

Hampton-Dumont Community School District Affirmative Action/Equity Plan

Hampton-Dumont Community School District Affirmative Action/Equity Plan 2012 - 2014

AA/EOE

Hampton-Dumont Community Schools
601 12th Avenue NE
Hampton, Iowa 50441

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An electronic copy of this plan is available on the Hampton-Dumont Community School District web site at www.hdcsd.org under the "Community Resources" tab.

It is the policy of the Hampton-Dumont Community School District not to illegally discriminate on the basis of race, color, national origin, gender, disability, religion, creed, age (Employment only), marital status, sexual orientation, gender identity and socioeconomic status (students/program only) 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 the district's Equity Coordinator, Jen Koenen, 601 12th Avenue NE, Hampton, IA 50441, (641) 456-2175, jkoenen@hdcsd.org

Affirmative Action/Equity Plan

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Complaint or Grievance Procedures for Front-line Personnel

Please use this as a reference if you receive a phone call, email, or personal visit regarding a complaint or grievance against the school district.

Four types of complaints/grievances:

	General Complaint	Discrimination Grievance	Abuse Complaint	Bullying/ Harassment Complaint
General Description	A stakeholder is upset with the school district or a school employee - but it does not fall under the other 3 categories.	An employee or student alleges discrimination by the school district or that the district is non-compliant with regulations on non-discrimination.	A student (or guardian) reports injury or abuse of a student by a school employee.	Student or employee alleges acts of bullying or harassment have occurred.
Usually filed by	-Parent -Community member	-Employee -Student (or Guardian)	-Student (or Guardian)	-Student -Employee
Suggested Initial Steps	Listen respectfully and provide complainant with a copy of the "General Complaint Form" to fill out and an approximate timeframe for return contact.	Employee or student should first discuss it with immediate supervisor/ building administrator for possible informal resolution. If not resolved, provide form to fill out.	Provide student or guardian the "Complaint of Injury to or Abuse of a Student.." form to fill out immediately.	Employee or student should first discuss it with immediate supervisor/building administrator for possible informal resolution. If not resolved, provide form to fill out.
Form to have them fill out	General Complaint Form (Affirmative Action Plan page 4)	Grievance Form for Complaints of Discrimination (Affirmative Action Plan page 12)	Complaint of Injury to or Abuse of a Student By a School Employee (Affirmative Action Plan page 26-27)	Anti-Bullying/ Harassment Complaint Form (Affirmative Action Plan page 17)
Form goes to	Building Administrator/ Superintendent	Equity Coordinator (Curriculum Director)	Level I Investigator or Alternate (Curriculum Director or Elementary Principal)	Level I Investigator or Alternate (Curriculum Director or Elementary Principal)
Any follow-up?	Administrator will follow up.	Equity Coordinator will follow up with grievance procedures.	Level I investigator will follow up with complaint procedures.	Building administrator or Level I investigator will follow up with complaint procedures.

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General Complaint Form

Name of Complainant: _____

Date of Complaint: _____

Date of Incident (if different): _____

Nature of the complaint: _____

Describe the incident or occurrence as accurately as possible:

Signature: _____

Date: _____

Address: _____

Phone number: _____

Office Use Only	
(Please initial)	Received by: _____ Attention to: _____

Hampton-Dumont Community School District

Affirmative Action/Equity Plan

Code No. 401.1

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EQUAL EMPLOYMENT OPPORTUNITY

The Hampton-Dumont 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.

Prior to a final offer of employment for any teaching position the school district will perform the background checks required by law. The district may determine on a case-by-case basis that, based on the duties, other positions within the district will also require background checks. Based upon the results of the background checks, the school district will determine whether an offer will be extended. If the candidate is a teacher who has an initial license from the BOEE, then the requirement for a background check is waived.

Advertisements and notices for vacancies within the district will contain the following statement: "The Hampton-Dumont 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, Hampton-Dumont Community School District, 601 12th Ave. NE , Hampton , Iowa 50441-1169 ; or by telephoning (641) 456-4735.

Approved 7/9/90

Reviewed 1/21/13

Revised 1/21/13

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Code No. 401.1

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EQUAL EMPLOYMENT OPPORTUNITY

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 Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-7204 (312) 730-1560 or the Iowa Civil Rights Commission, 400 E. 14th Street, Des Moines, Iowa, 64106, (800) 368-1019, <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.

NOTE: This is a mandatory policy and reflects the law. The language on background checks is not required to be in policy, but is recommended. Boards choosing to perform background checks may add this language or develop their own. For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 19 #10 – June 8, 2007.

Legal Reference: 29 U.S.C. §§ 621-634 (2004).
42 U.S.C. §§ 2000e et seq. (2004).
42 U.S.C. §§ 12101 et seq. (2004).
Iowa Code §§ 19B; 20; 35C; 73; 216; 279.8 (2007).
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

Hampton-Dumont Community School District

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See Policy Primer Vol. 19 #10 Code No. 102

EQUAL EDUCATIONAL OPPORTUNITY

The board will not discriminate in its educational activities on the basis of race, color, national origin, creed, socio-economic status, religion, sex, disability, sexual orientation, gender identity or marital status.

The board requires all persons, agencies, vendors, contractors and other persons and organizations doing business with or performing services for the school district to subscribe to all applicable federal and state laws, executive orders, rules and regulations pertaining to contract compliance and equal opportunity.

The board is committed to the policy that no otherwise qualified person will be excluded from educational activities on the basis of race, color, national origin, creed, socio-economic status, religion, sex, marital status, sexual orientation, gender identity or disability. Further, the board affirms the right of all students and staff to be treated with respect and to be protected from intimidation, discrimination, physical harm and harassment.

Note: The grievance procedure is mandatory. The classes listed are all mandatory. For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 19 #10 – June 8, 2007.

Legal Reference: 20 U.S.C. §§ 1221 *et seq.* (2006).
 20 U.S.C. §§ 1681 *et seq.* (2006).
 20 U.S.C. §§ 1701 *et seq.* (2006).
 29 U.S.C. § 794 (2006).
 42 U.S.C. §§ 12101 *et seq.* (2006).
 34 C.F.R. Pt. 100 (2006).
 34 C.F.R. Pt. 104 (2006).
 Iowa Code §§ 216.9; 256.11, 280.3 (2009).
 281 I.A.C. 12.

Cross Reference: 101 Educational Philosophy of the School District
 401.1 Equal Employment Opportunity
 500 Objectives for Equal Educational Opportunities for Students
 506.1 Student Records

Approved 2/10/86

Reviewed 8/16/10

Revised 1/9/06

Hampton-Dumont Community School District

Affirmative Action/Equity Plan

Code No. 102.E1

NOTICE OF NONDISCRIMINATION

Students, parents, employees and others doing business with or performing services for the Hampton-Dumont Community School District are hereby notified that this school district does not discriminate on the basis of race, color, age (except students), religion, national origin, creed, sex, marital status, sexual orientation, gender identity or disability in admission or access to, or treatment in, its programs and activities.

The school district does not discriminate on the basis of race, color, age (except students), religion, national origin, creed, sex, sexual orientation, gender identity or disability in admission or access to, or treatment in, its hiring and employment practices. Any person having inquiries concerning the school district's compliance with the regulations implementing Title VI, Title VII, Title IX, the Americans with Disabilities Act (ADA), § 504 or *Iowa Code* § 280.3 is directed to contact:

Equity Coordinator
Hampton-Dumont District Administration Office 601 12th Avenue NE, Hampton, Iowa 50441
(641) 456-2175

who has been designated by the school district to coordinate the school district's efforts to comply with the regulations implementing Title VI, Title VII, Title IX, the ADA, § 504 and *Iowa Code* § 280.3.

Hampton-Dumont Community School District

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Code No. 102.E4

SECTION 504 STUDENT AND PARENTAL RIGHTS

The Hampton-Dumont Community School District does not discriminate in its educational programs and activities on the basis of a student's disability. It has been determined that your child has a qualifying disability for which accommodations may need to be made to meet his or her individual needs as adequately as the needs of other students. As a parent, you have the right to the following:

- participation of your child in school district programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
- receipt of free educational services to the extent they are provided students without disabilities;
- receipt of information about your child and your child's educational programs and activities in your native language;
- notice of identification of your child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of your child and right to periodically request a re-evaluation of your child;
- inspect and review your child's educational records including a right to copy those records for a reasonable fee; you also have a right to ask the school district to amend your child's educational records if you feel the information in the records is misleading or inaccurate; should the school district refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate;
- hearing before an impartial hearing officer if you disagree with your child's evaluation or placement; you have a right to counsel at the hearing and have the decision of the impartial hearing officer reviewed.

Inquiries concerning the school district's compliance with the regulations implementing Title VI, Title IX, the Americans with Disabilities Act (ADA), § 504 or *Iowa Code* § 280.3 should be directed to:

Equity Coordinator
Hampton-Dumont District Administration Office 601 12th Avenue NE, Hampton, Iowa 50441
(641) 456-2175

who has been designated by the school district to coordinate the school district's efforts to comply with the regulations implementing Title VI, Title IX, the ADA, § 504 and *Iowa Code* § 280.3.

Hampton-Dumont Community School District

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Code No. 102.R1
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DISCRIMINATION GRIEVANCE PROCEDURE

Students, parents of students, employees, and applicants for employment in the school district will have the right to file a formal complaint alleging discrimination under federal or state regulations requiring non-discrimination in programs and employment.

Level One - Principal, Immediate Supervisor or
Personnel Contact Person
(Informal and Optional - may be bypassed by the grievant)

Employees with a complaint of discrimination based upon their gender, race, national origin, creed, religion, age, sexual orientation, gender identity or disability are encouraged to first discuss it with their immediate supervisor, with the objective of resolving the matter informally. An applicant for employment with a complaint of discrimination based upon their gender, race, national origin, creed, religion, age, sexual orientation, gender identity or disability are encouraged to first discuss it with the personnel contact person. This paragraph is for employees and “marital status” isn’t a protected class for employees.

A student, or a parent of a student, with a complaint of discrimination based upon their gender, race, national origin, creed, religion, marital status, sexual orientation, gender identity or disability are encouraged to discuss it with the instructor, counselor, supervisor, building administrator, program administrator or personnel contact person directly involved.

Level Two - Compliance Officer

If the grievance is not resolved at Level One and the grievant wishes to pursue the grievance, the grievant may formalize it by filing a complaint in writing on a Grievance Filing Form, which may be obtained from the Compliance Officer. The complaint will state the nature of the grievance and the remedy requested. The filing of the formal, written complaint at Level Two must be within 15 working days from the date of the event giving rise to the grievance, or from the date the grievant could reasonably become aware of such occurrence. The grievant may request that a meeting concerning the complaint be held with the Compliance Officer. A minor student may be accompanied at that meeting by a parent or guardian. The Compliance Officer will investigate the complaint and attempt to resolve it. A written report from the Compliance Officer regarding action taken will be sent to the involved parties within a reasonable time after receipt of the complaint.

Level Three - Superintendent/Administrator

If the complaint is not resolved at Level Two, the grievant may appeal it to Level Three by presenting a written appeal to the superintendent within five working days after the grievant receives the report from the Compliance Officer, the grievant may request a meeting with the Superintendent. The superintendent may request a meeting with the grievant to discuss the appeal. A decision will be rendered by the superintendent within a reasonable time after the receipt of the written appeal. If, in cases of disability grievances at the elementary and secondary level, the issue is not resolved through the grievance process, the parents have a right to an impartial hearing to resolve the issue.

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DISCRIMINATION GRIEVANCE PROCEDURE

This procedure in no way denies the right of the grievant to file formal complaints with the Iowa Civil Rights Commission, the U.S. Department of Education Office for Civil Rights or Office of Special Education Programs, the Equal Employment Opportunity Commission, or the Iowa Department of Education for mediation or rectification of civil rights grievances, or to seek private counsel for complaints alleging discrimination.

Level Four - Appeal to Board

If the grievant is not satisfied with the superintendent's decision, the grievant can file an appeal with the board within five working days of the decision. It is within the discretion of the board to determine whether it will hear the appeal.

The Compliance Officer is:

Equity Coordinator
Hampton-Dumont District Administration Office 601 12th Avenue NE, Hampton, Iowa 50441
(641) 456-2175

Hampton-Dumont Community School District Affirmative Action/Equity Plan

Code No. 102.E3

DISCRIMINATION GRIEVANCE DOCUMENTATION

Name of Individual Alleging Discrimination or Non-Compliance

Name	
Grievance Date	

State the nature of the complaint and the remedy requested.

Indicate Principal's or Supervisor's response or action to above complaint.

Signature of Principal or Supervisor	
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Code No. 104

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ANTI-BULLYING/HARASSMENT POLICY

Harassment and bullying of students and employees are against federal, state and local policy, and are not tolerated by the board. The board 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. To that end, the board has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of students by other students, by school employees, and by volunteers who have direct contact with students will not be tolerated in the school or school district.

The board prohibits harassment, bullying, hazing, or any other victimization, of students, based on any of the following actual or perceived traits or characteristics, including but 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. Harassment against employees based upon the employee's race, color, creed, sex, sexual orientation, gender identity, national origin, religion, age or disability is also prohibited.

This policy is in effect while students or employees are on property within the jurisdiction of the board; while on school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school or school district.

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 or 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. "Volunteer" means an individual who has regular, significant contact with students.

When looking at the totality of the circumstances, harassment and bullying mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student in reasonable fear of harm to the student's person or property;
- Has a substantially detrimental effect on the student's physical or mental health;
- Has the effect of substantially interfering with the student's academic performance; or
- 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.

Approved 8/11/07Reviewed 12/17/12Revised 12/17/12

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ANTI-BULLYING/HARASSMENT POLICY

“Electronic” means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. “Electronic” includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, electronic text messaging or similar technologies.

Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, property, etc.;
- Demeaning jokes, stories, or activities directed at the student; and/or,
- Unreasonable interference with a student's performance.

Sexual harassment of a student by an employee means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or benefits;
- Submission to or rejection of the conduct is used as the basis for academic decisions affecting that student; or,
- The conduct has the purpose or effect of substantially interfering with the student's academic performance by creating an intimidating, hostile, or offensive education environment.

In situations between students and school officials, faculty, staff, or volunteers who have direct contact with students, bullying and harassment may also include the following behaviors:

- Requiring that a student submit to bullying or harassment by another student, either explicitly or implicitly, as a term or condition of the targeted student's education or participation in school programs or activities; and/or,
- Requiring submission to or rejection of such conduct as a basis for decisions affecting the student.

Any person who promptly, reasonably, and in good faith reports an incident of bullying or harassment under this policy to a school official, shall be immune from civil or criminal liability relating to such report and to the person's participation in any administrative, judicial, or other proceeding relating to the report. Individuals who knowingly file a false complaint may be subject to appropriate disciplinary action.

Retaliation against any person, because the person has filed a bullying or harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. Individuals who knowingly file false harassment complaints and any person who gives false statements in an investigation shall 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.

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ANTI-BULLYING/HARASSMENT POLICY

The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The Equity Coordinator or designee will be responsible for handling all complaints by students alleging bullying or harassment. The Equity Coordinator or designee will be responsible for handling all complaints by employees alleging harassment.

It also is the responsibility of the superintendent, in conjunction with the investigator and principals, to develop procedures regarding this policy. The superintendent also is responsible for organizing training programs for students, school officials, faculty, staff, and volunteers who have direct contact with students. The training will include how to recognize harassment and what to do in case a student is harassed. It will also include proven effective harassment prevention strategies. The superintendent will also develop a process for evaluating the effectiveness of the policy in reducing bullying and harassment in the school district.

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,

and a copy shall be made to any person at the central administrative office at 601 12th Ave. NE, Hampton, IA.

Note: For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 20 #3 – September 27, 2007.

Legal References: 20 U.S.C. §§ 1221-1234i (2006).
 29 U.S.C. § 794 (2006).
 42 U.S.C. §§ 2000d-2000d-7 (2006).
 42 U.S.C. §§ 12001 *et. seq.* (2006).
 Senate File 61, 1st Regular Session, 82nd General Assembly, (2007).
 Iowa Code §§ 216.9; 280.3 (2009).
 281 I.A.C. 12.3(6).
 Morse v. Frederick, 127 S.Ct. 2618 (2007)

Cross References: 502 Student Rights and Responsibilities
 503 Student Discipline
 506 Student Records

Hampton-Dumont Community School District Affirmative Action/Equity Plan

Code No. 104.E1

Anti-Bullying/Harassment Complaint Form

Name of complainant: _____

Position of complainant: _____

Name of student or employee target: _____

Date of complaint: _____

Name of alleged harasser or bully: _____

Date and place of incident: _____

Nature of Discrimination or Harassment Alleged (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Age | <input type="checkbox"/> Physical Attribute | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Physical/Mental Ability | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Familial Status | <input type="checkbox"/> Political Belief | <input type="checkbox"/> Socio-economic Background |
| <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Political Party Preference | <input type="checkbox"/> Other - please specify |
| <input type="checkbox"/> Marital Status | <input type="checkbox"/> Race/Color | <input type="checkbox"/> Religion/Creed |
| <input type="checkbox"/> National Origin/Ethnic Background/Ancestry | | |

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of harassment or bullying, i.e. letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

Does the targeted student's perception appear to meet one or more of the following definitions of bullying or harassment? (Mark all that apply.)

- Places the student in reasonable fear of harm to the student's person or property;
- Has a substantially detrimental effect on the student's physical or mental health;
- Has the effect of substantially interfering with the student's academic performance; or
- 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.

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COMPLAINT OF INJURY TO OR ABUSE OF A STUDENT BY A SCHOOL EMPLOYEE

Student's name: _____

Student's address: _____

Student's phone number: _____ Student's school: _____

Name of school employee accused of abusing the student: _____

School at which named employee works: _____

Allegation is of _____ physical abuse _____ sexual abuse*

Describe what happened. Include date, time, specific location of incident, and the nature of the student's injury, if physical abuse is alleged (attach additional pages if necessary):

Were there any witnesses to the incident or are there any persons who may have information about this incident?

_____ Yes _____ No If yes, list names of individuals (if known) or categories (e.g. "3rd grade class")

Has a doctor or other professional examined or treated the student as a result of the incident?

_____ Yes _____ No If yes, provide the name and address of the professional and the date of examination/treatment (if known):

Has anyone contacted law enforcement about this incident? _____ Yes _____ No

*Parents/guardians of children who are in Pre-K through 6th grade have the right to be notified in advance of any interview of their child either as the allegedly abused student or as a witness if sexual abuse is alleged. These parents/guardians also have the right to see and hear any interviews of their children in this investigation. Please indicate if the parent/guardian wishes to exercise this right:

_____ Yes _____ No Telephone #: _____

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Provide any additional information that would be helpful to the investigator, attaching additional pages as needed:

Your name, address, and telephone number: _____

Your relationship to the student: _____

Complainant Signature

Witness Signature

Date

Printed Name of Witness

Witness Address

Be advised that you have the right to contact law enforcement, the county attorney, a private attorney, or the State Board of Educational Examiners (if the accused school employee is a licensee of the BoEE) for separate investigation of this incident. The filing of this report does not deny you that opportunity.

If you are the parent/guardian of the named student, you will receive a copy of this report and a copy of the investigator's Report within 15 calendar days of filing this report unless the investigation is turned over to law enforcement by the school.

Hampton-Dumont Community School District

Affirmative Action/Equity Plan

I. ADMINISTRATIVE STATEMENT

The Hampton-Dumont 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 persons with disabilities in positions in which those groups are underrepresented. To help assure full implementation of this policy, we will provide that:

- Persons are recruited, hired and promoted for all jobs without regard to race, color, creed, sex, marital status, national origin, religion, age, sexual orientation, gender identity, socio-economic status, or disability. Placement decisions are based solely on an individual’s qualifications for the position being filled.
- 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, marital status, national origin, religion, age, sexual orientation, gender identity, socio-economic status, or disability

It is our policy to take affirmative action in the employment of qualified minorities, females/males, handicapped individuals and veterans as provided by Iowa Code Chapter 70. The use of a state-wide newspaper and internet-based employment web sites will ensure a wide range of applicants have access to our job opening announcements. Reasonable accommodation will be provided whenever possible in our efforts to advance employment opportunities for handicapped individuals and disabled veterans.

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

School Board President

Date

Superintendent of Schools

Date

Hampton-Dumont Community School District

Affirmative Action/Equity Plan

II. 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, anti-discrimination law regulates what will not be done and affirmative action law specifies 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 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.

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III. LEGISLATIVE AND ADMINISTRATIVE GUIDELINES

In an effort to achieve Equal Employment Opportunity for all, the Hampton-Dumont 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 or 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 U.S. 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, it mandates "Equal pay for equal work" regardless of sex. The law's three benchmark 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.

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H. Equal Employment Opportunity Commission (*EEOC*) Guidelines 29 CFR, paragraph 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)

This 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. Americans with Disabilities Act of 1990

This 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 discharge of employees, employee compensations, job training, and other terms, conditions, and privileges of employment.

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IV. AFFIRMATIVE ACTION COMPLIANCE PROGRAM

The Hampton-Dumont Community School District has an established policy of Equal Employment Opportunity with respect to race, color, creed, sex, marital status, national origin, religion, age, sexual orientation, gender identity, socio-economic status, or disability. The district has an established policy of taking affirmative action in recruitment, appointment, assignment and advancement of women, minorities and persons 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 districts 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 of our policy.
- 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, marital status, national origin, religion, age, sexual orientation, gender, identity, socio-economic status, or disability.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action shall be directed to Superintendent of Schools, Hampton-Dumont Community School District, 601 12th Ave. NE, Hampton, Iowa 50441.

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 to the Director, E.E.O.C., 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 two years.

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V. HAMPTON-DUMONT COMMUNITY SCHOOL DISTRICT WORKFORCE ANALYSIS

	FEMALES					MALES				
	White	Black	Hispanic	Asian / Pacific Isander	Am. Indian / Alaska Native	White	Black	Hispanic	Asian / Pacific Isander	Am. Indian / Alaska Native
District Office Administrators	1 40%					1.5 60%				
Principals	1 28.5%					2.5 71.4%				
Teachers in grades K-8	63.25 86.5%					9.5 13%			0.4 .5%	
Teachers Grades 9-12	19.5 62.7%					11 35.3%			0.6 2%	
Nurse	2 100%									
Guidance	3 100%									
Associates	37 86%		4 9.3%			2 4.7%				
Administrative Support	12 100%									
Custodial			1 11%			8 89%				
Transportation	2 20%					8 80%				
Food Service	18 100%									
Coaches	9 31%					19 65.5%			1 3.5%	

Hampton-Dumont Community School District relative labor market data

	FEMALES					MALES				
	White	Black	Hispanic	Asian / Pacific Isander	Am. Indian / Alaska Native	White	Black	Hispanic	Asian / Pacific Isander	Am. Indian / Alaska Native
Butler County	45.6%		1%			52.8%		0.6%		
Franklin County	42%		4%			48.2%		5.8%		

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VI. QUANTITATIVE ANALYSIS

Based on an analysis of the Hampton-Dumont Community School District's current work force, relevant labor market, and the population served by the district, it can be reasonably concluded that underrepresentation exists in the following areas:

Race:

- ▶ There is a lack of minority representation, especially Hispanic, in teaching, administration and other categories.

Gender:

- ▶ Males are underrepresented in the area of K-8 teachers and associates (especially in grades K-5).
- ▶ There are no male guidance, administrative support, or food service staff.

VII. AFFIRMATIVE ACTION GOALS

2012-2014 Goals:

<u>Strategy</u>	<u>Person Responsible</u>	<u>Timeline</u>
Annual review of all equity policies including affirmative action policies	Equity Coordinator	Each August
Recruit at least one Hispanic teacher or administrator	School Board	Ongoing
Recruit at least one male teacher in grades K-3	Administration	Ongoing

2010-2012 Goals:

<u>Strategy</u>	<u>Person Responsible</u>	<u>Timeline</u>
Annual review of all equity policies including affirmative action policies	Equity Coordinator	Each August
Recruit at least one minority employee in two areas (custodial and teaching)	School Board	Met 2012-13
Recruit at least one male elementary teacher (4th grade teacher)	School Board	Met 2012-13