for the position for which they apply. In employing individuals, the board will consider the qualifications, credentials, and records of the applicants without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity or disability. In keeping with the law, the board will consider the veteran status of applicants.

Advertisements and notices for vacancies within the district will contain the following statement: "The Ogden Community School District is an EEO/AA employer." The statement will also appear on application forms. Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, will be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Ogden Community School District, Ogden, Iowa 50212 or by telephoning 515 275 2894.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Equal Employment Opportunity Commissions, Milwaukee Area Office, Reuss Federal Plaza, 310 West Wisconsin Ave., Suite 800, Milwaukee, WI., 53203-2292, (800) 669-4000 or TTY (800) 669-6820. <http://www.eeoc.gov/field/milwaukee/index.cfm> or the Iowa Civil Rights Commission, 400 E. 14th Street, Des Moines, Iowa, 50319-1004, (515) 281-4121 or 1-800-457-4416, <http://www.state.ia.us/government/crc/index.html>. This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level. Further information and copies of the procedures for filing a complaint are available in the school district's central administrative office and the administrative office in each attendance center.

Legal Reference: 29 U.S.C. §§ 621-634 (2010).

42 U.S.C. §§ 2000e et seq. (2010).

42 U.S.C. §§ 12101 et seq. (2010).

Iowa Code §§ 19B; 20; 35C; 73; 216; 279.8 (2011).

281 I.A.C. 12.4; 14.1; 95.

Cross Reference: 102

Equal Educational Opportunity

104 Bullying/Harassment

405.2 Licensed Employee Qualifications, Recruitment, Selection

411.2 Classified Employee Qualifications, Recruitment, Selection

## ANNUAL NOTICE OF NONDISCRIMINATION

The Ogden Community School District offers career and technical programs in the following areas of study:

Heavy Industrial Equipment; Business; Agriculture (Boone); Hospitality, Tourism & Management

It is the policy of the Ogden Community School District not to discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing complaints of discrimination. If you have questions or a grievance related to this policy please contact Jennifer Peter, Ogden High School, 732 W. Division St., Ogden, IA 50212, 515-275-4034, [jennifer.peter@ogden.k12.ia.us](mailto:jennifer.peter@ogden.k12.ia.us).

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## ANTI-BULLYING/ANTI-HARASSMENT POLICY

The Ogden Community School District is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. Bullying and/or harassment of or by students, staff, and volunteers is against federal, state, and local policy and is not tolerated by the board. Bullying and/or harassing behavior can seriously disrupt the ability of school employees to maintain a safe and civil environment, and the ability of students to learn and succeed. Therefore, it is the policy of the state and the school district that school employees, volunteers, and students shall not engage in bullying or harassing behavior in school, on school property, or at any school function or school-sponsored activity.

### **Definitions**

For the purposes of this policy, the defined words shall have the following meaning:

- “Electronic” means any communication involving the transmission of information by wire, radio, optic cable, electromagnetic, or other similar means. “Electronic” includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging.
- “Harassment” and “bullying” shall mean any electronic, written, verbal, or physical act or conduct toward a student based on the individual’s actual or perceived age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status, and which creates an objectively hostile school environment that meets one or more of the following conditions:
  - (1) Places the student in reasonable fear of harm to the student’s person or property.
  - (2) Has a substantial detrimental effect on the student’s physical or mental health.
  - (3) Has the effect of substantially interfering with a student’s academic performance.
  - (4) Has the effect of substantially interfering with the student’s ability to participate in or benefit from the services, activities, or privileges provided by a school.

- “Trait or characteristic of the student” includes but is not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.
- “Volunteer” means an individual who has regular, significant contact with students.

### **Filing a Complaint**

A Complainant who wishes to avail himself/herself of this procedure may do so by filing a complaint with the superintendent or superintendent’s designee. An alternate will be designated in the event it is claimed that the superintendent or superintendent’s designee committed the alleged discrimination or some other conflict of interest exists. Complaints shall be filed within 180 days of the event giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence. The Complainant will state the nature of the complaint and the remedy requested. The Complainant shall receive assistance as needed.

School employees, volunteers, and students shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or an individual who has reliable information about an act of bullying or harassment.

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### **Investigation**

The school district will promptly and reasonably investigate allegations of bullying or harassment. The building principal (hereinafter “Investigator”) will be responsible for handling all complaints alleging bullying or harassment. The Investigator shall consider the totality of circumstances presented in determining whether conduct objectively constitutes bullying or harassment. The superintendent or the superintendent’s designee shall also be responsible for developing procedures regarding this policy.

### **Decision**

If, after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures, which may include suspension and expulsion. If after an investigation a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures, which may include termination. If after an investigation a school volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures, which may include exclusion from school grounds.

A school employee, volunteer, or student, or a student’s parent or guardian who promptly, reasonably, and in good faith reports an incident of bullying or harassment, in compliance with the procedures in the policy adopted pursuant to this section, to the appropriate school official designated by the school district, shall be immune from civil or criminal liability relating to such report and to participation in any administrative or judicial proceeding resulting from or relating to the report.

Individuals who knowingly file false bullying or harassment complaints and any person who gives false statements in an investigation may be subject to discipline by appropriate measures, as shall any person who is found to have retaliated against another in violation of this policy. Any student found to have retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. Any school employee found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. Any school volunteer found to have retaliated in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

### **Publication of Policy**

The board will annually publish this policy. The policy may be publicized by the following means:

- Inclusion in the student handbook,
- Inclusion in the employee handbook
- Inclusion in the registration materials
- Inclusion on the school or school district's web site,
- (other) \_\_\_\_\_

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### Legal References:

20 U.S.C. §§ 1221-1234i.  
29 U.S.C. § 794.  
42 U.S.C. §§ 2000d-2000d-7.  
42 U.S.C. §§ 12101 *et. seq.*  
Iowa Code §§ 216.9; 280.28; 280.3.  
281 I.A.C. 12.3(6).  
*Morse v. Frederick*, 551 U.S. 393 (2007)

### Cross References:

102 Equal Educational Opportunity  
502 Student Rights and Responsibilities  
503 Student Discipline  
506 Student Records

I. ADMINISTRATIVE STATEMENT

The Ogden Community School District has been, and will continue to be, an equal opportunity employer. This Affirmative Action Program has been adopted in an effort to increase the participation of women, minorities, and person with disabilities in positions in which those groups are underrepresented. To help assure full implementation of this policy, we will provide that:

1. Persons are recruited, hired, promoted for all jobs without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability. Placement decisions are based solely on an individual's qualifications for the position being filled.
2. Other personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, and district-sponsored programs and activities are administered without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability.

It is our policy to take affirmative action in the employment of qualified minorities, females/males, disabled individuals and veterans as provided by Iowa Code Chapter 70. Reasonable accommodation will be provided whenever possible in our efforts to advance employment opportunities for disabled individuals and veterans.

The School Board and the administration are committed to equal opportunity and affirmative action. We expect members of the staff to assist and support us in attaining these objectives of equal employment opportunity and affirmative action.

  
\_\_\_\_\_  
School Board President

  
\_\_\_\_\_  
Superintendent

11-13-17  
\_\_\_\_\_  
Date

11/13/17  
\_\_\_\_\_  
Date

## LEGAL BASIS AND COMPLIANCE REQUIREMENTS

State and federal laws prohibit discrimination in employment based on race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability. Those laws apply to all aspects of the employer employee relationship. Those laws are directed toward conduct, that is those laws that regulate what may not be done.

Iowa law now requires each school district, area education agency and merged area school to “develop affirmative action standards.” This program has been developed to meet the requirement of Iowa Code Section 19B.11 (1989) and Department of Education rules in Iowa Administrative Code 281-Chapter 95.

“Affirmative Action” is defined as “action appropriate to overcome the effects of past or present practices, policies or other barriers to equal employment opportunity.” Thus, antidiscrimination law regulates what will not be done and affirmative action law specifics what will be done. The Iowa affirmative action law and rules apply to “recruitment, appointment, assignment, and advancement of personnel.”

The term “underrepresentation” means having fewer members of a racial/ethnic group, women, men or persons with disabilities in a particular job category than would be reasonably expected based on their availability in the relevant labor market.

For purposes of affirmative action, the terms “disabled” and “person with a disability” mean “any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment.”

If the analysis that is required to be done by the school district identifies underrepresentation in a job category, objectives are required in an attempt to eradicate the underrepresentation. The objectives are not to be treated or understood as rigid and inflexible quotas that must be met, but as reasonable aspirations toward correcting imbalance in the workforce. Change can occur only when vacancies in job groups where underrepresentation exists, race, sex or disability will serve as a selection criteria but will not be the sole criteria. Such elements will serve as a “plus” factor for individuals from an underrepresented group who are equally qualified for the position to be filled.

## LEGISLATIVE AND ADMINISTRATIVE GUIDELINES

In an effort to achieve Equal Employment Opportunity for all, the Ogden Community School District will be guided by the intent and mandate of relevant laws and regulations, including, but not limited to, the following:

- A. Civil Right Act of 1964 as amended, 42 U.S.C. Section 2000e et. Seq.  
Title VII, Section 703a: It shall be unlawful employment practice for an employer



- a. to fail to refuse to hire or to discharge an individual, or otherwise discriminate against any individual with respect to compensation, because of such individual's race, color, religion, gender, nationality, or handicap; or
  - b. to limit, segregate, or classify his or her employees or applicants for employment opportunities or otherwise adversely affect status as an employee because of such individual's race, color, religion, sex, or national origin.
  - c. It shall be unlawful employment practice for an employment agency to fail or refuse for employment or otherwise to discriminate against any individual because of race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of race, color, sex, national origin, or handicap.
- B. Title IX Non-Discrimination in Federally Assisted Education Programs, 20 U.S.C. Section 1981.

Prohibits discrimination on the basis of sex against students in educational programs within educational agencies that receive federal funds.

C. Fourteenth Amendment to the US Constitution

Section 1 declares that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside and that no state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny persons within its jurisdiction the equal protection of the laws.

D. The Vocational Rehabilitation Act of 1973, 29 U.S.C. Section 794 et. Seq.

Section 504. Prohibits discrimination based on handicap for both employment and the provision of services.

E. Age Discrimination in Employment Act of 1967, 29 U.S.C. Section 621 et, seq.

Seeks to prevent employment discrimination because of age against persons over the age of 40.

F. The Equal Pay Act of 1963, 29 U.S.C. Section 206d

The Equal Pay Act was the first federal law specifically aimed at correcting discrimination in employment. Basically, is mandates "Equal pay for equal work" regardless of sex. The law's three benchmarks for a job are skill, effort, and responsibility.

G. Pregnancy Discrimination Act of 1978, 42 U.S.C. Section 2000e(k)

The Pregnancy Discrimination Act of 1978 requires employers to provide the health and disability benefits to pregnant employees as would be provided to any other employee with a disability.

H. Equal Employment Opportunity Commission (EEOC) Guidelines 29 CFR, paragraphs 1608.1b (1985).

The EEOC has issued guidelines that encourage employers to voluntarily undertake programs which “improve opportunities for minorities and women.” The United States Supreme Court has generally deferred to EEOC interpretation of Title VII and the guidelines, which support that agency’s position.

I. Iowa Code Chapter 601A (1989)

The Iowa Civil Rights Act was adopted in 1965. The Act, as amended, prescribes the powers and duties of the Civil Rights Commission and the definitions of unfair practices related to employment, accommodations or services, housing, education and credit. The Chapter contains the procedures for processing complaints of discrimination. Pursuant to the Act, it is unfair practice to discriminate in employment against any applicant for employment or any employee because of age, race, creed, color, national origin, religion or disability of such applicant or employee, unless based upon the nature of the occupation.

J. Iowa Code Section 198.11 (1989)

The section of the Iowa Code requires equal employment opportunity and affirmative action in school districts, area education agencies, and community colleges. The State Board of Education adopted rules to implement Section 19B.11, codified as Iowa Administrative Code 281-95 through 281-95.7. The rules require specific steps to accomplish the goals of affirmative action in the recruitment, appointment, assignment and advancement of personnel.

K. American with Disabilities Act of 1990

The Act, as it relates to employment, became effective July 26, 1992. It provides that no employer shall discriminate against a qualified individual with a disability because of the disability of such individual with regard to job application procedures, hiring advancement, or discharges of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

## AFFIRMATIVE ACTION COMPLIANCE PROGRAM

The Ogden Community School District has established policy of Equal Employment Opportunity with respect to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability. The district has established policy of taking affirmative action in recruitment, appointment, assignment, and advancement of women, minorities and person with disabilities. In order to effectively communicate and interpret the district's policies to all levels of the administration and all other employees, community and educational agencies, and the public in general, the following will be undertaken:

- A. Dissemination of Policy: Employees will be reminded annually of the district's written statement of policy through the student handbook, teacher handbook, school calendar, and all employment applications.
- B. Employment advertisements will contain assurance of equal employment opportunity.
- C. All employment and recruiting sources where jobs are listed by the district will be reminded our policy, both orally and in writing.
- D. All employees, including women, minority groups, and employees with disabilities will receive compensation in accordance with the same standards. Opportunities for performing overtime work or otherwise earning increased compensation will be afforded to all qualified employees without discrimination based on race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity or disability.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action shall be directed to the Superintendent of Schools or Equity Coordinator, Ogden Community School District, 732 W. Division St. Ogden, IA 50036.

Inquiries may also be directed, in writing, to the Iowa Civil Rights Commission, 211 E. Maple, Des Moines, IA 50309, phone (515) 281-4121, or the Director, EEOC, 310 West Wisconsin Avenue, Suite 800, Milwaukee, WI 53203-2292, phone (414) 297-1111. Such inquiry or complaint to the state or federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

Affirmative action program will be reviewed and updated every three years.

QUANTITATIVE WORK FORCE ANALYSIS  
*As of October 2017*

STAFF

	Totals	Male	Female
1. District Office Administrators	2	2	0
2. Principals	2	1	1
3. Elementary Teachers	22	1	21
4. Middle School Teachers	21	5	16
5. High School Teachers	19	8	11
6. Guidance	3	0	3
7. Librarians	1	0	1
8. Associates	23	0	23
9. Clerical / Secretary	5		5
10. Instructional Coaches	2	1	1
11. Tech. Coordinator	1		1
12. Custodial	7	4	3
13. Transportation	7	3	4
14. Food Services	9	0	9
15. Coaches	47	32	15
16. Nurse	1	0	1

QUALITATIVE OBJECTIVES

	Persons Responsible	Target Date
Recruit minority employees in employment areas: Male teachers in elementary Male associates Ethnic diversity in all departments	Board of Education & Administration	On-going

## QUANTITATIVE ANALYSIS

Areas of underrepresentation were determined by the percentage of men, women, and minorities in the Ogden Community School District compared to the percentage of men, women, and minority staff members. Information collected from employee files was used as a basis for this analysis.

### Areas of Underrepresentation

	MEN	WOMEN	MINORITIES
1. Administrators, Officers, and managers	No	No	Yes
2. Principals	No	No	Yes
3. Elementary Teachers	Yes	No	Yes
4. Middle School Teachers	Yes	No	Yes
5. High School Teachers	No	No	Yes
6. Guidance	Yes	No	Yes
7. Librarians	No	No	No
8. Associates	Yes	No	Yes
9. Clerical /Secretarial	Yes	No	Yes
10. Instructional Coaches	No	No	No
11. Tech Coordinator	No	No	No
12. Custodial	No	No	Yes
13. Transportation	No	No	Yes
14. Food Services	Yes	No	Yes
15. Coaches	No	No	Yes
16. Nurse	No	No	Yes

## QUALITATIVE OBJECTIVES

	Person(s) Responsible	Target Date
Recruit minority employees in all employments areas:		
Male teachers in the elementary	Board of Education	On-going
Male associates / para-educators	and Administration	
Ethnic diversity in all departments		

## GRIEVANCE PROCEDURE

Code No. 102.R1

It is the policy of the Ogden Community School District not to discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing complaints of discrimination. If you have questions or a grievance related to this policy please contact Jennifer Peter, Ogden High School, 732 W. Division St., Ogden, IA 50212, 515-275-4034, [jennifer.peter@ogden.k12.ia.us](mailto:jennifer.peter@ogden.k12.ia.us).

Students, parents of students, employees, and applicants for employment in the school district have the right to file a formal complaint alleging discrimination. The district has policies and procedures in place to identify and investigate complaints alleging discrimination. If appropriate, the district will take steps to prevent the recurrence of discrimination and to correct its discriminatory effects on the Complainant and others.

A Complainant may attempt to resolve the problem informally by discussing the matter with a building principal or a direct supervisor. However, the Complainant has the right to end the informal process at any time and pursue the formal grievance procedures outlined below. Use of the informal or formal grievance procedure is not a prerequisite to the pursuit of other remedies. Please note that informal processes and procedures are not to be used in certain circumstances (e.g., sexual harassment and sexual assault).

### **Filing a Complaint**

A Complainant who wishes to avail himself/herself of this grievance procedure may do so by filing a complaint with the equity coordinator(s). An alternate will be designated in the event it is claimed that the equity coordinator or superintendent committed the alleged discrimination or some other conflict of interest exists. Complaints shall be filed within 180 days of the event giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence. The Complainant will state the nature of the complaint and the remedy requested. The equity coordinator(s) shall assist the Complainant as needed.

## **Investigation**

Within 15 working days, the equity coordinator will begin the investigation of the complaint or appoint a qualified person to undertake the investigation (hereinafter “equity coordinator”). If the Complainant is under 18 years of age, the equity coordinator shall notify his or her parent(s)/guardian(s) that they may attend investigatory meetings in which the Complainant is involved. The complaint and identity of the Complainant, Respondent, or witnesses will only be disclosed as reasonably necessary in connection with the investigation or as required by law or policy.

The investigation may include, but is not limited to the following:

- A request for the Complainant to provide a written statement regarding the nature of the complaint;
- A request for the individual named in the complaint to provide a written statement;
- A request for witnesses identified during the course of the investigation to provide a written statement;
- Interviews of the Complainant, Respondent, or witnesses; ● An opportunity to present witnesses or other relevant information; and
- Review and collection of documentation or information deemed relevant to the investigation.

Within 60 working days, the equity coordinator shall complete the investigation and issue a report with respect to the findings. The equity coordinator shall notify the Complainant and Respondent of the decision within 5 working days of completing the written report. Notification shall be by U.S. mail, first class.

## **Decision and Appeal**

The complaint is closed after the equity coordinator has issued the report, unless within 10 working days after receiving the decision, either party appeals the decision to the superintendent by making a written request detailing why he/she believes the decision should be reconsidered. The equity coordinator shall promptly forward all materials relative to the complaint and appeal to the superintendent. Within 30 working days, the superintendent shall affirm, reverse, amend the decision, or direct the equity coordinator to gather additional information. The superintendent shall notify the Complainant, Respondent, and the equity coordinator of the decision within 5 working days of the decision. Notification shall be by U.S. mail, first class.

The decision of the superintendent shall be final.

The decision of the superintendent in no way prejudices a party from seeking redress through state or federal agencies as provided by in law.

This policy and procedures are to be used for complaints of discrimination, in lieu of any other general complaint policies or procedures that may be available.

If any of the stated timeframes cannot be met by the district, the district will notify the parties and pursue completion as promptly as possible.

Retaliation against any person, because the person has filed a complaint or assisted or participated in an investigation, is prohibited.

Persons found to have engaged in retaliation shall be subject to discipline by appropriate measures.

Approved November 9, 2015 Reviewed September 18, 2017